

Meeting	<b>LICENSING SUB COMMITTEE</b>
Time/Day/Date	6.30 pm on Wednesday, 18 July 2018
Location	Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512) Licensing Enforcement Officer (01530 454596)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

### NOTIFICATION OF HEARING

Item		Pages
<b>1</b>	<b>ELECTION OF CHAIRMAN</b>	
<b>2</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>3</b>	<b>DECLARATION OF INTERESTS</b>	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>4</b>	<b>REVIEW OF PREMISES LICENCE</b>	
	<b>Premises: The White Hart Inn, Market Street, Ashby de la Zouch, Leicestershire, LE65 1AP</b>	<b>3 - 34</b>

To determine a review of a premises licence in respect of the above.

The following documents are attached: -

- a) Report of the Licensing Enforcement Officer

At the beginning of the hearing, the authority shall explain to the parties the procedure it is proposed to follow. The Hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless it is required to consider any representations.

Circulation:

Councillor D Everitt  
Councillor K Merrie MBE  
Councillor A C Saffell

Reserve Member: Councillor V Richichi

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE – 18 JULY 2018**

Title of report	<b>REVIEW OF PREMISES LICENCE</b>
Contacts	<p>Councillor Alison Smith MBE 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a></p> <p>Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Team Leader 01530 454596 <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a></p>
Purpose of report	To determine a review of the premises licence following a summary review application and interim steps in respect of premises trading as the White Hart Inn, Market Street, Ashby De La Zouch, Leicestershire, LE65 1AP.
Council Priorities	Business and Jobs Homes and Communities
Implications:	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Financial/Staff	
Link to relevant CAT	N/A
Risk Management	The risk of cost arising from 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 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 Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, and Health Authority .
Background papers	<a href="#">Guidance issued under Section 182 of the Licensing Act 2003</a> <a href="#">Statement of Licensing Policy – Issue 6</a> <a href="#">Section 53 A-C Licensing Act 2003 Summary Review Guidance</a>
Recommendations	<b>THAT THE SUB-COMMITTEE DETERMINE REVIEW OF THE PREMISES FOLLOWING INTERIM STEPS.</b>

## 1.0 BACKGROUND

- 1.1 The premises are located at Market Street, Ashby De La Zouch, Leicestershire, LE65 1AP, and Marston’s PLC hold the premises licence under the Licensing Act 2003. The Designated Premises Supervisor (DPS) is currently Mr James Andrew Timms.
- 1.2 A map showing the location of the premises is detailed in the report attached as Appendix A.
- 1.3 A copy of the current premises licence is detailed within the report at Appendix A.
- 1.4 An application for Summary Review of the premises licence for the White Hart was received from Leicestershire Police on Friday 29 June 2018. The responsible authorities and licence holder were given a copy of the application and certificate on Monday 2 July 2018.
- 1.5 A licensing panel convened on Tuesday 3 July 2018 to determine whether it was necessary to take any interim steps. A copy of the Officers report is attached as Appendix A.
- 1.6 The Licensing panel determined that interim steps were necessary by adding and modifying conditions. A copy of the interim steps are attached as Appendix B.

## 2.0 REVIEW

- 2.1 The licensing authority must hold a review of the premises licence within 28 days from the receipt of the original application and certificate. At the hearing, the licensing authority must:
- Consider what steps it considers appropriate for the licensing objectives; and
  - Decide which interim steps cease to have effect altogether or become the subject of any steps, which it considers are appropriate when making its determination on the review.
- 2.2 The licensing authority advertised the review inviting representations from any persons, Notices were placed at the premises, in the Council’s reception areas, and on the Council website, all in accordance with the legislation.

### **3.0 REPRESENTATIONS**

- 3.1 The licensing authority is required to serve a copy of the summary review application and certificate on each of the responsible authorities, namely; the Police, Fire Authorities, Home Office, Trading Standards Department and the District Council's Health and Safety, Environmental Protection and Planning Sections.
- 3.2 No further representations have been received from responsible authorities at the time of writing this report (09.07.2018).
- 3.3 No further representations have been received from the premises licence holders at the time of writing this report.
- 3.4 No representations have been received from any other persons at the time of writing this report.
- 3.5 The date for representations ends on Friday 13 July 2018. Due to the stringent timescales and deadlines in accordance with the legislation, this report has had to be prepared prior to that deadline. Any representations received by Friday 13 July will be circulated to all parties prior to the hearing taking place.

