

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE – 28TH AUGUST 2008

Title of report	APPLICATION FOR REVIEW OF A PREMISES LICENCE
Contacts	<p>Councillor Nicholas Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Commercial Services Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p>
Purpose of report	To determine an application for a review of a premises licence in respect of premises trading as the Donington Park and located at Castle Donington, Derbyshire, DE74 2RP. This report outlines the application and summarises 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	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 usual 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 2008/9.
Human Rights	See the body of the report.
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 at the premises, on the Council's website and at the Council Offices, Coalville.
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 under a premises licence in the name of Donington Park Leisure Limited permitting the premises licence holders to offer the motor racing circuit, fixed facilities, infield and outfield areas of the premises for a variety of cultural, sporting, hospitality and entertainment events and activities. The premises licence permits the sale of alcohol, regulated entertainment and late night refreshment. A copy of the premises licence is attached as appendix 1.
- 1.2 On 4th July 2008, an application for a review of a premises licence was received from the Leicestershire Constabulary. A copy of the application and supporting evidence are attached as appendices 2 to 6. The review application relates to the crime and disorder, public safety and protection of children from harm licensing objectives and the grounds for review are:
- The premises have been controlled by the current management since February 2007.
 - On the 22nd April 2008, Sergeant Sean Moore received a complaint from Inspector Paul McKinder of the Operations Planning Department to the effect that the premises licence holders were not engaging satisfactorily with his department in preparation for the forthcoming Moto Grand Prix thereby undermining the licensing objectives relating to the prevention of crime and disorder and the promotion of public safety.
 - As a result, on the 23rd April 2008, Sergeant Sean Moore wrote to the premises licence holder, proposing a meeting to discuss these issues. Following a telephone call and e-mail from Mr Lee Gill at Donington Park and discussions with the Council licensing department, a meeting took place on the 8th May 2008.
 - The outcome of that meeting, where the police raised their concerns with the management team of the premises, was unsatisfactory in that Inspector McKinder reported that plans subsequently submitted by the licence holders did not address the concerns raised at that meeting.

- Scrutiny of the current licence conditions suggests that a significant number have been breached in relation to engagement with the responsible authorities and East Midlands Airport.
- On the 13th June 2008 police conducted a test purchase operation at the premises when the Download music festival was taking place. 4 of the 6 bars visited sold alcohol to the 15 year old female test purchaser. The sellers were issued with fixed penalty tickets.
- On the 14th June 2008 the police repeated the exercise and 7 bars out of 9 visited sold to the 14 year old resulting in fixed penalty notices being issued to the sellers.
- On the 15th June 2008 5 bars visited by the test purchaser all refused service and the current designated premises supervisor, Mr Johnathan Lloyd Lewis, was given a warning letter. This letter stressed the need for staff to challenge anyone who appeared to be under 21 years of age.
- On the 21st June 2008, on the occasion of the Moto Grand Prix, the police again conducted a test purchase operation using a 14 year old test purchaser. The first 3 bars visited sold alcohol to the test purchaser but the subsequent 15 attempts were refused.
- On the 22nd June 2008 the operation was repeated at 24 bars all of which refused service having asked for identification.
- It is the police view that this sequence of events demonstrates a serious undermining of the crime prevention, public safety and protection of children licensing objectives. This is compounded by the licence holder's demonstrated ability to prevent such sales once they were alerted to the operation taking place.

1.3 The Leicestershire Constabulary recommends that a warning is issued to the premises licence holder in relation to any further breaches of the premises licence and the addition of conditions to the premises licence.

2.0 Representations

2.1 The Licensing Authority is responsible for advertising the review application by displaying prominently a notice at, on or near the premises to which the application related and at the main offices of the Licensing Authority for not less than 28 consecutive days. The required notices were displayed every 50 metres along the exterior perimeter of Donington Park abutting the highway and in the reception area of the Council Offices, Coalville on 4th July 2008.

2.2 In respect of a 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.

2.3 The Environmental Protection Section (Pollution Control) has raised a representation on the grounds of public nuisance. A copy of the representation is attached as appendix 7.

- 2.4 The Health and Safety Department has raised a representation on the grounds of public safety. A copy of the representation is attached as appendix 8.
- 2.5 The Planning Department has raised a representation on the grounds of crime and disorder. A copy of the representation is attached as appendix 9.
- 2.6 Interested parties in the vicinity of the premises are able to make representations within 28 days of the application to the Licensing Authority.
- 2.7 A representation has been received from East Midlands Airport on the grounds of the prevention of crime and disorder and public safety. A copy of the representation is attached as appendix 10.

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 2.16, 2.19, 2.32 to 2.40, 2.41 to 2.50 and 11.5 to 11.21 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 8.7, 9.1 to 9.3 and 10.1 to 10.9 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 any of the following steps 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.

- 5.4 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.
- 5.3 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.