

WORCESTER CITY COUNCIL

LICENSING SUB-COMMITTEE

5TH APRIL 2023

LICENSING ACT 2003

APPLICATION FOR VARIATION OF A PREMISES LICENCE

FOOD & LIQUOR

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Nikki Jones Licensing Technical Officer enquiries@worcestershire.gov.uk
Ward(s) affected:	CATWWR
Appendices:	List of appendices e.g. Appendix 1 – Application Form Appendix 2 – Existing Licence Appendix 3 – Representations from RA's Appendix 4 – Agreed Conditions from Police Appendix 5 – Representations from other parties

1. PURPOSE OF REPORT

- 1.1. To consider and determine an application for variation of the premises licence in respect of the premises below:

Food & Liquor, 55 Sidbury, Worcester, Worcestershire, WR1 2HU

2. BACKGROUND

- 2.1. On 10 February 2023 an application was received from Burgoyne Property Investments Limited for variation of the premises licence in respect of:

**Food & Liquor
55 Sidbury
Worcester
WR1 2HU**

- 2.2. The application contained all the requisite documentation including the fee.
- 2.3. It can 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.
- 2.4. A copy of the application is attached as **Appendix 1**.
- 2.5. Members should be aware that the premises currently holds a premises licence issued by the Council, a copy of which is attached as **Appendix 2**. The current licence authorises the following licensable activities:

Activity	Days	From	To	Indoors /Outdoors
Late Night Refreshment	Everyday	23:00	- 01:00	N/A
Sale of Alcohol	Friday to Saturday	11:00	- 01:00	N/A
Sale of Alcohol	Sunday to Thursday	11:00	- 00:00	N/A

The opening hours of the premises

Days	From	To
Everyday	12:00	- 00:00

- 2.6. The applicant is applying for the following variations to their existing licence:
- Roof Terrace area extended
 - Relocation of ground floor bar area
 - Creation of first floor bar serverly
 - External Ground floor seating area
 - Additional WC facilities
 - Minor internal re-configuration at ground and first floor
 - Change of opening hours from 12:00 – 00:00 every day to 08:00 – 00:00 every day
- 2.7 This premises was previously known as Primo and the applicant seeks to make these changes with the opening of the new restaurant under the name of Food & Liquor.
- 2.8 In 2019, the premises was subject to a formal premises licence review application, submitted by a local resident. The application cited that the premises was undermining the prevention of public nuisance licensing objective and was supported by Environmental Health and two other parties. On that occasion having heard all of the evidence submitted by the applicant and the application supporters, the Licensing Sub-Committee made the decision not to take any action or make any changes to the premises licence at that time.

3. REPRESENTATIONS

RESPONSIBLE AUTHORITIES

- 3.1. All of the Responsible Authorities have been consulted on the application and a representation has been received from Environmental Health, objecting to the variation of the application on the grounds of public nuisance.
- 3.2. A representation was also received from Councillor Denham, Councillor for Cathedral Ward, objecting to the variation of the application on the grounds of public safety, public nuisance, and protection of children from harm. Copies of the representations are attached as **Appendix 3**.
- 3.3. During the consultation period, the police have requested for conditions to be added to the licence. These have been agreed by the applicant and are attached as **Appendix 4**.

OTHER PERSONS

- 3.4. In response to the public notice and during the consultation period, 5 representations have been received from the public. Copies of the representations are attached as **Appendix 5**.
- 3.5. The representations express concern in relation to increased levels of noise pollution, citing the variation of the premises licence would undermine the prevention of public nuisance objectives.
- 3.6. Members should note that where planning matters are raised and referred to in any representations, they should not be taken into consideration when determining this application.

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 representations made and the evidence it hears.

- 5.4. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - (a) Grant the application as requested
 - (b) Modify the conditions of the licence, by altering or omitting or adding to them.
 - (c) Reject the application in whole or in part.
- 5.5. The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.
- 5.6. 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.
- 5.7. 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.
- 5.8. The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

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