### **4.0 STATUTORY GUIDANCE**

- 4.1 In making its decision, Members are 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 1.1 to 1.5, 1.16, 2.1 to 2.6, 2.7 to 2.9, 9.13, 10.8, 11.1 to 11.28, 12.1 to 12.35, and 13.1 to 13.11 may have a bearing upon the review.
- 4.2 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.2, 2.4, 4.1 to 4.4, 5.1 to 5.4, and 16.0, may have a bearing upon the review.
- 4.3 Members are further obliged to have regard to the Home Office Summary Review Guidance, Section 53 A-C Licensing Act 2003.

### **5.0 OBSERVATIONS**

- 5.1 The steps that the Licensing Authority must can take are:
- the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence not exceeding 3 months;
  - the revocation of the licence.
- 5.2 The Committee is obliged to determine this review 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.

- 5.3 An appeal may be made to the Magistrates court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officers of police and/or any other person who have made relevant representations.
- 5.4 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Tuesday 3 July 2018

Title of report	<b>APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE</b>
Contacts	<p>Councillor Alison Smith MBE 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a></p> <p>Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Team Leader 01530 454596 <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a></p>
Purpose of report	To determine whether it is necessary to take interim steps in relation to an application for a summary review of a premises licence in respect of premises trading as White Hart Inn, Market Street, Ashby De La Zouch, Leicestershire, LE65 1AP
Council Priorities	Business and Jobs Homes and Communities
Implications:	Should a representation be received against interim steps a further hearing within 48 hours shall be required
Financial/Staff	There is no right of appeal to the magistrates' court against the licensing authority's decision at this stage.
Link to relevant CAT	N/A
Risk Management	There are no risks of cost involved in the decision of the licensing authority, as there is no right to appeal.
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 Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, and Health Authority .
Background papers	<u>Guidance issued under Section 182 of the Licensing Act 2003</u> <u>Statement of Licensing Policy – Issue 6</u> <u>Section 53 A-C Licensing Act 2003 Summary Review Guidance</u>
Recommendations	<b>That the Member panel consider whether it is necessary to take interim steps pending a full review of the premises licence.</b>

## 1. Background

- 1.1 Marston's PLC hold the premises licence under the Licensing Act 2003 for the White Hart Inn, The Designated Premises Supervisor (DPS) is currently Mr James Andrew Timms.
- 1.2 A map showing the location of the premises is attached as Appendix 1.
- 1.3 A copy of the current premises licence is attached as Appendix 2.

## 2. Review Process and Interim Steps

- 2.1 Within 48 hours of the receipt of the chief officer's application the Licensing Authority must complete the following:
  - give the premises licence holder and responsible authorities a copy of the application and certificate.
  - convene a licensing panel to determine whether it is necessary to take any interim steps.
- 2.2 The application was accepted from the Police at 15:58 hours on Friday 29 June 2018. The responsible authorities and licence holder were given a copy of the application and certificate on Monday 2 July 2018. A copy of the application and certificate are attached as Appendix 3.
- 2.3 If representations are made in response to interim steps, a further hearing must be convened within 48 hours.
- 2.4 A licence review hearing must take place within 28 days from the receipt of the original application and certificate.

## 3.0 Relevant information

- 3.1 The police have submitted a statement that summarises their evidence and their position along with a proposed interim step by way of condition which states;

*England world cup matches will not be shown on any television or screen within any part of the premises to which the public have access.*

A copy of the email and statements are attached as Appendix 4.

- 3.2 The Licence holder's legal representatives have also submitted documentation for consideration by way conditions. A copy of the email and conditions are attached as Appendix 5.

#### **4.0 Statutory Guidance**

- 4.1 In making its decision, Members are not obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 although it can be consulted if it is thought necessary to impose extra conditions on the premises licence.

