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**MARK RIZK  
HEAD OF SERVICE**

**TOWN HALL  
BURTON UPON TRENT  
DE14 2EB  
Telephone: 01283 508000  
[www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk)**

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Dear Sir/Madam,

**LICENSING ACT SUB-COMMITTEE**

You are requested to attend a Virtual Meeting of the Licensing Act Sub-Committee on **Wednesday 28<sup>th</sup> April 2021** at **10.00am**.

**This meeting will be a virtual meeting and therefore will not take place in a physical location.**

**Details of how to access this meeting will be sent to you in due course.**

Yours faithfully,

Mark Rizk  
Head of Service

To: **The Chairman and Members of the Licensing Act Sub-Committee:**

Councillors:       D Fletcher  
                          S Gaskin  
                          S McGarry

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**PUBLIC ACCESS TO INFORMATION**

Members of the Public may attend this Meeting and are also entitled to see the background papers to any report which is not likely to be considered in private. Copies of the public Agenda, background papers, and reports will also be supplied on payment of a copying charge.

Please contact: Monica Henchcliffe (01283) 508608  
E-mail: [monica.henchcliffe@eaststaffsbc.gov.uk](mailto:monica.henchcliffe@eaststaffsbc.gov.uk)

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **APPOINTMENT OF CHAIRMAN**
4. **URGENT BUSINESS**

5. **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE –  
LOCOMOTIVE SPORTS BAR, 28 STATION STREET, BURTON UPON TRENT, DE14  
1AU**

The Report of the Head of Service regarding an application for the Review of a Premises Licence under the Licensing Act 2003.

**Reason for consideration by the Committee**

An application for the Review of a Premises Licence has been received from Staffordshire Police Licensing Unit.

1. **Application**

An application for the Review of a Premises Licence under Section 51 of the Licensing Act 2003 has been received from Staffordshire Police Licensing Unit, in respect of The Locomotive Sports Bar, 28 Station Street, Burton upon Trent, DE14 1AU

A site plan is attached to the report [Appendix 05a](#).

The Review Application is attached to this report [Appendix 05b](#).

The Review Application relates to the Prevention of Crime and Disorder, Public Safety and The Prevention of Public Nuisance Licensing Objectives.

The application was received by post to the Licensing Office on Monday 8<sup>th</sup> March 2021, and in accordance with Section 51 (3)(a) of the Licensing Act 2003, a copy of the Application was served by the applicant, Staffordshire Police Licensing Unit, on the Holder of the Premises Licence, Parmjit Kaur and on all Responsible Authorities.

Following receipt of the application, the Licensing Authority, advertised the application in accordance with the Regulations of the Act, thereby inviting representations to be made by any Responsible Authority or other Persons by Monday 5<sup>th</sup> April 2021.

2. **Premises Licence Details**

<b>Premises Licence Holder:</b>	Parmjit Kaur
<b>Premises Address:</b>	Locomotive Sports Bar 28 Station Street Burton upon Trent Staffordshire DE14 1AU
<b>Premises Licence Number:</b>	PL0610

A copy of the Premises Licence and Plan is attached [Appendix 05c](#).

## 2.1 Current Licensable Activities and Hours

### **Supply of alcohol for consumption ON and OFF the Premises**

Monday to Sunday	1000 to 0200hrs
Christmas Eve	1000 to 0300hrs
Boxing Day	1000 to 0300hrs
New Year's Eve	1000 to 0300hrs
Thursdays prior to B/H Weekend	1000 to 0200hrs
Fri, Sat, Sun & Mon all B Hols	1000 to 0200hrs

### **Exhibition of Films (indoors)**

Monday to Sunday	1000 to 0200hrs
Christmas Eve	1000 to 0300hrs
Boxing Day	1000 to 0300hrs
New Year's Eve	1000 to 0300hrs
Thursdays prior to B/H Weekend	1000 to 0200hrs
Fri, Sat, Sun & Mon all B Hols	1000 to 0200hrs

### **Performance of Live Music (indoors)**

Monday to Sunday	1000 to 0200hrs
Christmas Eve	1000 to 0300hrs
Boxing Day	1000 to 0300hrs
New Year's Eve	1000 to 0300hrs
Thursdays prior to B/H Weekend	1000 to 0200hrs
Fri, Sat, Sun & Mon all B Hols	1000 to 0200hrs

### **Performance of Recorded Music (indoors)**

Monday to Sunday	1000 to 0300hrs
Christmas Eve	1000 to 0400hrs
Boxing Day	1000 to 0200hrs
New Year's Eve	1000 to 0400hrs
Fri, Sat, Sun & Mon all B Hols	1000 to 0300hrs

### **Performance of dance (indoors)**

Monday to Sunday	1000 to 0200hrs
Christmas Eve	1000 to 0300hrs
Boxing Day	1000 to 0300hrs
New Year's Eve	1000 to 0300hrs
Thursdays prior to B/H Weekend	1000 to 0200hrs
Fri, Sat, Sun & Mon all B Hols	1000 to 0200hrs

**Entertainment of a similar description to that falling within E, F or G (Indoors)**

Monday to Sunday	1000 to 0200hrs
Christmas Eve	1000 to 0300hrs
Boxing Day	1000 to 0300hrs
New Year's Eve	1000 to 0300hrs
Thursdays prior to B/H Weekend	1000 to 0200hrs
Fri, Sat, Sun & Mon all B Hols	1000 to 0200hrs

**Late Night Refreshment (indoors and outdoors)**

Monday to Sunday	2300 to 0230hrs
Christmas Eve	2300 to 0330hrs
Boxing Day	2300 to 0330hrs
New Year's Eve	2300 to 0330hrs
Thursday prior to B/H Weekend	2300 to 0230hrs
Fri, Sat, Sun & Mon all B Hols	2300 to 0230hrs

**The Opening hours of the Premises**

Monday to Sunday	1000 to 0230hrs
Christmas Eve	1000 to 0330hrs
Boxing Day	1000 to 0330hrs
New Year's Eve	1000 to 0330hrs
Thursdays prior to B/H Weekend	1000 to 0230hrs
Fri, Sat, Sun & Mon all B Hols	1000 to 0230hrs

**3. Relevant Representations**

Letter dated 1<sup>st</sup> April 2021 from Helen Morris, Environmental Health Officer, East Staffordshire Borough Council [Appendix 05d](#).

