

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB-COMMITTEE – Monday 24<sup>th</sup> September 2007**

Title of report	<b>APPLICATION FOR A PREMISES LICENCE</b>
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Purpose of report	<p><b>To determine an application for a Premises Licence in respect of premises, Butty Monkeys Ltd T/A Subway 66 Market Street, Ashby de la Zouch, Leicestershire LE65 1AN. This report outlines the application and summarises the representation received. It also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority’s Licensing Policy.</b></p>
Strategic aims	
<p>Implications:</p> <p>Financial/Staff</p> <p>Health/Anti-Poverty</p> <p>Crime and Disorder</p> <p>Risk Management</p> <p>Human Rights</p>	<p><b>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</b></p> <p><b>None.</b></p> <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> <p><b>Not applicable.</b></p> <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>

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 are a town centre three-storey building; the ground floor will be an area used by customers, and for seating and serving. The first floor will be an office and preparation area; the second floor will be used for storage only. The premises will provide food and drinks for the general public to eat in the premises or to take away
- 1.2 A map showing the location of the premises to which the application relates is attached as appendix 1.
- 1.3 An application for a new premises licence was received on 06<sup>th</sup> August 2007 from Butty Monkeys Ltd; a full copy of the application is attached as appendix 2.
- 1.4 The licensable activities applied for are:

### **Provision of late night refreshments and recorded music:**

- Monday to Thursday - 0700hrs to 2400hrs.
  - Friday to Saturday - 0700hrs to 0300hrs.
  - Sunday 0800hrs to 2300 hrs.
  - Christmas Eve and New Years Eve 0700hrs to 0300 hrs.
- 1.5 The applicant has specified on his application form steps that he will take in order to promote the four licensing objectives. To assist Members in their determination of the application, the following would become conditions on the premises licence, if granted:

**The prevention of crime and disorder:**

- CCTV shall be installed and maintained at the premises.
- Panic Buttons will be installed in the shop.
- The use of a drop safe will implemented to ensure less cash in the till.

**Public safety:**

- Keep the premises tidy and all entrances and exits clear from obstruction.
- Installation of fire smoke detectors.
- The premises will only use plastic and paper cups and plates
- Ensure risk assessments are carried out monitored regularly.

**The prevention of public nuisance:**

- Outside areas will be kept clean and tidy and free from litter.
- Monitor the behaviour of customers at key times of day and evening.

**The protection of children from harm:**

- There shall no sale of alcohol or tobacco products from the premises.
- All staff areas will be kept locked to prevent any public access.

**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. At the time of this report going to print the licensing officers had not received any confirmation of this application being advertised in the press and officers are still awaiting confirmation.
- 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 There have been no representations from any of the responsible authorities.
- 2.4 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.
- 2.5 One representation has been received from a person involved in a business in the vicinity of the premises. This Representation is on the grounds of public nuisance. A Copy of this representation is attached as Appendix 3.

### **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 2.32 to 2.40, 3.32 to 3.39 and 8.5 to 8.11 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, 2.3 to 2.6, 3.1 to 3.10, 4.1 to 4.6, 5.1, 5.2, 5.4, 8.1 to 8.7 and 12.1 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.