- 4.2 Members are obliged to have regard to the Home Office Summary Review Guidance, Section 53 A-C Licensing Act 2003.

#### **5.0 Observations**

- 5.1 The interim steps that the Licensing Authority must consider taking are:
- the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - the removal of the designated premises supervisor from the licence and
  - the suspension of the licence
- 5.2 There is no right of appeal to the Magistrates Court against the decision of the Sub-Committee when taking interim steps.

# Appendix 1



1 = 1,636



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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**Premises licence number**

NWL20038

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

White Hart Inn, Market Street, Ashby de la Zouch

**Post town**

Leicestershire

**Post code**

LE65 1AP

**Telephone number**

01530 414531

**Where the licence is time limited the dates**

### **Licensable activities authorised by the licence**

1. The sale by retail of alcohol for consumption on and off the premises.
2. Late night refreshment indoors and outdoors.
3. Films indoors.
4. Indoor sporting events.
5. Live music indoors.
6. Recorded music indoors.
7. Performances of dance indoors.
8. Anything of a similar description to live music, recorded music or performances of dance indoors.

### **The time the licence authorises the carrying out of licensable activities**

**The sale by retail of alcohol for consumption on and off the premises, Films, Indoor sporting events, Performance of live music, Playing of recorded music indoors, Performance of dance indoors, Entertainment of a similar description to live music, recorded music or performances of dance:**

Monday to Thursday – 10.00am to 12midnight.

Friday and Saturday – 10.00am to 2.00am

Sunday - 11.00am to 12.00midnight

Christmas Day – 11.00am to 11.00pm

New Year's Eve – 10.00am to New Year's Day terminal hour.

Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing Day until 1.00am

No time restrictions in relation to entertainment which is not public but is promoted for private gain.

The premises may open for licensable activities to show the broadcast of televised sporting events of national or international interest outside of the above hours.

#### **Late Night Refreshment:**

Monday to Thursday – 10.00am to 12midnight.

Friday and Saturday – 10.00am to 2.00am

Sunday - 11.00am to 12.00midnight

Christmas Day – 11.00am to 11.00pm

New Year's Eve – 10.00am to New Year's Day terminal hour.

Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing Day until 1.00am

**The opening hours of the premises**

Monday to Thursday – 09.00am to 12.30am.

Friday and Saturday – 09.00am to 02.30am

Sunday – 09.00am to 12.30am

Christmas Day – 09.00am to 11.30pm

New Year's Eve – 09.00am to New Year's Day terminal hour.

Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing Day until 1.30am

Where the premises are open for licensable activities to show the broadcast of televised sporting events of national or international interest 30 minutes after the end of the licensable activities.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

The sale by retail of alcohol for consumption on and off the premises.

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Marston's Plc  
Marston's House  
Wolverhampton  
WV1 4JT

Telephone number: 01902 711 811

**Registered number of holder, for example company number, charity number (where applicable)**

31461

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

James Andrew Timms  
The White Hart  
Market Street  
Ashby De La Zouch  
Leicestershire  
LE65 1AP

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence Number of Designated Premises Supervisor: NWL10022  
Issuing authority: North West Leicestershire District Council

**Dated: 16<sup>th</sup> February 2017**

**Paul Dennis  
Licensing Enforcement Officer**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the premises licence;
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol must be made or authorised by a person who holds a personal licence.
3. The admission of children to the exhibition of any film is to be restricted in accordance with these conditions and Section 20 of the Licensing Act 2003.
4. Where the film classification body is specified in the licence, unless condition 5(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
6. In this section-  
"children" means persons aged under 18; and  
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### Mandatory condition coming into force from 28<sup>th</sup> May 2014:

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Mandatory condition coming into force from 1<sup>st</sup> October 2014:**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

