

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
LICENSING SUB-COMMITTEE – THURSDAY 28TH FEBRUARY 2008-**

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 The Woodman, 1 Shortheath Road, Moira, Swadlincote, Derbyshire, DE12 6AL. 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.
Strategic aims	Safer Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant Corporate Action Team</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>Safer CAT.</p> <p>The risks of cost involved if the applicant appeals 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> <p>Equality impact assessment to be undertaken during 2008/2009.</p> <p>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.</p> <p>This relates to the new ways in which councils are being asked to deliver their services.</p>
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 2nd January 2008 from The Woodman Public House. 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:

Live music – Indoors

- ∇ Thursday to Sunday 19:00hrs to 23:00hrs

Recorded Music – indoors

- ∇ Monday to Thursday 10:00am to 23:00hrs
- ∇ Friday to Saturday 10:00am to 00:00hrs
- ∇ Sunday 12:00pm to 22:30hrs

Provision of facilities for dancing – Indoors

- ∇ Monday to Thursday 10:00am to 23:00hrs
- ∇ Friday to Saturday 10:00am to 00:00hrs
- ∇ Sunday 12:00pm to 22:30hrs

Late night refreshment - Indoors

- ∇ Monday to Saturday 23:00hrs to 23:30hrs

Supply of alcohol on and off the premises

∇ Monday to Thursday	10:00am to 23:00hrs
∇ Friday to Saturday	10:00am to 00:00hrs
∇ Sunday	12:00pm to 22:30hrs

Provision of facilities for entertainment of a similar description to making music and dancing.

∇ Thursday to Sunday	19:00hrs to 23:00hrs
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1.4 In addition to the above the applicants have applied for a further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of the permitted hours New Years Day.

1.5 The applicant has specified that the following steps will be taken to promote the licensing objectives. These steps were omitted from Part P of the application form but submitted at a later date, within the 28 day representation period, in support of the application:

General - All four licensing objectives

1. The licensee or designated premises supervisor shall be a member of the local Pubwatch or similar scheme whilst such a scheme is in existence.
2. Any gas equipment shall be inspected and serviced by a Corgi registered plumber.
3. All doors and windows shall be kept closed during regulated entertainment except for access and egress or in emergencies.
4. The licensee shall request customers to leave the premises quietly.
5. No persons under the age of 18 years shall be permitted in the bar area of the premises after 9.30pm.
6. Persons under the age of 18 years shall only be permitted on to the premises if accompanied by an adult.
7. No admission or re-admission after 11.30pm.
8. No external areas of the premises to be used for licensable and associated activities after 11.30pm.
9. The Designated Premises Supervisor shall ensure that noise levels are monitored internally and externally at regular intervals whenever regulated entertainment is provided to

ensure that noise levels do not cause undue disturbance to residents in the vicinity of the premises.

10. External security lighting to be operated in a way that does not result in disturbance to residents in the vicinity of the premises.
11. Customers to be requested to exit the premises quietly and signs to be placed at the exits encouraging customers to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

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 8th January 2008 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 One letter has been received from a resident in the vicinity of the premises making representation on the grounds of public nuisance. A copy of the 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 1.15, 1.17 to 1.19, 2.32 to 2.40, 8.28 to 8.32 and 10.20 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 5.1, 6.1 to 6.2, 9.1 to 9.3 and 14.1 to 14.3 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 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.