

Meeting	LICENSING SUB COMMITTEE
Time/Day/Date	2.30 pm on Monday, 25 February 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512) Licensing Enforcement Officer (01530 454596)

NOTIFICATION OF HEARING

Item	Pages
1 ELECTION OF CHAIRMAN	
2 APOLOGIES FOR ABSENCE	
3 DECLARATION OF INTERESTS	
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.	
4 APPLICATION FOR A VARIATION OF A PREMISES LICENCE	
PREMISES: Manhattans Night Club, 60a Market Street, Ashby de la Zouch, Leicestershire	3 - 58
APPLICANT: Disco Bar Ashby Limited	
To determine an application for a variation of a premises licence in respect of the above.	
Representations have been received from Leicestershire Constabulary and one interested party. A notice of hearing inviting them to attend has been sent to each of them. If they fail to attend, the hearing can be held in their absence or adjourned.	
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 the representations.

Circulation:

Councillor R Ashman

Councillor A C Saffell

Councillor M Specht

Councillor T Eynon (Reserve Member)

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – MONDAY, 25 FEBRUARY 2019

Title of report	APPLICATION FOR A VARIATION OF A PREMISES LICENCE
Contacts	<p>Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Enforcement Officer 01530 454596 paul.dennis@nwleicestershire.gov.uk</p>
Purpose of report	To determine an application for a variation of a premises licence in respect of the premises trading as Manhattans Night Club, 60a Market Street, Ashby de la Zouch, Leicestershire. This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.
Council Priorities	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, Health Authority 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 Statement of Licensing Policy – Issue 6
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1.0 BACKGROUND

1.1 The premises is a night club located at 60a Market Street Ashby De La Zouch and currently holds a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached as **Appendix 1**.

1.2 A map showing the location of the premises is attached as **Appendix 2**.

1.3 An application for the variation of premises licence was received from Disco Bar Ashby Limited on 3rd January 2019. A copy of the application is attached as **Appendix 3**.

1.4 The variation of the premises licence is detailed as follows:

- To extend the sale of alcohol on Fridays, Saturdays, Christmas Eve, Boxing Day and Sundays before a Bank Holiday, from the current hours of 10:00am to 2:00am the following morning to the proposed hours of 10:00am to 03:00am the following morning.
- To extend the provision of regulated entertainment (to include live music, performances of dance and anything of a similar description) on Fridays, Saturdays, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 09:00am to 02:30am the following morning to the proposed hours of 09:00am to 3:30am the following morning.

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

General – All four licensing objectives proposed additional conditions:

1. No persons except those employed on the premises are allowed to enter or re-enter the venue after 01:00 hours Sunday to Thursday and 02:00 hours on Fridays, Saturdays, Christmas Eve, Boxing Day and on Sundays before a Bank Holiday.

2. Patrons will allow re-entry where they have left the premises to make use of any outdoor smoking area.
3. All persons working at the premises in a security capacity will have access to a radio communication device which will allow effective communication between all members of security and the duty manager.
4. The premises licence holder shall join the Retail Radio Scheme or any similar scheme operating in the area and ensure that:
 - The communication equipment is kept in working order at all times. If the communication requirement breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period;
 - The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a reasonable member of staff at all times that the premises are open to the public;
 - Any police instructions/directions are complied with whenever given; and
 - All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
5. The licence holder shall ensure where available, a body worn camera is worn by a suitable member of staff on Friday and Saturday nights from 21:00 hours until the venue closes on each of those nights.
6. CCTV shall be installed to specification and in locations agreed with the Leicestershire Constabulary Crime Reduction officer and maintained in accordance with the Information Commissioner's CCTV code of practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for minimum of 28 days. All recordings are to be held in a secure holding facility. If a tape system is used, tapes are to be replaced every 6 months with new ones. This is to be recorded in an incident book for the premises. All images held are to be available immediately on request by any of the responsible authorities.
7. A staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Office recent data or footage with the absolute minimum of delay when requested to do so.
8. An incident police log shall be kept on the premises and made available on request to the police or licensing authority which will record the following:
 - All crimes reported to the premises
 - All ejections of customers
 - Any complaints received

- Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol
 - Any visit by a responsible authority or emergency service
9. Training will be provided for all staff whether paid or unpaid before they are allowed to sell alcohol and will include Challenge 25, proof of age, management conflict, serving intoxicated customers and refusals records. The training will be documented. The designated premises supervisor will check that the training has been understood. The training will be repeated at least annually. Records of the training will be provided to the responsible authorities and the licensing authority on request.
 10. The licence holder will keep records of all door supervisors showing the names of the door supervisor, their address, their security industry authority badge number and expiry date and the date/time they were employed. These details will be provided to the responsible authorities and the licensing authority on request.
 11. The licence holder shall employ a minimum of three SIA licensed door supervisors to be on duty at the entrance of the premises from 22:00 hours on Fridays, Saturdays, Sundays before a Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve, until the last admission time for the public and will employ a further SIA licensed member of staff for every 100 customers or part thereof on the premises.
 12. Prominent clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
 13. The licence holder shall ensure that no customer shall take glasses or open bottles from the premises.
 14. A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 25 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence or an armed forces identity card, bearing the cardholder's date of birth.
 15. Challenge 25 material shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.
 16. A personal licence holder will be on site at all times licensable activities are being offered.
 17. No under 18's will be allowed on the premises after 22:00 hours unless there are employed by the business.
 18. At least one body worn camera will be operational after 22:00 hours on any night when licensable activities are being offered.

19. The designated premises supervisor shall within 3 months of being approved of DPS, hold the certificate in National Course of Designated Premises Supervisor.
20. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
21. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged red on the plan forming part of the premises licence.
22. The premises licence holder shall ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and warning against leaving property unattended.
23. The designated premises supervisor shall complete a recognised “drug awareness” training course.
24. Staff shall be provided with “drug awareness training” and be briefed on the drugs policy applicable to the premises.

2.0 REPRESENTATIONS

- 2.1 The applicant is also required to serve 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. Officers are satisfied that the applicant has served all parties as required.
- 2.2 There has been one representation from the Leicestershire Constabulary on the grounds of the prevention of crime and disorder, public nuisance, protection of children from harm and public safety. A copy of the representation is attached as **Appendix 4**. Two witness statements were received as part of the representation. Insp 1792 Richard Jackson’s statement is attached as **Appendix 5**. PC 1667 Mark Arjoo’s statement is attached as **Appendix 6**.
- 2.3 Other persons are able to make representations within 28 days of display of the notice of application to the Licensing Authority. One representation has been received from another person on the grounds of the prevention of public nuisance, the prevention of crime and disorder and public safety. A copy of the representation is attached as **Appendix 7**.

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 1.1 to 1.5, 2.1 to 2.10, 2.15 to 2.29, 3.1 to 3.2, 3.11, 8.41 to 8.87, 9.11 to 9.12, 9.31 to 9.44, 10.1 to 10.10, 14.1 to 14.3 and 14.20 to 14.48 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 to 2.5, 3.0, 4.1 to 4.4, 5.1 to 5.4, 6.1 to 6.4, 7.1 to 7.4, 10.0, 11.0, 22.0, 23.0, and 26.0 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;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

- 6.2 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.

- 6.3 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.



NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Premises licence number

NWL20245

Part 1 – Premises details

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

Manhattans, 60a Market Street, Ashby de la Zouch

Post town

Leicestershire

Post code

LE65 1AN

Telephone number

01530 412300

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.
3. Performance of live music indoors.
4. Playing of recorded music indoors.
5. Performance of dance indoors.
6. Entertainment of a similar description to that falling within 3, 4 and 5 above 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:

Mondays and Tuesdays, 10.00am to 11.00pm.

Wednesday to Saturday, 10.00am to 2.00am the following morning.

On Sundays, 12.00 noon to 10.30pm.