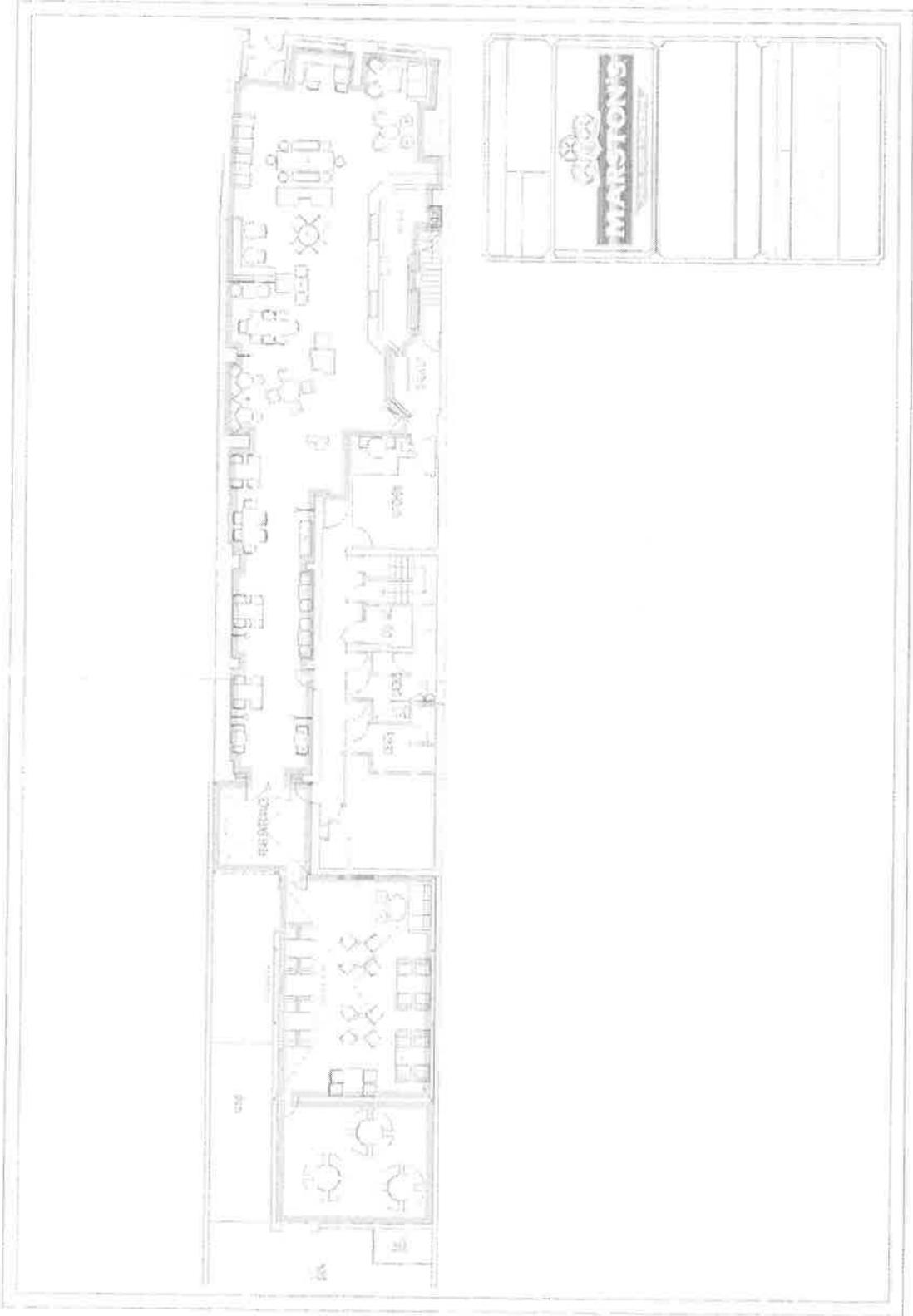
## **Annex 2 – Conditions consistent with the operating schedule**

