

REPORT TO: LICENSING SUB COMMITTEE **DATE:** MONDAY 9 MAY 2016
HEADING: HEARING FOR NEW APPLICATION OF PREMISES LICENCE,
PORTERHOUSE BY BARLOWS, 174 FOREST ROAD, KIRKBY-IN-
ASHFIELD, NOTTINGHAMSHIRE NG17 9JB
**PORTFOLIO
HOLDER:** ENVIRONMENT
KEY DECISION: NO **SUBJECT TO CALL-IN:** NO

1. PURPOSE OF REPORT

Members to consider evidence produced at a public hearing for a new premise licence application for Porterhouse by Barlows, 174 Forest Road, Kirkby-In-Ashfield, Nottinghamshire NG17 9JB and determine the application by taking such of the steps set out below as it considers necessary for the promotion of the licensing objectives.

2. RECOMMENDATION(S)

Members to consider and make an informed decision to grant or refuse a Premises licence on evidence heard at the hearing. Members may wish to attach conditions to any licence granted that are appropriate to support the Licensing Objectives.

3. REASONS FOR RECOMMENDATION(S)

Members must consider all evidence offered at the Hearing and make a unbiased decision on the evidence offered, the Home office guidance and the Councils Statement of Licensing Policy.

4. ALTERNATIVE OPTIONS CONSIDERED (with reasons why not adopted)

None

5. BACKGROUND

5.1 The Licensing Act 2003 came in to force in September 2005.

5.2 It passed the powers to the Local Authority to Licence premises for the sale of alcohol to the public

5.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

5.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

5.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

5.6 Section 18 of the 2003 Act, allows interested persons, and responsible authorities, to make representations in favour or against the grant of a premises licence.

- 5.7 Should valid representations be received a public hearing must be held within 20 working days following the end of the representation period.
- 5.8 On the 11 March 2016, an application was received for a new Premises Licence for Porterhouse by Barlows, 174 Forest Road, Kirkby-In-Ashfield, Nottinghamshire. NG17 9JB. The application is attached within the hearing file.
- 5.9 During the 28 day representation period the Licensing Team received 3 valid representations against the grant of the Licence from residents of Forest Road, Kirkby-In-Ashfield, contained in the file attached.
- 5.10 A representation has been received from the Police with conditions attached, conditions agreed by Mr S Barlow. No other representations received from other Responsible Authorities.
- 5.11 Members must make an unbiased decision on the grant or refusal of a Premises Licence on the evidence heard at the hearing. Members must also take in to account the Home Office s182 Guidance and the Councils Licensing Policy.

6. IMPLICATIONS

Corporate Plan:

Licensing Act 2003 is a statutory duty of the Council.

Ensuring that Premises and Clubs operate with the correct Licence, having regard to the Council's policy on alcohol licensing, will contribute towards the reduction of crime and disorder within the district and to improve community safety and environmental quality.

Legal:

Legal advice will be given at the hearing

Financial:

Information Only

No financial implications for the Council.

Health and Well-Being / Environmental Management and Sustainability:

Information Only

The recommendations contained in the report have no direct impact for the Councils environment or sustainability

Human Resources:

Information Only

There are no direct HR implications contained within this report

Diversity/Equality:

Information Only

Statutory requirement of the Licensing Act 2003, there no diversity or equality implications

Community Safety:

Information only

Statutory requirement of Licensing Act 2003. Community Safety implications will be considered at the hearing within the Licensing Objectives and home Office guidance.

Other Implications:

None

REASON(S) FOR URGENCY (if applicable)

Not applicable

EXEMPT REPORT (if applicable)

Not applicable

BACKGROUND PAPERS

None

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