

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE – 11<sup>TH</sup> FEBRUARY 2008**

Title of report	<b>APPLICATION FOR REVIEW OF A PREMISES LICENCE</b>
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Purpose of report	<p>To determine an application for a review of a premises licence in respect of premises trading as the Huntingdon Stores and located at Huntingdon Lane, Castle Donington, Derbyshire, DE74 2SR. This report outlines the application and 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>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p>
Link to relevant Corporate Action Team	<p><b>Safer CAT</b></p>
Risk Management	<p>The usual risks of cost involved of an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.</p>
Equalities Impact Assessment	<p><b>Equality Impact Assessment to be undertaken during 2008/9.</b></p>
Human Rights	<p><b>See the body of the report.</b></p>

Transformational Government	<b>This relates to the new ways in which Councils are being asked to deliver their service.</b>
Consultees	<b>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 at the premises, on the Council's website and at the Council Offices, Coalville.</b>
Background papers	<b>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></b>
Recommendations	<b>THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.</b>

## 1. Background

- 1.1 The premises currently operate as an off licence and are the holders of a premises licence. The premises licence permits the sale of alcohol for consumption off the premises from 8am until 11pm on Monday to Saturday and from 10am until 10.30pm on Sunday. A copy of the premises licence is attached as appendix 1.
- 1.2 On 20<sup>th</sup> December 2007, an application for a review of the premises licence was received from Leicestershire Constabulary. A copy of the application and supporting evidence is attached as appendix 2 and appendix 3. The review application relates to the prevention of crime and disorder, public safety and protection of children from harm licensing objectives and the grounds for review are:
- Mr Thiara has been the premises licence holder, jointly with his father, and designated premises supervisor at these premises since April 2007.
  - On the 19<sup>th</sup> May 2007, a test purchase operation was conducted at the premises by Trading Standards and Police Officers using an under age test purchaser. Mr Thiara sold alcohol to the test purchaser. He was issued with a fixed penalty notice.
  - On the 16<sup>th</sup> June 2007, a further test purchase operation was conducted. The sale was refused.
  - On the 10<sup>th</sup> November 2007, a further test purchase took place and Mr Pirthiri Raj Singh, father of Mr Thiara and joint premises licence holder, sold alcohol to a 16 year old female test purchaser.
- 1.3 Leicestershire Constabulary recommend the revocation of the premises licence for this premises.

## 2.0 Representations

- 2.1 The Licensing Authority is responsible for advertising the review application by displaying prominently a notice at, on or near the premises to which the application related, on the Council's website and at the main offices of the Licensing Authority for not less than 28 consecutive days. The required notices were displayed at the premises, on the Council's website and in the reception area of the Council Offices, Coalville on 21<sup>st</sup> December 2007.
- 2.2 In respect of a review of a premises licence, the applicant is responsible for serving the application on the premises licence holder and each of the responsible authorities, namely, the Fire Authorities, Trading Standards Department and the District Council's Health and Safety, Environmental Protection and Planning Sections. Officers are satisfied that the applicant has served all parties as required.
- 2.3 No representations have been received from any of the remaining responsible authorities.
- 2.4 Interested parties in the vicinity of the premises are able to make representations within 28 days of the application to the Licensing Authority. No representations have been received from residents in the vicinity of the premises.

### **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 2.1 to 2.31, 2.41 to 2.50 and 11.15 to 11.27 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 7.1 to 7.2, 8.1 to 8.2, 10.1 to 10.5, 10.8 to 10.9 and 11.1 to 11.3 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 may take such of the following steps, if any, as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence.

5.4 Any determination made by the Sub-Committee shall not come into effect until the end of the period given for appealing against the decision or if the decision is appealed against, until the appeal is disposed of.

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