

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE – 26TH AUGUST 2008

Title of report	APPLICATION FOR THE GRANT OF A PREMISES LICENCE
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Purpose of report	To determine an application for a Premises Licence in respect of premises trading as Diseworth Village, Hallgate, Diseworth, Derbyshire, DE74 2QJ. 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	Strong and 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 risks of cost involved of an appeal 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 service.
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 at the premises and a newspaper circulating in the vicinity.
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 are currently unlicensed. A premises licence application was received on 8th July 2008. A copy of the application form is attached as appendix 1. The premises have applied for the following:

Plays, films, indoor sporting events, live music, recorded music, performances of dance, anything of a similar description to live music, recorded music or performances of dance, provision of facilities for making music, dancing or entertainment of a similar description to making music or dancing (indoors):

Monday to Sunday – 8am to 1am

- 1.2 A map showing the location of the premises is attached as appendix 2.
- 1.2 The applicant has specified that they will take the following steps in order to promote the licensing objectives. If the premises licence is granted, the proposed steps will become conditions of the premises licence:
- The licensee shall carry out regular checks of emergency lighting and fire extinguishers installed at the premises in accordance with recommended guidelines.
 - Where applicable, risk assessments shall be carried out.
 - Responsible adult(s) shall be in attendance at all times when children are present.

2.0 Representations

- 2.1 In respect of a new premises licence 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. At the time of writing this report, Officers are not able to confirm whether the required notice has been placed in the local newspaper.
- 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 A representation has been received from the Environmental Protection Department on the grounds of public nuisance. A copy of the representation is attached as appendix 3.
- 2.4 There have been no representations from any of the remaining responsible authorities.
- 2.5 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. No representations have been received from residents 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 2.32 to 2.40 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 9.1 to 9.3 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.

The representation received in relation to this application only relates to the prevention of public nuisance licensing objective therefore Members are only able to consider this licensing objective when determining the application.

- 5.2 The Committee must take any of the following steps 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.