On Christmas Eve, Boxing Day, and Sundays before a Bank Holiday, 10.00am to 2.00am the following morning.

At the start of British Summertime, the terminal hour shall be extended by one hour.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of the permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Late Night Refreshment:

Until 30 minutes after the end of the hours permitted for the sale by retail of alcohol.

Performance of live music, Performance of dance indoors:

Mondays and Tuesdays, 09.00am to 12.00 midnight.

Wednesdays and Thursdays, 09.00am to 2.00am the following morning.

Fridays and Saturdays, 09.00am to 02.30am the following morning.

On Christmas Eve, Boxing Day, and Sundays before a Bank Holiday, 9.00am to 2.30am the following morning.

At the start of British Summertime, the terminal hour shall be extended by one hour.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of the permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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

Playing of recorded music indoors:

No time restrictions.

Entertainment of a similar description:

Monday to Wednesday, 9.00am to 12.00 midnight

Thursdays, 9.00am to 2.00am the following morning

Fridays and Saturdays, 09.00am to 02.30am the following morning.

On Christmas Eve, Boxing Day, and Sundays before a Bank Holiday, 9.00am to 2.30am the following morning.

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

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

The opening hours of the premises

Monday and Tuesday, 9.00am to 12.00 midnight
Wednesday and Thursday, 9.00am to 2.00am the following morning
Fridays and Saturdays, 09.00am to 02.30am the following morning.

On Christmas Eve, Boxing Day, and Sundays before a Bank Holiday, 9.00am to 2.30am the following morning.

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

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

Disco Bar Ashby Limited
8 Long Meadow
Westbury Park
Newcastle Under lyme
Staffordshire
ST5 4HY

Tel. No: [REDACTED]

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

09027577

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

Michael Colin McLaughlin

[REDACTED]

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: BROX15/00387
Issuing authority: Broxtowe Borough Council

Dated: 14th February 2017

**Andrew Cooper
Licensing Team Leader**

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.

Mandatory condition coming into force from 28th 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 1st 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. In relation to the morning on which summer time begins and the permitted hours for the sale of alcohol, this condition shall have effect with the substitution of references to 3.00am for references to 2.00am.
2. 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 restriction.
3. The musical amplification system shall have an in-line electronic noise limiter fitted and be set to the satisfaction of the District Council's Head of Environmental Protection.
4. All openings to the main building shall be acoustically treated to the satisfaction of the Head of Environmental Protection.
5. The capacity, including those employed in the premises, shall not exceed:

Closely seated	Seated at tables	Seated at tables with dancing	Disco	Ballroom Dancing
		390	390	

