

| REPORT TO | DATE OF MEETING |
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| LICENSING PANEL | 24 JUNE 2009 |

Report template revised February 2007



| SUBJECT | PORTFOLIO | AUTHOR | ITEM |
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| APPLICATION FOR VARIATION OF PREMISES LICENCE BOOTHS, MILLBROOK WAY PENWORTHAM PR1 0XW | LEISURE AND CULTURAL SERVICES | KAY GRAY | |

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been made by E. H. Booths & Co. Ltd, being the Premises Licence Holder for a Premises Licence variation at Booths, Millbrook Way, Penwortham, PR1 0XW. Representations have been received from one interested party. This hearing is therefore a statutory requirement under the Licensing Act 2003.

RECOMMENDATIONS

That the panel conduct the hearing in accordance with the hearing procedure and decide accordingly

DETAILS AND REASONING

(Please see background documents. The amended plans will be available for consideration at the above hearing. If you would like to see the plans prior to the hearing please could you contact the Licensing Department to arrange an appointment)

An application for a variation to the Premises Licence has been made in the following terms:

Addition of E, F & I =

E = Live Music - Indoors
Monday to Saturday – 07.00 - 23.00
Sunday – 07.00 – 22.30

F = Recorded Music – Indoors
Monday to Saturday – 07.00 – 23.00
Sunday 07.00 – 22.30

I = Facilities for Making Music – Indoors
Monday to Saturday – 07.00 – 23.00
Sunday 07.00 – 22.30

M = Supply of Alcohol – The hours open to sell/supply alcohol remain the same i.e
Monday to Saturday – 07.00 – 23.00
Sunday 07.00 – 22.30

BUT – the variation requests that alcohol be sold/supplied on and off the premises (previously off sales only).

O = Opening Hours – These remain as:

Monday to Saturday – 07.00 – 23.00
Sunday 07.00 – 22.30

All other times are to remain as they appear on the current premises licence.

Representation from Responsible Authorities

There are no representations against the application from any other Responsible Authority or Interested Party.

Representation from Interested Parties

There has been one representation from an Interested Party who states that he has issue with the application. Firstly he states that he does not agree with the permissions being granted until 23.00 Monday – Saturday and 22.30 on a Sunday. The panel will note that the store currently has permission to open and sell alcohol until this time but the sale will now allow consumption on and off the premises and not just off the premises as is the current situation. The Interested Party concedes that the store currently only open until 21.00 despite having permission to open later.

The Interested Party raises issues of Public Nuisance and Crime and Disorder. The panel will note that the issue in respect of change of business is a planning consideration and therefore not an issue for this panel.

Legislation

Sections 34 – 36 Licensing Act 2003 govern the area concerning Variation of Premises Licences. The legislation clearly states that the variation can be in respect of several things such as removal/addition of conditions, a change in the licensable activities or a variation to the actual premises. It might also include a variation to the actual plan as the plan forms part of the actual premises licence.

The authority has got the power to vary the licence so that different conditions apply to different parts of the premises.

Section 35 states that where relevant representations have been received the authority must hold a hearing to consider them unless the applicant and each person who made a representation feels its unnecessary. In addition, having regard to those representations the authority must take such steps... as it considers necessary for the promotion of the licensing objectives.

Wider Implications

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

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| FINANCIAL | There are no financial implications for the authority |
| LEGAL | Any party at the hearing has the right of appeal to the Magistrates Court |
| RISK | This application must be determined in line with legal guidelines |
| OTHER (see below) | There are no other risks associated with this proposal. |

Background Documents

Hearing Procedure
Application form including plan
Representation from Interested Party