

**Application to Vary a Premise Licence, BIRAKS, 45 London Road, Chesterton, ST5 7EL**

**Submitted by:** Democratic Services Manager

**Portfolio:** Safer Communities

**Ward(s) affected:** Chesterton

**Purpose of the Report**

An application for a variation to a premise licence has been received for Biraks, 45 London Road, Chesterton, ST5 7EL. Representations have been received from Residents in the vicinity of the premise and a Ward Councillor.

**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:** Jarnail Singh Sanghera and Kuldip Singh Sanghera

**Premises:** Biraks, 45 London Road, Chesterton, Newcastle under Lyme, Staffs, ST5 7EL

**Application for:** Variation to Premise Licence

**Details of Requested Variation:**

<b>SUPPLY OF ALCOHOL (on and off the premises) – Current</b>	<b>SUPPLY OF ALCOHOL (on and off the premises) – Requested</b>
Monday to Saturday: 08.00 to 23.00 Sunday: 10.00 to 22.30	Monday to Sunday: 06.00 to 21.00
<b>OPENING HOURS OF THE PREMISE – Current</b>	<b>OPENING HOURS OF THE PREMISE – Requested</b>
Monday to Saturday: 08.00 to 23.00 Sunday: 19.00 to 22.30	Monday to Sunday: 06.00 to 21.00

**2. Consultation**

There have been representations from residents living near the premise and a Ward Councillor.

3. **Policy Considerations**

a) 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

(b) Policy Statement

The Licensing Act 2003 required the Council to publish a "Statement of Licensing Policy" that set 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 decisions are relevant to this application:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

(c) Statutory Guidance

- (i) National guidance which promotes best practice ensuring consistent application of licensing powers and promotes fairness and equal treatment and proportionality came into force on 28 June 2007.

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

4. **Comments**

In making their decision on the application, the Sub-Committee are also 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 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 paragraph above:-

- (a) Grant the application as requested
- (b) 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.