**3.1 Responsible Authorities**

No representations have been received from the following Responsible Authorities:

Staffordshire Trading Standards  
Staffordshire Fire and Rescue Service  
Staffordshire Safeguarding Children Board  
Director of Public Health (NHS)  
Health and Safety Authority  
Immigration  
Planning Department, East Staffordshire Borough Council  
Enforcement Team, East Staffordshire Borough Council

### 3.2 Other Persons

No Representations have been received from 'Other Persons'.

## 4. Law

**Section 52 (2) Licensing Act 2003 – provides that, before determining the Application, the Authority must hold a Hearing to consider it and any relevant Representations.**

(3) The Authority must, having regard to the Application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the Licensing objectives.

(4) The steps are –

- (a) to modify the Conditions of the Licence;
- (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;

and for this purpose the Conditions of the Licence are modified if any of them is altered or omitted or any new Condition is added.

(5) Subsection (3) is subject to Sections 19 to 21 (requirement to include certain Conditions in Premises Licences)

(6) Where the Authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

(7) In this section “**relevant representations**” means representations which –

- (a) are relevant to one or more of the Licensing objectives, and
- (b) meet the requirements of subsection (8).

(8) The requirements are –

(a) the representations are made –

- (i) by the Holder of the Premises Licence, a responsible Authority or any other person, and
- (ii) within the period prescribed under Section 51(3)(c)

(b) that they have not been withdrawn; and

(c) if they are made by a person who is not a responsible Authority, that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

(9) Where the relevant Licensing Authority determines that any representations are frivolous or vexatious, it must notify the Person who made them of the reasons for that determination.

- (10) Where a Licensing Authority determines an Application for Review under this Section it must notify the Determination and its reasons for making it to -
- (a) the Holder of the Licence,
  - (b) the Applicant,
  - (c) any person who made relevant Representations, and
  - (d) the Chief Officer of Police for the Police area (or each Police area) in which the Premises are situated
- (11) A Determination under this Section does not have effect -
- (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the Appeal is disposed of.

5. **National Guidance – Revised Guidance issued under Section 182 of the Licensing Act 2003**

Please see following document for National Guidance relating to the Application

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627825/revised\\_182\\_guidance\\_05\\_04\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.pdf) (April 2017)

6. **Local Policy Considerations**  
**East Staffordshire Borough Council – Statement of Licensing Policy**

The following extracts have been taken from East Staffordshire Borough Council's Statement of Licensing Policy:

- 8.16 Where an Application is made for the Review of a Premises Licence or Club Premises Certificate, the matter will be determined in accordance with the terms of this Policy. The Application for Review will be considered in accordance with the delegated criteria.
- 8.18 When an Application to Review a Premises Licence or Club Premises Certificate has been determined in accordance with the procedures detailed above, the Licence or Certificate will either:
- continue in operation unaltered,
  - be modified and the terms and conditions changed in accordance with the Licensing Authority Decision, or
  - be cancelled.
- 8.19 The Licensing Authority will determine the date upon which the Decision will take effect and the Licence holder and Applicant for Review advised accordingly.
- 8.20 In relation to a modification or the cancellation of a Licence or Club Premises Certificate, the notification will detail the grounds for the modification or cancellation and specify the process for the Applicant to Appeal against the Licensing Authorities decision.

7. **Details of negotiations that have been carried**

None

8. **Decision Options**

**Application for the Review of a Premises Licence**

- a. Refuse the Application
- b. Modify the Conditions of the Licence, by altering, omitting or adding to them where relevant
- c. Exclude a Licensable Activity from the scope of the Licence
- d. To remove the Designated Premises Supervisor
- e. Suspend the Licence for a period not exceeding three months
- f. Revoke the Licence

9. **Appeals (Application for the Review of a Premises Licence)**

- Application refused – the Applicant or any other person who made relevant representations in relation to the Application may Appeal
- Application granted – the Licence holder may Appeal
- Application granted and Conditions altered, omitted or added – the Licence Holder, the Applicant and any other person who made relevant representations may Appeal
- Licence suspended for a period not exceeding three months - the Licence Holder, the Applicant and any other person who made relevant representations may Appeal
- Licence revoked – the Licence holder may Appeal

10. **Details of who has been invited to attend**

1. The Applicant, Staffordshire Police Licensing Unit
2. Helen Morris, Environmental Health Officer, East Staffordshire Borough Council
3. The Premises Licence Holder, Parmjit Kaur and her Legal Representative, Duncan Craig, Citadel Chambers

11. **Date and Time of Hearing**

Wednesday 28<sup>th</sup> April 2021 at 10.00 am



12. **List of Appendices**

05a. Site Plan

05b. Review Application submitted by Staffordshire Police Licensing Unit

05c. Premises Licence and Plan

05d. Letter dated 1<sup>st</sup> April 2021 from Helen Morris, Environmental Health Officer, East Staffordshire Borough Council

Report created by: Helen Farman McKenna, Licensing Officer