

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
LICENSING SUB-COMMITTEE – 19TH DECEMBER 2007**

Title of report	APPLICATION FOR A PREMISES LICENCE
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Purpose of report	To determine an application for a Premises Licence in respect of premises National Forest Youth Hostel and located at Bath Lane, Moira, Swadlincote, Derbyshire, DE12 6BD. 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.
Strategic aims	Safer Communities
Implications: Financial/Staff Link to relevant Corporate Action Team Risk Management Equalities Impact Assessment Human Rights Transformational Government	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee. Safer CAT. Not applicable. Not applicable. 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. Not applicable.
Comments of Head of Paid Service	Not applicable.
Comments of Section 151 Officer	Not applicable.
Comments of Monitoring Officer	Not applicable.

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 www.culture.gov.uk and Statement of Licensing Policy -available for reference at www.nwleics.gov.uk/licensing
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1. Background

- 1.1 An application for a premises licence was received on 30th October 2007 from YHA (England and Wales) Limited. A full copy of the application is attached as **appendix 1**.
- 1.2 A map showing the location of the premises to which the application relates is attached as **appendix 2**.
- 1.3 The Licensable activities that have been applied for are:

Plays, films, indoor sporting events, live music, recorded music, performance of dance and anything of a similar description. The provision of entertainment facilities for making music, dancing and any entertainment of a similar description – Indoors.

∇ Monday to Sunday - No time restrictions

Late night refreshment - Indoors

∇ Monday to Sunday - 23:00hrs to 05:00hrs

Supply of alcohol on and off the premises

∇ Monday to Sunday - No time restrictions

- 1.4 The applicant has specified that the following steps will be taken to promote the licensing objectives:

General - All four licensing objectives

- No licensable activities will be provided between the hours of 11pm and 10am the following day other than to
 1. Residents
 2. Bonafide guests of residents
 3. Persons attending a bonafide function booked at least 48 hours in advance.

Prevention of Crime and Disorder

- To maintain and enforce a security manual for the premises.

Public Safety

- To maintain and enforce a health and safety policy for the premises.

The prevention of Public Nuisance

- Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

The protection of Children from Harm

- Maintain and enforce a child protection policy to include a restricted policy relating to alcohol sales.

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 Burton Mail on the 5th November 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 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 Seventeen letters have been received from residents in the vicinity of the premises and one letter from the parish council making representation on the grounds of crime and disorder, public safety, public nuisance and protection of children from harm. Copies of the representations are attached as **appendices 3 to 19**.

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 1.26, 2.1 to 2.18, 2.19 to 2.31, 2.32 to 2.40, 2.41 to 2.50, 2.51, 8.28 to 8.32, and 10.20 and 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 to 4.6, 5.1, 5.2, 5.4, 6.1 to 6.10, 7.1 to 7.6, 8.1 to 8.7, 9.1 to 9.18, 11.1, 11.2, 12.1, 15.1 to 15.4, 16.1 and 16.2 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.