

Application to/for: Minor Variation to a Premise Licence

Submitted by: The Seabridge, 174 Seabridge Lane, Newcastle under Lyme, Staffordshire, ST5 3HA

Portfolio: Safer Communities

Ward(s) affected: Seabridge

Purpose of the Report

An application for a minor variation to a premise licence has been received for the The Seabridge, 174 Seabridge Lane, Newcastle under Lyme, Staffordshire, ST5 3HA. Representations have been received from other parties on the basis that to grant the application would undermine the licensing objective relating to public nuisance. The application is to extend the opening hours of the premises to 07.00am to provide breakfast service. The applicant is not requesting any alterations to the permitted hours for licensable activities, the timings for such activities remain as existing.

Recommendations

The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) To grant the application as requested.
- (b) To reject or amend the application.

1. Details of Application

Applicants: Mitchells & Butlers leisure Retail Limited, 27 Fleet Street, Birmingham, West Midlands B3 1JP

Premises: The Seabridge, 174 Seabridge Lane, Newcastle under Lyme, Staffordshire, ST5 3HA

Application for:
Details of Requested Minor Variation:

OPENING HOURS OF THE PREMISE – Current	OPENING HOURS OF THE PREMISE (Indoors) – Requested
Monday to Sunday 10.00 00.00	Monday to Sunday 07.00 to 00.00

2. Consultation

Representations have been received from residents in the vicinity of the premises stating that to grant the licence would undermine the licensing objective concerning the prevention of public nuisance.

3. Policy Considerations

Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- i. the prevention of crime and disorder
- ii. public safety
- iii. the prevention of public nuisance
- iv. the protection of children from harm

Policy Statement

The Licensing Act 2003

The Licensing Act 2003 require the Council to publish a "Statement of Licensing Policy" that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decision is relevant to the application:

- I. the prevention of public nuisance – (paragraph 4.2)

Statutory Guidance relating to the Licensing Objectives relevant to the application:

- (i) Public nuisance - (paragraphs 2.18 to 2.24).

Copies of the Council's Statement of Licensing Policy and the Governments Statutory Guidance will be available at the Sub-Committee meeting.

4. Comments.

In making their decision on the application, the Sub-Committee are obliged to have regard to Statutory Guidance and the Council's own statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However, the Sub-Committee must disregard any objections that do not relate to the promotion of any of the four licensing objectives.

The Sub-Committee must take such of the following steps as they consider appropriate for the promotion of the licensing objectives as set out in the paragraph above:

- i. grant the application as requested.
- ii. to reject or amend the application.

The Sub-Committee are asked to note that they may not reject the application merely because they consider it desirable to do so. It must actually be appropriate in order to promote the licensing objectives

DATE OF HEARING – MONDAY 13TH APRIL 2015 AT 2.00PM