

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE – 9th July 2008**

Title of report	<b>APPLICATION FOR A PREMISES LICENCE</b>
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Purpose of report	<p>To determine an application for the grant of the premises licence at Pizza Express located at Unit 3, Derby Road, Ashby De La Zouch, Leicestershire, LE65 2HE. 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 <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 An application for a premises licence was received on 15<sup>th</sup> May 2008 from Pizza Express Restaurants Limited. A full copy of the application is attached as **appendix 1**.

1.2 A map showing the location of the premises is attached as **appendix 2**.

1.3 The Licensable activities that have been applied for are:

### **Recorded Music - Indoors**

- ∇ Monday to Sunday - 11.00am to 00.30hrs
- ∇ From the start of permitted hour on New Years Eve to the end of permitted hours on New Years Day

### **Supply of alcohol on and off the premises**

- ∇ Monday to Sunday - 11.00am to 00.00hrs
- ∇ From the start of permitted hour on New Years Eve to the end of permitted hours on New Years Day

### **Late Night Refreshments – Indoors and Outdoors**

- ∇ Monday to Sunday - 23.00hrs to 00.30hrs
- ∇ From the start of permitted hour on New Years Eve to the end of permitted hours on New Years Day

1.4 The applicant has specified steps that will be taken in order to promote the four licensing objectives:

### **Prevention of Crime and Disorder**

- No irresponsible drinks promotions.
- All staff are trained to comply with the Licensing Act 2003.

### **Public Safety**

- Full Health and Safety risk assessments.
- Staff training in health and safety and food safety issues as appropriate.
- Internal auditing of staff training.
- Five yearly electrical inspections.

### **The Prevention of Public Nuisance**

- Comprehensive ventilation systems in place
- Pest control systems in place
- Waste management system in place

### **The Protection of Children from Harm**

- Risk assessments carried out for school visits/children's parties
- Children not admitted unless accompanied by an adult
- No adult entertainment

## **2.0 Representations**

2.1 In respect of a new application, the applicant is responsible for advertising the application by the way of a notice in the specified form at the premises for not less than 28 consecutive days and in a local newspaper. The applicant placed the notice in the Coalville and Ashby Times on the 23<sup>rd</sup> May 2008 and officers are satisfied that proper notice has been displayed at the location of the premises.

2.2 The applicant is also required to serve a copy of the application on 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.

2.3 There has been one representation from Environmental Health, of which, following discussions between both parties has been agreed and withdrawn.

2.4 There have been no other representations from any of the other responsible authorities.

2.5 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

2.6 One representation has been received from an interested party currently operating a business in the vicinity of the premises. A copy of the representation is attached as **appendix 3**.

## **3.0 Ashby de la Zouch Special Policy**

3.1 The Ashby de la Zouch special policy was initially adopted in November 2005 and retained, after consultation, in the current Statement of Licensing Policy (Issue 4, 15 January 2008).

3.2 The area of the special policy is marked on the map at **Appendix 4**.

3.3 The Licensing Authority adopted the Special Policy after evidence showed that crime and disorder and nuisance associated with numerous licensed premises concentrated in Ashby town centre would cause a negative impact.

3.4 This special policy creates a rebuttable presumption that applications for new premises licences will be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

3.5 The Licensing Authority should recognise that this policy cannot be absolute but needs to consider each application on its merit and those that are unlikely to contribute to the cumulative impact problems will be approved.

#### **4.0 Statutory Guidance**

4.1 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, may have a bearing upon the application.

#### **5.0 Statement of Licensing Policy**

5.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 4.1 to 4.3, 7.1 to 7.2, 8.1 to 8.4, 9.1 to 9.3, 12.2, 12.3, and 17.1 to 17.3 may have a bearing upon the application.

#### **6.0 Observations**

6.1 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.
- The prevention of public nuisance

6.2 The Committee may take such of the following steps, if any, 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

6.3 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.