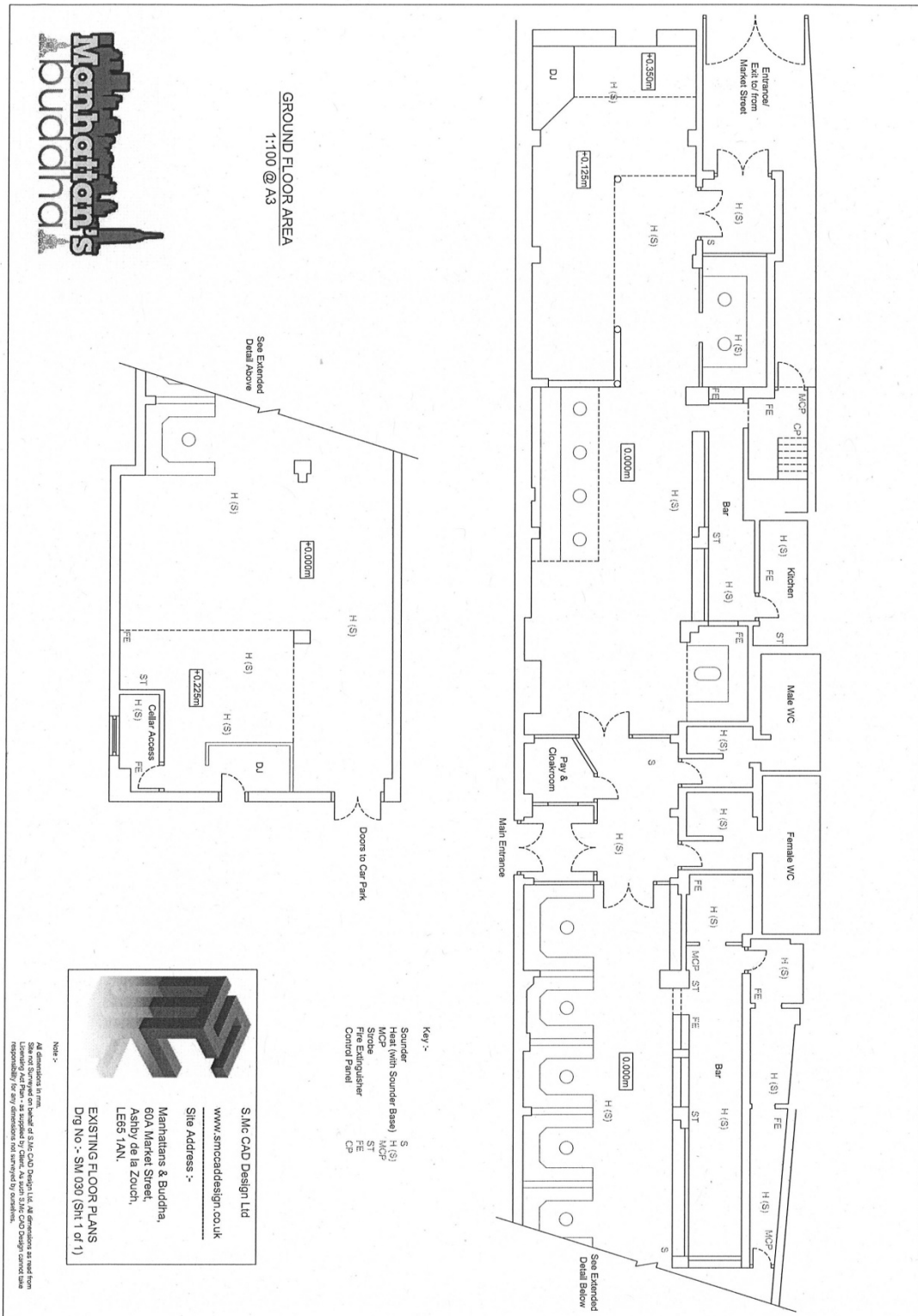
Total capacity not to exceed 390.

6. The licensee shall ensure that noise emitted from the premises shall not cause a nuisance to nearby occupiers or residents. Any form of amplification shall be controlled by the licensee so as to prevent such a nuisance. The Council, through its authorised officers, may at any time indicating in writing to the licensee, the maximum sound levels permitted to be emitted from the premises and the licensee on receipt of such notification shall forthwith comply with the requirements.
7. A police officer or any authorised officer may enter the premises at any time when they are open, or there is a reason to believe an entertainment or performance is being, or about to be, given in any place where the licence is in force.
8. A log book must be maintained on the premises in which all the following records are kept:
 - a) Staff training.
 - b) Fire drills.
 - c) Emergency lighting tests in accordance with the current British Standard (see guidance note A).
 - d) Fire alarm tests in accordance with the current British Standard (see guidance note C).
 - e) Fire fighting equipment annual testing.
 - f) RCD testing.
9. The operator will produce a written fire risk assessment and undertake regular documented fire training. Fire extinguishers shall be maintained annually and the fire alarm system shall be maintained in working order with a documented weekly test undertaken.

