

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
LICENSING SUB-COMMITTEE – 10TH MARCH 2008**

Title of report	APPLICATION FOR REVIEW OF A PREMISES LICENCE
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Purpose of report	To determine an application for Review of a Premises Licence in respect of premises The Litten Tree and located at 7 Marlborough Square, Coalville , Leicestershire, LE67 3WD. 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	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Link to relevant Corporate Action Team	Safer CAT.
Risk Management	The usual 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.
Equalities Impact Assessment	Equality impact assessment to be undertaken during 2008/2009
Human Rights	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.
Transformational Government	This relates to the new ways in which councils are being asked to deliver their services.
Comments of Head of Paid Service	Not applicable.
Comments of Section 151 Officer	Not applicable.
Comments of Monitoring Officer	Not applicable.
Consultees	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.
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 The premises currently operate as a public house and have the benefit of a premises licence. The premises licence authorises the sale of alcohol for consumption on and off the premises, regulated entertainment and late night refreshment during times specified on the premises licence. A copy of the premises licence is attached as **appendix 1**.
- 1.2 A map showing the location of the premises is attached as **appendix 2**.
- 1.2 The premises licence holder and designated premises supervisor for these premises is Michelle Louise Lovell who holds a personal licence issued by Leicester City Council.
- 1.3 On 15th January 2008 an application for review of the premises licence was received from Leicestershire Constabulary. A copy of the application is attached as **appendix 3**. The review application relates to the licensing objectives concerning prevention of crime and disorder, public safety and the protection of children from harm. The grounds for review are:
- On the 24th December 2006 an anonymous report was received by the police to the effect that 16 year olds were being served at the premises and were using fake ID cards.

- On the 9th March 2007 the police conducted a test purchase operation at the premises and a member of staff sold alcohol to the under age test purchaser. He was issued an £80 fixed penalty ticket and the then designated premises supervisor, Mr Reid was given a written warning.
- On the 16th March 2007 police received a complaint, via the manager of the NWLDC licensing department, that underage drinkers were using the premises.
- On the 18th May 2007 police again conducted a test purchase operation with the same result. A member of staff sold alcohol to the 15 year old test purchaser. The seller, a member of staff, was issued with a fixed penalty ticket and the designated premises supervisor (DPS) John Reid was reported for prosecution. It was decided not to prosecute as he provided evidence that training had been provided. Sergeant Moore wrote to him on the 19th June 2007 concerning the issue and copied the letter to the premises licence holders.
- On the 8th September 2007 a disturbance took place in the premises resulting in one member of the public having his jaw broken. It was found that the CCTV was not working at the time due to employee error.
- On the 30th November 2007 a further test purchase operation was conducted by the police and again a member of staff sold alcohol to the under age test purchaser. She was dealt with by way of fixed penalty ticket and the current DPS Michelle Louise Lovell was interviewed and reported. She produced documentation that the member of staff concerned had received training and the Crown Prosecution Service has decided not to prosecute.

2.0 Representations

- 2.1 The Licensing Authority is responsible for advertising the review application by prominently displaying a notice at, on or near the premises to which the application relates and at the main offices of the Licensing Authority for not less than 28 consecutive days. The relevant notices were initially displayed on the premises and in the reception area of the Council Offices, Coalville on 16th January 2007 and remained on display for the following 28 days.
- 2.2 In respect of 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. No representations have been made by these parties.
- 2.3 Interested parties in the vicinity of the premises are able to make representations within 28 days of display of the notice of application to the Licensing Authority. One

representation has been received from an interested party living in the vicinity of the premises. A copy of the representation is attached as **appendix 4**.

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 2.18, 2.19 to 2.31, 2.41 to 2.51, 11.15 to 11.21, 11.25 to 11.26 and 12.1 to 12.10 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 8.4, 10.1 to 10.5, 10.8, 10.9, 11.1 to 11.3, 12.2 to 12.3, 17.1 to 17.3 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.

5.3 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.

5.4 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.