

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE – 6<sup>th</sup> September 2007**

Title of report	<b>APPLICATION FOR A PREMISES LICENCE</b>
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Purpose of report	<p>To determine an application for a Premises Licence in respect of premises trading as the Whitwick Service Station &amp; Convenience Store and located at 20 Talbot Street, Whitwick, Coalville, Leicestershire, LE67 5AW. This report outlines the application and summarises the representations received. It also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.</p>
Strategic aims	
Implications:	
Financial/Staff	<p><b>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</b></p>
Health/Anti-Poverty	<p><b>None.</b></p>
Crime and Disorder	<p><b>All local authorities must fulfil their obligations under Section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.</b></p>
Risk Management	<p><b>Not applicable.</b></p>
Human Rights	<p><b>Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.</b></p>

E-Government	None.
Consultees	Leicestershire Constabulary, Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Planning and members of the public/local businesses by way of notice on the premises and in the local press.
Background papers	Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at <a href="http://www.culture.gov.uk">www.culture.gov.uk</a> and Statement of Licensing Policy -available for reference at <a href="http://www.nwleics.gov.uk/licensing">www.nwleics.gov.uk/licensing</a>
Recommendations	<b>THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.</b>

## 1. Background

- 1.1 The premises currently trade as a service station and convenience store without the requirement for a premises licence.
- 1.2 An application for a premises licence was received on 12<sup>th</sup> July 2007 from H.K.S Retail Limited. A full copy of the application is attached as **appendix 1**.
- 1.3 A map showing the location of the premises to which the application relates is attached as **appendix 2**.
- 1.4 The Licensable activities that have been applied for are:
 

**Late night refreshment indoors and outdoors:**  
   v Monday to Sunday                    -            23:00hrs – 05:00 hrs

**Supply of alcohol for consumption off the premises:**  
   v Monday to Sunday                    -            08:00hrs – 23:00hrs
- 1.5 The applicant has specified that the following steps will be taken to promote the licensing objectives:

### Prevention of Crime and Disorder

- A CCTV system will be maintained which is fit for the purpose. The CCTV system will incorporate a camera covering the entrance and be capable of providing an image which is regarded as identification standard.

- The CCTV System will incorporate a recording facility and any recordings will be retained and stored in a suitable and secure manor for a minimum of one calendar month. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- The precise positions of the cameras may be agreed with the police from time to time.

### **Public Safety**

- The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

### **Prevention of Public Nuisance**

- Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
- Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

### **Protection of Children from Harm**

- All staff will be trained to request evidence of age from any person seeking to buy alcohol and appearing to the member of staff to be under the age of 18. Such evidence is to be of a photographic nature such as a passport or photographic driving licence until other effective identification technology, such as thumbprint or pupil recognition, is introduced.

## **2.0 Representations**

2.1 In respect of a new application, the applicant is responsible for advertising the application by way of a notice in specified form at the premises for not less than 28 consecutive days and in a local newspaper. The applicant placed notice in the Coalville Times on 20<sup>th</sup> July 2007 and officers are satisfied that proper notice has been displayed at the premises.

2.2 The applicant is also required to serve a copy of their application on each of the responsible authorities, namely, the Police and Fire authorities, Trading Standards

Department and the District Councils Health and Safety, Environmental Protection and Planning Sections.

- 2.3 A representation was received from Leicestershire Constabulary, however following discussions with applicants agents additional conditions relating to CCTV were not considered necessary by the police and the representation has since been withdrawn by the responsible authority.
- 2.4 There have been no representations from any of the remaining responsible authorities.
- 2.5 Interested parties in the vicinity of the premises are able to make representations within 28 days of the application being submitted to the Licensing Authority.
- 2.6 Sixteen letters raising representations have been received from residents in the vicinity of the premises on the grounds of public nuisance, public safety and crime and disorder. Copies of the representations are attached as **appendices 3 to 18**.
- 2.7 On the 9<sup>th</sup> August 2007 a petition was handed into council offices signed by local residents objecting to the grant of the premises licence. Members must note that not all residents signing the petition live in the vicinity of the premises. A copy of this petition is attached as **appendix 19**. Accompanying the petition are photographs of the site these have been attached as **appendix 20**.

### **3.0 Statutory Guidance**

- 3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 1.23 to 1.27, 2.1 to 2.50, 5.23 to 5.25, and 8.28 to 8.32 may have a bearing upon the application.

### **4.0 Statement of Licensing Policy**

- 4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.1 to 2.6, 4.1, 4.3 to 4.6, 5.1, 5.2, 5.4, 6.1 to 6.10, 7.1 to 7.6, 8.1 to 8.7, 12.1, 15.1 and 15.4 may have a bearing upon the application.

### **5.0 Observations**

- 5.1 The Committee is obliged to determine this application with a view to promoting 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 The Committee must take such of the following steps, as it considers necessary 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 whole or part of the application.

5.3 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and persons who made relevant representations.