10. On Fridays and Saturdays after 10.00pm there shall be a minimum of 2 SIA registered door supervisors on duty if Manhattans only is open and a minimum of 4 SIA registered door supervisors on duty from 10.00pm if the whole premises are open to the public.
11. Door supervisor's details shall be recorded with their SIA number on a log available for inspection at any reasonable time.
12. The premises shall at all times operate with a dispersal policy which shall be agreed with the Police.
13. On Wednesdays, Thursdays, Fridays, and Saturdays there shall be no admission to the premises after 1.00am
14. The CCTV system shall be installed at the premises with the numbers and positions of all cameras agreed with the Police. The CCTV shall be maintained in effective working order and all recordings shall be kept for a minimum of 31 days. At all times the premises are open to the public a minimum of one member of staff on duty will be able to operate the CCTV system.
15. When requested to do so by the Police, CCTV will be handed over to the Police as soon as reasonably practicable or in any event within 24 hours.

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

Annex 4 – Plans



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19/00005/NR4PL

North West Leicestershire District Council

Application to vary a premises licence under the Licensing Act 2003**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 this 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.

You may wish to keep a copy of the completed form for your records.

I/We Disco Bar Ashby Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number NWL20245

Part 1 – Premises Details

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

Manhattans
60a Market Street

Post town	Ashby de la Zouch	Postcode	LE65 1AN
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£13,750
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Part 2 – Applicant details

Daytime contact telephone number	
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E-mail address (optional)	
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Current postal address if different from premises address	8 Long Meadow Westbury Park
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Post town	Newcastle under Lyme	Postcode	ST5 4HY
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The proposed variation is to extend the sale of alcohol on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 10:00 to 02:00 the following morning to the proposed hours of 10:00 to 03:00 the following morning.

To extend the provision of regulated entertainment (to include live music, performances of dance and anything of a similar description) on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 09:00 to 02:30 the following morning to the proposed hours of 09:00 to 03:30 the following morning.

Opening hours on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday will be 09:00 to 03:30 the following morning.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the		

			<u>exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Sat			
Sun			

C

<u>Indoor sporting events</u> Standard days and timings (please read guidance note 6)			<u>Please give further details (please read guidance note 3)</u>
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u>
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri			
Sat			
Sun			

D

<u>Boxing or wrestling entertainments</u> Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>	Both	<input type="checkbox"/>
Tue					

Wed			<p><u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u></p> <p><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u></p>
Thur			
Fri			
Sat			
Sun			

E

<p>Live music Standard days and timings (please read guidance note 6)</p>			<p><u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u></p>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<p><u>Please give further details here (please read guidance note 3)</u></p>		
Tue					
Wed			<p><u>State any seasonal variations for the performance of live music (please read guidance note 4)</u></p>		
Thur					
Fri	09:00	03:30	<p><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u></p>		
Sat	09:00	03:30	<p>The hours of 09:00 to 03:30 the following morning also apply to Christmas Eve, Boxing Day and Sundays before a Bank Holiday.</p>		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					

Fri	09:00	03:30	<p>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>The hours of 09:00 to 03:30 the following morning also apply to Christmas Eve, Boxing Day and Sundays before a Bank Holiday.</p>
Sat	09:00	03:30	
Sun			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri	09:00	03:30			
Sat	09:00	03:30	<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun			<p>The hours of 09:00 to 03:30 the following morning also apply to Christmas Eve, Boxing Day and Sundays before a Bank Holiday.</p>		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri								
						The hours of 10:00 to 03:00 the following morning also apply to Christmas		

	10:00	03:00	Eve, Boxing Day and Sundays before a Bank Holiday.
Sat	10:00	03:00	
Sun			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri	09:00	03:30	
Sat	09:00	03:30	

Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

This is an application for a variation of a premises licence at Manhattans, 60a Market Street, Ashby de la Zouch. The premises are operated by Disco Bar Ashby Limited. The proposed variation is to extend the sale of alcohol on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 10:00 to 02:00 the following morning to the proposed hours of 10:00 to 03:00 the following morning.

To extend the provision of regulated entertainment (to include live music, performances of dance and anything of a similar description) on Friday, Saturday, Christmas Eve, Boxing Day and Sunday before a

Bank Holiday from the current hours of 09:00 to 02:30 the following morning to the proposed hours of 09:00 to 03:30 the following morning.

