

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 20 JUNE 2012

Title of report	APPLICATION FOR A PREMISES LICENCE
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Purpose of report	To determine an application for a premises licence in respect of premises, Bath Grounds, Station Road, Ashby de la Zouch, Leicestershire, LE65 2GP. 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.
Council Priorities	Safer & Healthier District Business & Jobs
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.

1.0 BACKGROUND

1.1 The premises are a public space within the centre of Ashby de la Zouch town centre.

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 10th April 2012 from Ashby de la Zouch Town Council. A copy of the application is attached as **appendix 2**.

1.4 The licensable activities applied for are:

Provision of regulated entertainment namely, plays, films, live music, recorded music, performance of dance, anything of a similar description, provision of entertainment facilities for making music and dancing indoors and outdoors:

- Monday to Sunday 09:00hrs to 22:00hrs
7 days notice will be given to the Licensing Authority of an event and no more than 26 events shall be held per year.

The supply of alcohol for consumption on and off the premises.

- Monday to Sunday 09:00hrs to 22:00hrs
7 days notice will be given to the Licensing Authority of an event and no more than 26 events shall be held per year.

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

General – All four licensing objectives:

- There will be a maximum of 26 days on which licensed events are held per year this refers to all the licensed area.
- Users that are permitted by Ashby de la Zouch Town Council to use the areas as specified under this licence will be required to sign an agreement that would incorporate a range of conditions, including the requirement of a risk assessment for events and an emergency management plan

- A reasonable amount of public notification will be given prior to the event happening, through normal promotional channels eg, posters, flyers, press releases etc.

The prevention of crime and disorder:

- Users of Ashby de la Zouch Town Council's licence would be required to inform the police, fire authority and Leicestershire County Council's (emergency planning team) of their event a period of time prior to the event, the Town Council would make users aware of this and of who to contact and in what timescale they should be contacted.

Public Safety

- A risk assessment and emergency management plan would be required to be undertaken by organisers of events which take place under the licence.

The prevention of public nuisance:

- There shall be liaison with the Environmental Protection team and advice will be sought and acted upon.

The protection of children from harm:

- All performers details will be made available to the Town Council, if the Town Council is not satisfied with the information in relation to the protection of children then the event will not proceed under this licence or the organisers will be advised to make alternative arrangements.

1.6 The Bath Grounds are subject to an Alcohol Consumption in Designated Public Places Order dated 17th December 2007. A copy of this order and map detailing the areas included in this order is 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 20th April 2012 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 and no representations have been made by the responsible authorities.

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. 33 representations have been received from interested parties based on crime and disorder, public safety, and the prevention of public nuisance, protection of children from harm. Copies of the representations are attached as **appendices 4 to 35**.

2.4 Ten representations were received from interested parties, however we were unable to accept these based on the following:

- 2 x Received after the representation period had ended.
- 4 x Did not relate to the licensing objectives.
- 3 x No address on the representation to determine if living in the vicinity.
- 1 x Faxed representation that was not legible.

3.0 STATUTORY GUIDANCE

3.1 The application for a premises licence was received prior to the change of legislation on 25th April 2012 and therefore the October 2010 edition of the guidance issued under section 182 of the Licensing Act 2003 should be used.

3.2 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 to 2.19 to 2.23, 2.32 to 2.40, 2.41 to 2.50 2.51, 8.5, 8.85 to 8.94, 9.3 to 9.7, 9.19 to 9.28, 10.1 to 10.14 and 12.1 to 12.6 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 2.1 to 2.6, 5.1, 5.3, 7.1, 7.2, 8.1, 8.2, 8.3, 8.4, 8.7, 9.1 to 9.3, 10.1, 10.2, 12.1 and 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;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

5.2 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.

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.