1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.
3. Any person as defined in condition (1) will clearly display his name badge at all times whilst on duty.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. CCTV is installed and shall be maintained in accordance with the Information Commissioners CCTV code of practice. All recordings are to be kept for a minimum of 28 days and made available to the Police and/or the Licensing Authority within 24 hours of request.
6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
7. The premises licence holder will comply with the reasonable requirements of the fire officer from time to time.
8. The premises licence holder will comply with the reasonable requirements of the building control officer.
9. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
10. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
11. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
12. Children under the age of 16 shall not be permitted to enter the premises after 21.00.
13. At least 7 days written notice shall be given to the Chief Officer of Leicestershire Police prior to the premises opening for licensable activities to show the broadcast of televised sporting events of national or international interest. Such notification shall include the opening times and the sporting event, which is to be shown.
14. Dancing, music or any other entertainment of the like kind which is not a public entertainment but is promoted for private gain (Section 2 of the Private Places of Entertainment (Licensing) Act 1967) may be provided without time restrictions.
15. The noise limiter shall be maintained at the level agreed by the Head of Environment.
16. The rear doors and windows shall be closed during performances and soundproofed if considered necessary by the Head of Environment.

17. During regulated entertainment comprising recorded music, door supervisors will be deployed as follows:
- No less than 2 x door supervisors when 100 to 199 customers are present.
  - No less than 3 x door supervisors when 200 to 299 customers are present.
  - No less than 4 x door supervisors when 300 to 399 customers are present.
  - The need for any further number of door supervisors will be risk assessed by the licence holder and/or DPS on an ongoing basis.
18. The occupancy level of the premises is fixed in accordance with the Fire Risk Assessment from time to time.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Annex 4 – Plans



**Statutory Form For Applying For A Summary Licence Review**

North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I, **PC 1845 Mike GREEN** [on behalf of] the chief officer of police for the Leicestershire Police area, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises: **The White Hart, 82 Market Street**

Post town: **Ashby De La Zouch**

Post code (if known): **LE65 1AP**

**2. Premises licence details:**

Name of premises licence holder (if known): **Marstons PLC**

Number of premises licence holder (if known): **01902 711811**

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

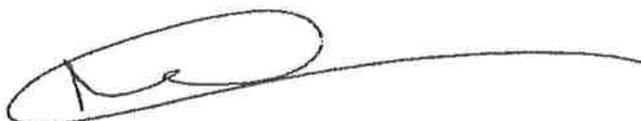


**4. Details of association of the above premises with serious crime, serious disorder or both: [Please read guidance note 2]**

Disorder occurred on Market Street in Ashby following the first two England World Cup matches and so a joint visit was carried out by police and the licensing authority during which advice was given, which included the use of plastic glasses.

During the third England match (28/06/18) there was further disorder, including a female being struck on the head with a glass and a male being stabbed in the back. The latter amounts to a GBH.

Signature of applicant:



Date: 29/06/2018

Capacity: **Licensing Officer for Leicestershire Police**

**Contact details for matters concerning this application:**

Address: **Force Licensing Department,  
Mansfield House,  
74 Belgrave Gate,  
Leicester,  
LE1 3GG**

Telephone number(s):

Email: [licensing@leicestershire.pnn.police.uk](mailto:licensing@leicestershire.pnn.police.uk)

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000.

In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Leicestershire Police Licensing Department  
Mansfield House  
74 Belgrave gate  
Leicester  
LE1 3GG

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

Premises: The White Hart, 82 Market Street, Ashby De La Zouch

Premises licence number (if known): NWL20038

Name of premises supervisor (if known): James Timms

I am a Superintendent employed by Leicestershire Police.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because disorder occurred following the first three England World Cup matches between 18<sup>th</sup> and 28<sup>th</sup> June 2018 and I anticipate further problems during subsequent matches.

Officers visited on 25<sup>th</sup> June, following the second match and advice was given, which included the use of plastic glasses. This advice appears not to have been followed.

There was escalation following the third match on 28<sup>th</sup> June resulting in a member of the public being struck on the head with a glass and a further victim of crime being stabbed in the back; all within the premises covered by the granted licence.

I am satisfied that the use of an expedited process is proportionate based on the escalation of incidents over a short time period, the clear expectation that further events due to the current World Cup will provide an opportunity for further concerns if not addressed promptly.

Signed.....*Shane O'Neill (signed)*.....

Name... Superintendent Shane O'Neill.....

Date.....29/6/18.....

