

WORCESTER CITY COUNCIL

LICENSING SUB-COMMITTEE

30TH AUGUST 2022

LICENSING ACT 2003

APPLICATION FOR REVIEW OF A PREMISES LICENCE

THE PORTOBELLO INN

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Niall McMenamin Principal Officer – Licensing Enquiries@worcestershire.gov.uk
Ward(s) affected:	Bedwardine
Appendices:	Appendix 1 – Premises Licence Review Application Appendix 2 – Current Premises Licence Appendix 3 – Representation – West Mercia Police Appendix 4 – Representations – Local residents opposing the review application
To be circulated at the hearing	Video footage provided by the applicant

1. PURPOSE OF REPORT

- 1.1. To consider and determine an application for the review of a premises licence, issued in respect of:

The Portobello Inn
139 Bransford Road
Worcester
Worcestershire
WR2 4EZ

2. BACKGROUND

- 2.1. On 27 May 2022, a joint application was received by the Council, from Mr Hawker and several residents who live in the vicinity of Bransford Road, requesting a formal review of the premises licence issued in respect of:

Portobello Inn
139 Bransford Road
Worcester
Worcestershire
WR2 4EZ

- 2.2. The grounds for the review are set out in the application. A copy of the premises licence review application form and supporting documents can be seen at “**Appendix 1**”.
- 2.3. It can be confirmed that this review application relates to “the prevention of crime and disorder” and “the prevention of public nuisance” licensing objectives.
- 2.4. It can further be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on all responsible authorities.
- 2.5. The premises licence is currently held by Marston's Plc and the licence identifies Ms Ruth Yafai as the designated premises supervisor. A copy of the current premises licence can be seen at “**Appendix 2**”.

3. REPRESENTATIONS

Responsible Authorities

- 3.1. In response to the application West Mercia Police have submitted a representation in support of the review application. A copy of the police representation can be seen at “**Appendix 3**”.

Other Persons

- 3.2. In response to the public notices, five representations submitted via email have been received by the licensing authority, from residents who live in close proximity to the premises, all of which oppose the grounds of the review application. A copy of the representations opposing the review application can be seen at “**Appendix 4**”.

4. LOCAL POLICY CONSIDERATIONS

- 4.1. The Sub-Committee should have regard to the Council’s Statement of Licensing Policy under the Licensing Act 2003.
- 4.2. The Council’s Statement of Licensing Policy is available to download from the Council’s website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email enquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

- 5.1. The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.2. In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- 5.3. The Sub-Committee must also have regard to the application, representations made and the evidence it hears during the hearing.
- 5.4. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - (a) to modify the conditions of the licence by altering, omitting or adding a new condition.
 - (b) to exclude a licensable activity from the scope of the licence
 - (c) to remove the designated premises supervisor
 - (d) to suspend the licence for a period not exceeding three months
 - (e) to revoke the licence
- 5.5. All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.6. Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 5.7. The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

- 6.1. The Sub-Committee must consider and determine the premises licence review application.