

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 30 JANUARY 2012

Title of report	APPLICATION FOR A PREMISES LICENCE
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Purpose of report	<p>To determine an application for a premises licence in respect of premises, Express Chicken, 59 Market Street, Ashby De La Zouch, Leicestershire, LE65 1AH. 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>
Council's Priorities	Pride in the Community
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 CAT	Business 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 already undertaken, issues identified actioned.
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	Not applicable.
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 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 are a town centre restaurant with proposed takeaway facility, located at 59 Market Street, Ashby De La Zouch, LE65 1AH.
- 1.2 A map showing the location of the premises is attached as **appendix 1**.
- 1.3 An application for a new premises licence was received on the 2nd December 2011 from Mr Cengiz Aslan. A copy of the application is attached as **appendix 2**.
- 1.4 The licensable activities applied for are:

Provision of late night refreshment:

- Sunday to Thursday – 23:00hrs to 00:00hrs.
- Friday and Saturday – 23:00hrs to 02:30hrs.
- From 23:00hrs to 05:00hrs on St Patrick’s Day, Easter Sunday, Sunday before May Day Bank Holiday, Sunday before Spring Bank Holiday, Friday of August Bank Holiday, Saturday of August Bank Holiday, Sunday of August Bank Holiday, Christmas Eve, Boxing Day, New Years Eve to the start of permitted hours on New Years Day.

Hours the premises are open to the public:

- Monday to Thursday – 12:00hrs to 00:15hrs.
- Friday and Saturday – 23:00hrs to 02:45hrs.
- Sundays – 12:00 to 00:45hrs.
- From 23:00hrs to 05:00hrs on St Patrick’s Day, Easter Sunday, Sunday before May Day Bank Holiday, Sunday before Spring Bank Holiday, Friday of August Bank Holiday, Saturday of August Bank Holiday, Sunday of August Bank Holiday, Christmas Eve, Boxing Day, New Years Eve to the start of permitted hours on New Years Day.

- 1.5 The applicant has specified steps that they will take in order to promote the four licensing objectives.

General – All four licensing objectives:

- The Licensee, the person in charge as a manager or supervisor in the premises shall ensure that at all times there is sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff undertakes suitable training in their responsibilities. Records will be kept of training and refresher training

The prevention of crime and disorder:

- Toilets shall be checked on average two hourly while the premises are open to the public. Details of checks shall be documented and made available to the Police on request.
- The CCTV system shall conform to the following points:
 1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
 2. Cameras on the entrances must capture full frame shots of heads and shoulders of all people entering the premises i.e. capable of identification.
 3. Cameras viewing till areas must capture frames not less than 50% of screen.
 4. Cameras overlooking floor areas should be wide angled to give overview of the premises.
 5. Be capable of visually confirming the nature of the crime committed.
 6. Provide a linked record of date, time, and place of any image
 7. Provide good quality images – colour during opening times.
 8. Operate under existing light levels within and outside the premises.
 9. Have the recording device located in a secure area or locked cabinet.
 10. Have a monitor to review images and record picture quality.
 11. Be regularly maintained to ensure continuous capture and retention of images.
 12. Have signage displayed in the customer area to advise that CCTV is in operation.
 13. Digital images must be kept for 31 days.
 14. Police will have access to images at any reasonable time.
 15. The equipment must have a suitable export method e.g. CD/DVD writer so that the Police can make an evidential copy of the data they require. The data should be in the native file format to ensure that no image quality is lost when making the copy, if the format is non-standard then the manufacturer should supply the relay software to ensure that the video on the CD can be replayed by the Police on a standard computer. Copies must be made available to the Police on request.
- A monitored alarm system (to EU50131 which is capable of confirmation) shall be installed at the premises.

The prevention of public nuisance:

- All customers shall be asked to leave quietly.

- Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to neighbours

The protection of children from harm:

- A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at the point of sale advising customers “caution hot food and drink”

Public safety:

- Appropriate fire safety procedures are in place at the premises including fire extinguishers (foam, H2O and CO2) fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

1.6 The applicant has submitted further proposed conditions and training qualifications that they request the Licensing Authority to take into account. Details of the proposed conditions and the applicant’s qualifications are attached as **appendix 3**.

2.0 Representations

2.1 In respect of a new 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. The applicant placed notice in the Ashby Times on 16th December 2011 and Officers are satisfied that the correct notices have been displayed at the premises.

2.2 The applicant is also required to serve each of the responsible authorities, namely, the Police, 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 the Leicestershire Constabulary on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the representation is attached as **appendix 4**.

2.4 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. Two representations have been received from interested parties based on crime and disorder, public safety, and the prevention of public nuisance. Copies of the representations are attached as **appendices 5 & 6**.

3.0 Cumulative Impact

3.1 The premises are situated in Market Street, Ashby De La Zouch which is within the area of the special policy on cumulative impact referred to in the Council’s Statement of Licensing Policy.

3.2 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations will

normally 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.

- 3.3 The Licensing Authority recognises that this policy cannot be absolute and will consider each application properly 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 2.1 to 2.18, 2.19, 2.32 to 2.40, 2.41 to 2.47, 3.32 to 3.39, 8.5 to 8.11 and 13.29 to 13.32 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 2.1, 2.3 to 2.6, 3.1 to 3.10, 4.1 to 4.3, 5.1, 5.3, 7.1, 7.2, 8.1, 8.2, 9.1 to 9.3, 10.1, 10.2, 12.1 and 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;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

- 6.2 The Committee may take the following steps, if any, as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested;
- b) Exclude from the scope of the of the licence any of the licensable activities to which the application relates;
- c) Reject the whole or part of the application;
- d) Add any conditions necessary for the promotion of the licensing objectives.

- 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.