**ANDY COOPER**

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**From:** Green Michael <Michael.Green@leicestershire.pnn.police.uk>  
**Sent:** 02 July 2018 16:22  
**To:** ANDY COOPER  
**Subject:** RE: SUMMARY REVIEW FOR WHITE HART, 82 MARKET STREET, ASHBY, LE65 1AP  
**Attachments:** 00206B997009180702162119.pdf

Hi Andy,

I have attached a statement that summarises the evidence and our position. It also includes the interim step I am proposing which is the addition of a condition that states:

England world cup matches will not be shown on any television or screen within any part of the premises to which the public have access.

Michelle from John Gaunt tells me that she is attending tomorrow morning and so I shall be there. Please could you confirm the location?

Many thanks,

Mike

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**From:** ANDY COOPER [mailto:ANDY.COOPER@NWLeicestershire.gov.uk]  
**Sent:** 02 July 2018 12:43  
**To:** Green Michael <Michael.Green@leicestershire.pnn.police.uk>; Licensing <Licensing@leicestershire.pnn.police.uk>; Weston Ian <Ian.Weston@leicestershire.pnn.police.uk>  
**Cc:** LEE MANSFIELD <LEE.MANSFIELD@NWLeicestershire.gov.uk>; LOUISE ARNOLD <LOUISE.ARNOLD@nwleicestershire.gov.uk>  
**Subject:** FW: OFFICIAL:- SUMMARY REVIEW FOR WHITE HART, 82 MARKET STREET, ASHBY, LE65 1AP  
**Importance:** High

Dear All,

Further to the Summary review application and certificate attached

If you are able to forward any information along with any proposed interim steps for that you wish members to consider. (If you do have any info, can you please let me have it by 5pm?)

Members will be considering this matter at 10am on 03.07.2018. (Mike, I have been discussing your comments re attending the meeting with our legal team, and more details about the meeting to follow shortly).

Let me know if you require further information.

Regards

Andy

**WITNESS STATEMENT**

**CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1**

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Statement of: **Michael Green**

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature 

Date 02/07/18

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Constable 1845 of Leicestershire Police. I have been granted Delegated Authority by the Chief Constable Simon Cole, in order that I may carry out functions within the Licensing Act 2003, on his behalf.

On 29<sup>th</sup> June 2018, I submitted an application for the review of a premises licence under Section 53A Licensing Act 2003, in relation to The White Hart, Market Street, Ashby De La Zouch. I am supplying this statement to supplement that application. The information I am including in this statement has been obtained from a combination of police information systems and body worn video footage.

The White Hart is known locally as the best place to watch football in Ashby and they have a large screen and seating area to the rear of the premises for that purpose. Police identify the premises as being the busiest during football matches.

At the time of writing, the football World Cup is in progress. England have had three matches so far and each match has led to serious problems on Market Street in Ashby:

ENGLAND v TUNISIA - 18<sup>th</sup> June

Around 2145hrs on 18th June, following England's first match, police received the report of "Chaos in the street"; that around 100 people were in the street shouting, swearing, drinking, kicking footballs around the road and throwing glasses at passing cars.

Signature:		Signature witnessed by:	
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**ENGLAND v PANAMA - 24<sup>th</sup> June**

Around 1500hrs on 24th June, following England's second match, police received the report of 200 to 300 people in the road, chanting and blocking the road. Reportedly, some were fighting and many were drinking from glasses.

A single-crewed police officer was first to arrive at the scene and whilst trying to ensure the safety of everyone there, he was surrounded by the crowd and was subsequently struck in the face by a glass bottle. His body worn video footage was recording throughout and gives an insight into what he was faced with.

Flares were also set off in the street during this incident.

Following this, on 25<sup>th</sup> June, a joint visit was made to several licensed premises in the area by police and the licensing authority. During their visit to the White Hart, officers were told that they would have 4 SIA door supervisors on duty and plastic glasses would be used. They were given advice regarding flares being set off on the premises.

**ENGLAND v BELGIUM - 28<sup>th</sup> June**

During England's third game on 28th June, England conceded a goal just after 2000hrs. A few minutes later, police started to receive reports of a fight at The White Hart.