Opening hours on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a bank holiday will be 09:00 to 03:30 the following morning.

It is acknowledged that the premises are situated within a cumulative impact area and that this application is covered by the Cumulative Impact Policy. The proposals and operating schedule set out in this application will demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives, that the application for variation can be granted and that the rebuttable presumption that applications for variations will normally be refused, is rebutted by this application. It is rebutted by the submissions made in this document and the operating schedule.

DOCUMENTS TO BE RELIED ON IN SUPPORT OF THE APPLICATION

1. All correspondence with Leicestershire Police requesting details of any incidents directly connected to or at the premises. All requests being refused.
2. Dispersal policy and incident reports.
3. Licensing Committee Hearing 21 November 2018 page 54 - crime statutory duty.
4. Photographs of the premises / Purple flag meetings.
5. Minutes of the Licensing Sub-Committee meeting - 21 April 2017 - Ciro's and Queens Head.

The applicant has also considered in detail, the profile of the district and in particular Ashby de la Zouch. The applicant is an experienced operator in trading in Ashby de la Zouch and understands the area very well. The applicant is fully supportive of all local strategies, including Safe and North West Partnership, promotion of equality and Ashby's successful Purple Flag campaign. The applicant was supportive of the Purple Flag application and submitted photographs to be used as part of the application which according to the Community Focus Officer of Ashby looks "amazing" and a number of other photographs are submitted showing the support for Purple Flag. The applicant also organises charity events and has two charity events

lined up, including a Christmas Jumper night on 14 December for Save the Children and a charity Ladies Night on January 25 in aid of Positive Bones. Previous charity work included Cancer Research, Help the Heroes and Little Princes Trust.

There are a number of conditions on the premises licence at present and the applicant is also conscious of the decision of the licensing sub-committee on Thursday 21 April 2016 in respect of the Queens Head Hotel and Ciro's, 79 Market Street, Ashby de la Zouch, Leicestershire LE65 1AH.

In the case of Ciro's (the premises are opposite Manhattans) they confirmed that the business had been operated in a responsible and professional manner and had built reputation and relationships within the local authorities and fellow businesses. There had been a meeting with the Town Council and Police to discuss the application and as a result, the application had been reduced to assist with weekday police staffing. A management of noise and dispersal policy was included in the application and there had been no concerns raised or formal complaints by any member of the public to the Council's environment protection team. It is noted that the VIP ROOMS at CIROS no longer trades.

A number of events had been operated with later terminal hours, there was a significant management presence and Temporary Event Notices had also been operated.

In respect of Manhattans, the management team at Manhattans have excellent relationships with the local authorities and fellow businesses in Ashby de la Zouch through hands on management. There has been no concerns expressed or complaints made to the Environment and Protection Team. The applicant had considered applying for a variation for additional operating hours beyond what is applied for in this application and has reduced the application to assist with weekday police staffing. The applicant has been in regular discussion with the police, who have not provided any specific details of incident inside the premises or directly connected to the premises. The premises have operated events with later terminal hours and are fully supportive of the Purple Flag campaign and other local initiatives.

There are no major issues in the town centre and it is submitted that there has been a reduction in overall crime. Dispersal is key and a full dispersal policy would be in place and the following conditions are proposed by the applicant to deal with the rebuttable presumption in the Cumulative Impact Policy and any representations in respect of the application.

DISPERSAL POLICY AND INCIDENT RECORDS

The Premises current Dispersal Policy and a blank Incident record is attached.

PROPOSED ADDITIONAL CONDITIONS

1. No persons except those employed on the premises are allowed to enter or re-enter the venue after 01:00 hours Sunday to Thursday and 02:00 hours Friday, Saturday, Christmas Eve, Boxing Day and Sunday before a Bank Holiday.
2. Patrons will allow re-entry where they have left the premises to make use of any outdoor smoking area.
3. All persons working at the premises in a security capacity will have access to radio communication device which will allow effective communication between all members of security and the duty manager.
4. The premises licence holder shall join the Retail Radio scheme or any similar scheme operating in the area and ensure that:
 - The communication equipment is kept in working order at all times. If the communication requirement breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period;
 - The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - Any police instructions/directions are complied with whenever given; and
 - All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact

point.

