

Licensing Act Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Application for New Premises Licence – Club Brazilia	
Report No:	LAS/SE/15/003	
Decisions plan reference:		
Report to and date/s:	Licensing Act Sub-Committee	3 June 2015
Portfolio holder:	Cllr Alaric Pugh Portfolio Holder for Planning and Growth Tel: 01284 810074 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Tom Wright Business Regulation and Licensing Manager Tel: 01638 719223 Email: tom.wright@westsuffolk.gov.uk	
Purpose of report:	To consider an application for a new Premises' Licence for Brazilia Night Club Limited, Station Hill, Bury St Edmunds One 'Other Person' has submitted an objection which has been accepted and the Sub-Committee are, therefore, required to determine the application.	

Recommendation:	<p>The Sub-Committee is requested to determine the application having regard to the four Licensing Objectives, the Statement of Licensing Policy, the representation attached to this report, any further relevant information presented to the sub-committee on the day of the hearing, and having regard to the above, take any of the steps set out below provided they are proportionate and appropriate for the promotion of the four Licensing Objectives:</p> <p>The steps may be:</p> <p>(a) Grant the licence as applied for, or</p> <p>(b) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the licensing objectives, or</p> <p>(c) Reject the whole or part of the application.</p>
Key Decision:	No, it is not a Key Decision - <input checked="" type="checkbox"/>
Consultation:	The applicant is required to place a notice on the premises, and advertise the application in a locally circulating newspaper/periodical. The Licensing Authority advertises the application on the Council's website. The application met the statutory requirements.
Alternative option(s):	N/A
Implications:	
Are there any financial implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
Are there any staffing implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
Are there any legal and/or policy implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See No 2.1 below
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
Risk/opportunity assessment:	<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Any decision reached which is not in accordance with the Act and any regulations made under the Act may be considered ultra vires and could be subject to an application for Judicial Review.	High	The Sub-Committee, in determining the application, should have regard to its statement of licensing policy and any guidance issued under section 182 of the Licensing Act 2003, but may depart from these where reasons are given.	Low
Ward(s) affected:		Risbygate	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Licensing Act 2003 S.182 Guidance www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003 St Edmundsbury Borough Council Statement of Licensing Policy	
Documents attached:		<i>(Please list any appendices.)</i> Appendix 1 – Application Appendix 2 – Basic Location Plan Appendix 3 – Accepted Representation Appendix 4 – Conditions added by Police Appendix 5 – Letter from Applicant re Police Conditions	

1. Key issues and reasons for recommendation(s)

1.1 Key Issues

1.1.1 An application has been received for a new Premises' Licence for Brazilia Night Club Limited, Station Hill, Bury St Edmunds. A copy of the application is attached as **Appendix 1**.

1.1.2 The application seeks the following activities:

Live music, recorded music, performances of dance and supply of alcohol.

Opening hours are Fridays 21.00 to 03.00 and Saturdays 21.00 to 03.30.

A basic location plan is attached as **Appendix 2**.

1.1.3 The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives.

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Nuisance
- Protection of Children from Harm

1.1.4 Relevant Representations

(a) The application has to be advertised, both at the premises and in a local newspaper. Details are also available on the Council's website.

(b) One accepted representation has been received and it is attached as **Appendix 3**.

(c) The Police, as a responsible authority, did submit a representation in respect of 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm' Licensing Objectives but this has now been withdrawn as the applicant has agreed to the addition of the conditions attached as **Appendix 4**.

(d) **Appendix 5** is a copy of the Applicant's response to Police conditions.

1.1.5 Matters for consideration

(a) Section 17 of the Crime and Disorder Act 1998 imposes a duty on each local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.

(b) If the Licensing Authority decides that this application should be refused, it will need to show that to grant the licence would:

1. undermine the promotion of the licensing objectives; and
2. that appropriate conditions would be ineffective in preventing the problems involved.

If the Licensing Authority cannot show the above, the application should be granted.

- (c) In making the decision, the Sub-Committee is advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

1.1.6 **Other options considered**

No other relevant options were available.

2. Additional supporting information

2.1 Legal and policy implications

2.1.1 The Sub-Committee may take any of the steps set out below, provided they are proportionate and appropriate for the promotion of the Licensing Objectives:

- (a) Grant the licence as applied for, or
- (b) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the licencing objectives, or
- (c) Reject the whole or part of the application.

A condition is modified where it is altered or omitted or any new condition is added.

2.1.2 Each application should be considered on its own merits, having regard to the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

2.1.5 The decision may be appealed, by the applicant or any other party to the hearing, within 21 days of written notification of the determination made by the Sub-Committee. The Sub-Committee should state in reaching its determination those matters which it considered relevant, those matters which it did not consider as they were irrelevant, and its reasons for the decision.