What we know about that evening is as follows:

- a. Glass was supplied to customers of The White Hart, despite the assurance to police that it would not be.
- b. A female was struck over the head with a glass bottle whilst watching the match in the rear of the premises. She went to hospital and a male was arrested in relation to this.
- c. Meanwhile, a large fight occurred in the rear of the premises, involving what appears to be two groups of males. During the fight a male was stabbed in the back, resulting in a large wound between his shoulder blades. A witness reported seeing more than one knife being brandished by the other group, but at this time we do not know whether it was a knife or glass that was used to cause the injury.

Signature:



Signature witnessed by:

27

d. Flares were set off in the rear of the premises and in the street outside.

The application for summary review was submitted because serious crime and disorder have occurred at the premises, despite the joint efforts to reduce the likelihood of these occurring, and we are concerned about the likelihood of further escalation as England progress through the competition.

We feel that not enough was done to prevent crime and disorder, particularly during the third match. We asked for simple steps to be taken and this was not done. Subsequently at least two people were hurt; both of which could have been a lot more serious than they are.

In considering what has happened over the last 2 weeks, I have considered the history of the premises and note that in general, we are not especially concerned and that the crime and disorder seems directly attributable to England football matches.

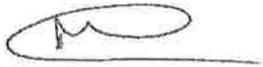
For that reason, I do not believe it is necessary or proportionate to seek suspension of the licence or removal of the DPS. What I do believe is proportionate and appropriate to the situation I have presented to you is the modification of the conditions of the premises licence. The condition I suggest is as follows:

1. England world cup matches will not be shown on any television or screen within any part of the premises to which the public have access.

This condition does not impact on the normal, everyday activities carried out at the premises: I propose it as a means to tackle the problem at hand, which is the crime and disorder associated with the premises when England matches are shown.

Signature: 

Signature witnessed by:

Signature:		Signature witnessed by:	
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**ANDY COOPER**

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**From:** Michelle Hazlewood CBII <MHazlewood@john-gaunt.co.uk>  
**Sent:** 02 July 2018 16:50  
**To:** Green Michael (Michael.Green@leicestershire.pnn.police.uk); ANDY COOPER  
**Subject:** White Hart Ashby  
**Attachments:** PROPOSAL.DOC

Mike/Andy

In anticipation of the hearing tomorrow we w enclose by way of service upon you schedule of conditions which we will be asking the subcommittee to add to the licence by way of interim steps to promote the 4 licensing objectives and thereby allow the White Hart to continue to show the England game to their customers on the 3<sup>rd</sup> July.

On capacity I am advised that the old capacity for the site was 360 but that this did not take into account the rear room, thus current capacity is around 400. For tomorrow it is proposed that this should be reduced and a cap of 325 be set.

We will be at the council office for 10am and we would be pleased to discuss the content of the proposed conditions with you further at that time.

**Regards**

**Michelle Hazlewood CBII**

Partner

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PREMISES LICENCE NO. NWL20038

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APPLICATION PURSUANT TO SECTION 53(A)  
LICENSING ACT 2003 - REVIEW

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The Premises Licence Holder Marston's Plc has site of the application by Leicestershire Police dated 29<sup>th</sup> June. The Premises Licence Holder proposes that the broadcast of the World Cup Match between Columbia and England scheduled for Tuesday 3<sup>rd</sup> July at 19:00 hours shall be permitted to be viewed within the White Hart premises on the basis of the following steps being undertaken and the same being considered as conditions imposed upon the Licence. The proposed conditions are as follows:

1. That a Personal Licence Holder will be on duty from 2 p.m. until closure.
2. From 2 p.m. on Tuesday only plastic/polycarbonates will be utilised. All bottles will be decanted in plastic/polycarbonate vessels
3. The DPS will prepare a written risk assessment will prepare a written risk assessment as to the operation of the premises, such risk assessment to include:
  - (a) Risk assessment by Regency Security providers of Security Industry Authority approved door staff.
  - (b) Operational plans be executed by Regency Security;
  - (c) Operational plan for staff.
  - (d) That there shall be six SIA door supervisors employed from 4 p.m. to closure such door supervisors to be deployed so as to cover both front and rear entrance within the premises itself.
  - (e) That door staff will undertake ID checks and where ID documentation is disputed or found to be inconclusive, entry will be refused. Additionally those persons not known to the management of the premises will be refused entry.
  - (f) A random search policy on entry will be implemented such searches will include visual inspections of hand bags and additionally will include full body pat

down to include legs, arms, backs and pockets. An average 1 in 5 customers will be searched, failure to permit a search will result in refusal of entry.