5. The licence holder shall ensure that where available, a body worn camera is worn by a suitable member of staff on Friday and Saturday nights from 21:00 until the venue closes on each of those nights.
6. CCTV shall be installed to specification and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for a minimum of 28 days. All recordings are to be held in a secure holding facility. If a tape system tapes are to be replaced every 6 months with new ones. This is to be recorded in an incident book for the premises. All images held are to be available immediately on request by any of the Responsible Authorities.
7. A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Office recent data or footage with the absolute minimum of delay when requested to do so.
8. An incident police log should be kept on the premises and made available on request to the police or licensing authority which will record the following:
 - All crimes reported to the premises
 - All ejections of customers
 - Any complaints received
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol
 - Any visit by a responsible authority or emergency service.
9. Training will be provided for all staff whether paid or unpaid before they are allowed to sell alcohol and will include Challenge 25, proof of age, management conflict, serving intoxicated customers and refusals records. The training will be documented. The Designated Premises Supervisor will

check that the training has been understood. The training will be repeated at least annually. Records of training will be provided to the responsible authorities and the licensing authority on request.

10. The licence holder will keep records of all door supervisors showing the names of the door supervisor, their address, their security industry authority badge number and expiry date and the date/time they were employed. These details will be provided to the responsible authorities and the licensing authority on request.
11. The licence holder shall employ a minimum of three SIA licensed door supervisors to be on duty at the entrance of the premises from 22:00 hours on Friday, Saturday, Sunday before a Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve, until the last admission time for the public and will employ a further SIA licensed member of staff for every 100 customers or part thereof on the premises.
12. Prominent clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
13. The licence holder shall ensure that no customer shall take glasses or open bottles from the premises.
14. A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 25 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence or an armed forces identity card, bearing the cardholder's date of birth.
15. Challenge 25 material shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.
16. A personal licence holder will be on site at all times licensable activities are being offered.
17. No under 18s shall be on the premises after 22:00 unless employed by the business.
18. At least one body worn camera will be operational after 22:00 hours on any night when licensable activities are being offered.
19. The Designated Premises Supervisor shall within 3 months of being approved as DPS hold the certificate in National Course of Designated Premises Supervisor.

20. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
21. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [red] on the plan forming part of the premises licence.
22. The premises licence holder shall ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and warning against leaving property attended.
23. The designated premises supervisor shall complete a recognised 'drug awareness' training course.
24. Staff shall be provided with 'drug awareness training' and be briefed on the drugs policy applicable to the premises.

b) The prevention of crime and disorder

Please see a) above.

c) Public safety

Please see a) above.

d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature



Date

02 January 2019





Capacity

Woods Whur 2014 Limited - Solicitors for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature

Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Andrew Woods 			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Andrew@woodswhur.co.uk			

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Leicestershire Police

Licensing Act 2003 – Representation in respect of a Variation of a Premises Licence Application

Details of person or body making representation	
Your Name:	Nigel Rixon
Your Address:	Force Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG

Details of premises representation is about	
Name of Premises:	Manhattans
Address of premises:	60A Market Street Ashby de la Zouch Leicestershire LE65 1AN
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>

Please summarise your concerns about this application:
<p>I write in my capacity as a licensing officer for the Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>North West Leicestershire District Council has adopted a Special Policy in relation to applications for new licences and material variations in the Cumulative Impact Area. The effect of this policy is set out in the Council's current policy.</p>

Section 10 of that policy states:

“The effect of the Ashby de la Zouch special policies will be 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. The special policy applies to applications from all types of premises operating between 20:00 and 06:00

The venue is situated in the heart of the Cumulative Impact Zone. The venue is a nightclub with a capacity of 390 people. Its current operating hours are effectively until 02:30 and the proposal is to vary this to 03:30.

