

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 8 MAY 2008

Title of report	APPLICATION FOR REVIEW OF A PREMISES LICENCE
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Purpose of report	<p>To determine an application for review of the premises licence at Whitwick Service Station & Convenience Store and located at Talbot Street, Whitwick, Coalville, Leicestershire, LE67 5AW. 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.</p>
Strategic aims	Strong and Safer Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</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 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.</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>

Transformational Government	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 service station and convenience store and have the benefit of a premises licence. The premises licence authorises the sale of alcohol for consumption off the premises Monday to Sunday 8am to 11pm. 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**.
- 1.3 The premises licence holder for these premises is HKS Retail Limited and the designated premises supervisor is David John Menhams who holds a personal licence issued by Charnwood Borough Council.
- 1.4 On 19th March 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 9th November 2007 police officers conducted a test purchase operation at the premises. A member of staff sold alcohol to the test purchaser and was issued with an £80 fixed penalty ticket. The designated premises supervisor (DPS) Mr Menhams, was given a warning letter.
 - On 14th March 2008 a further test purchase operation was conducted by the police and another member of staff sold alcohol to the 14 year old test purchaser. This matter is currently under investigation by Leicestershire Constabulary regarding prosecution action.
- 1.5 On 28th March 2008 additional information was received from Leicestershire Constabulary. This is exhibited as **appendix 4**.

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 20th March 2008 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. No representations have been received from interested parties living 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 2.18, 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, 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 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.

Catherine Gale
Licensing Enforcement Officer