4. Additional staff will be employed so as to ensure prompt collection of empty glassware and to provide enhanced supervision of the area.
5. A team briefing will take place between staff and Regency Management, staff and door supervisors.
6. An agreed rejections policy will be implemented and will be affected by supervisors.
7. At the conclusion of the England game measures will be undertaken to encourage a gradual dispersal of customers from the premises.
8. Door supervisors will be positioned at key points during the course of dispersal so as to ensure customers migrate away from the premises in an ordered manner and any potential flash points in relation to the arrival of taxis overseen and managed.
9. Notices will be in place at entry points to the premises confirming that any persons who behave in an aggressive or unacceptable manner will be asked to leave the premises.
10. Enhanced signage will be displayed requesting customers to depart in an orderly manner and respecting those residents in the vicinity.
11. Adoption of Challenge 25 during 3<sup>rd</sup> July.
12. No persons under the age of 18 shall remain on the premises after 5 p.m.
13. Premises to have a capacity for 3<sup>rd</sup> July of 325 persons.

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## INTERIM STEPS

With immediate effect and until sub-committee on 18 July 2018 the following conditions are imposed upon the licence

1. A Personal Licence Holder will be on duty on England match days from 5 hours before kick off until closure
2. From 5 hours before kick off on England match days only plastic/polycarbonates will be used. All bottles will be decanted into plastic/polycarbonates
3. The DPS will prepare a written risk assessment as to the operation of the premises on England match days, such risk assessment to include:
  - a) Risk assessment by Regency Security providers of Security Industry Authority approved door staff
  - b) Operational plans be executed by Regency Security
  - c) Operational plan for staff
  - d) That there shall be six SIA door supervisors employed from 3 hours before kick off to closure, such door supervisors to be deployed so as to cover both front and rear entrances/exits within the premises itself
  - e) That door staff will undertake ID checks and where ID documentation is disputed or found to be inconclusive, entry will be refused. Additionally those persons not known to the management or the premises will be refused entry.
  - f) A blanket search policy on entry will be implemented, such searches will include visual inspections of hand bags and additionally will include full body pat down to include legs, arms, backs and pockets. Failure to permit such a search will result in refusal of entry
4. Additional staff will be employed on England match days so as to ensure prompt collection of empty glassware from 5 hours before kick off and to provide enhanced supervision of the area
5. A team briefing will take place on England match days between staff and Regency Management, staff and door supervisors
6. An agreed rejection policy will be implemented and will be affected by supervisors on England match days
7. On England match days admission to the premises from 1 hour before kick off will be via the front entrance (Market Street) only. At the conclusion of the England match measures will be undertaken to encourage a gradual dispersal of customers from the premises. Exit from the premises after 1 hour before kick off will be via the rear exit (South Street).

The Premises Licence Holder will review this condition in liaison with the Licensing Authority and can be amended with the Licensing Authority's permission. Any amendments to the condition shall have immediate effect and last until the sub committee on 18 July 2018

8. On England match days door supervisors will be positioned at key points during the course of the dispersal so as to ensure customers migrate away from the premises in an ordered

manner and any potential flash points in relation to the arrival of taxis overseen and managed

9. Notices will be in place on entry points to the premises confirming that any persons who behave in an aggressive or unacceptable manner will be asked to leave the premises
10. Enhanced signage will be displayed requesting customers to depart in an orderly manner and respecting those residents in the vicinity
11. A Challenge 25 Policy will be implemented on England match days
12. No persons under the age of 18yrs shall remain on the premises from 2hours before kick off on England match days
13. On England match days the premises capacity shall be 325 persons