

# **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

## **LICENSING SUB COMMITTEE – 17 JANUARY 2013**

Title of report	<b>APPLICATION FOR GRANT OF A PREMISES LICENCE</b>
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Purpose of report	To determine an application for the grant of a premises licence in respect of premises, Meadow Lane Post Office, 95 Meadow Lane, Coalville, Leicestershire, LE67 4DN. 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	Business and Jobs, Safer and Healthier District
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	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, Primary Care Trust, 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, the Licensing Act 2003 - all 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>

## 1.0 BACKGROUND

1.1 The premises currently operate as Post Office and general convenience store.

1.2 A map showing the location of the premises is attached as **Appendix 1**.

1.3 An application for the grant of a premises licence was received from Meadow Lane Post Office on 21 November 2012. A copy of the application is attached as **Appendix 2**.

1.4 The licensable activities applied for are detailed as follows:

**Sale by retail of alcohol for consumption off the premises:**

Monday to Sunday 05:00hrs until 23:00hrs

1.5 The applicant has specified steps they intend to take in order to promote the four licensing objectives:

**General – All four licensing objectives:**

- In the line with the government guidance the premises will manage the premises in line with all four of the licensing objective and all relevant legislation.

**The prevention of crime and disorder:**

- When the DPS is not at the premises another person shall be nominated by them to be the responsible person to manage the premises.
- CCTV will be installed at the premises and recordings will be kept for 28 days and made available to authorities upon any reasonable request.

**Public Safety:**

- The licence holder is aware of and will ensure compliance with the Regulatory Reform (Fire Safety Order) 2005.

### **The prevention of public nuisance:**

- The applicant has offered no conditions relating to the prevention of public nuisance objective.

### **The protection of children from harm:**

- Any person who looks or appears to be under the age of 21 shall be asked to provide ID to prove that they are over the age of 18.
- Only the UK photo driving licence, passport or government approved PASS cards will be accepted as proof of age.

## **2.0 REPRESENTATIONS**

- 2.1 In respect of an application for the grant of a premises licence, 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 a notice in the Coalville Times on 30 November 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, Primary Care Trust, Planning Sections and Licensing Authority. Officers are satisfied that the applicant has served all parties as required.
- 2.3 No representations have been received from the responsible authorities.
- 2.4 Any other person is able to make a representation within 28 days of display of the notice of application to the Licensing Authority. 10 representations have been received on the grounds of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. **Attached as appendices 3-12.** A further 53 representations have been received in the form of a petition as co-ordinated by Councillor Wyatt. Copies of the petition are attached as **Appendix 13.**

## **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 2.10, 2.18, 2.32 to 2.35, 8.5 to 8.13, 8.14 to 8.42, and 13.42 to 13.43 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 2.11, 5.1 to 5.3, 6.1, 6.2, 7.1, 7.2, 8.1, 8.2, 9.1 to 9.3, 10.1 to 10.5, 10.8, 13.1, 13.2, and 17.1 to 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 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.
- 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.