In the application, it makes reference to two other nightclubs, Queens Head and VIP rooms that are close by. The Queens Head has licensable activities until 03:30 and closes to the public at 04:00.

The applicant makes reference to the VIP Rooms; that this premises has surrendered its licence. This licence is current, which mirror the Queens Head in its licensing hours. The premises has not utilised that licence for the past 12 months, but it is still available to be used.

The applicant has made reference in their application of the Cumulative Impact Zone and that there will be no impact on the licensing objectives, if the variation is approved.

The policy requires the applicant to satisfy the Licensing Authority that the grant of the new licence will not add to the existing cumulative impact of licensed premises within the area. The current application does not address this issue.

Staggered closing currently exists in terms of the two main premises, just as suggested in Guidance issued under section 182 of the Licensing Act; this is a mechanism to control cumulative impact. If this application is permitted, then two premises, in close proximity would close to the public, at the same time and potentially exasperate the problem of crime and disorder in the area.

Local Authority CCTV in the area terminates at 03.00 hours and will have an impact on the recording of incidents in the vicinity of Market Street.

The Cumulative Impact Area suffers on a weekly basis with incidents of anti-social behaviour and crimes which are alcohol related.

The Leicestershire Police Systems (Inn Webb and Niche) shows there are 17 crimes associated with the premises between 17/01/2018 and 17/01/2019, three of these are still currently under investigation. Full details will be provided, with crime figures for the area.

Leicestershire Police increase resources on a Friday and Saturday night from 2300hrs until 0600hrs as this is the peak time for alcohol related problems through Op Anthem. These resources are limited and an increase in footfall for this area will

impact on those resources.

Greater footfall increases the potential for confrontation between intoxicated members of the public at fast food outlets and taxi ranks and can increase the burden on the emergency services.

The applicant has provided no further information to show how these premises will not add to the cumulative impact or how management of these premises will support the four licensing objectives.

It is our opinion that granting this licence in its present form would be contrary to the intentions and objectives of the saturation policy that exists for this area.

We therefore wish to engage the discretion of the licensing authority in both considering the Councils own policy in relation to this application and whether the application promotes the four licensing objectives.

Please find attached statements from the following.

[REDACTED]

[REDACTED]

They both express their concerns in respect to this application and provide details of incidents at the location.

Nigel Rixon
Licensing Manager

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RESTRICTED (when complete)

MG11

Crime Ref:

Custody Ref

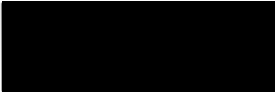
Master URN

Not Disclosable

Page 1 of 4

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

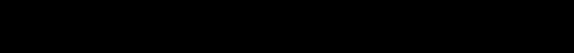
Statement of:  URN

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Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: POLICE OFFICER

This statement (consisting of _____ 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: 26/1/2019

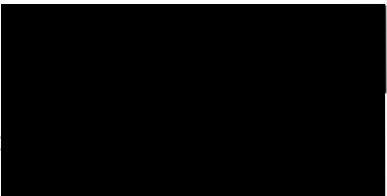
I am  I am responsible for neighbourhood policing in North West Leicestershire. I have undertaken this role since 30/4/2018 and have a small team of 4 Police Sgt's, 14 constables and 17 PCSO's to manage demand across the district.

An area of significant demand for my team is dealing with problems associated to the night time economy particularly in Ashby due to the amount of licensed premises situated there. Since being in post I have spent a considerable amount of my time dealing with the aftermath of disorder in the town which can be best demonstrated during the World Cup last summer which entailed myself, licensing, the local authority and other key partners having to take substantial legal action to manage premises in the area due to sustained serious violence including stabbings and glassing's. Sadly this activity reflected badly on the reputation of the town.

I have researched night time economy associated incidents from 7th January 2018 to 7th January 2019. Police systems show the total number of violent incidents reported to be 64, out of these 13 are directly associated to Manhattan's Night Club.

These are as follows;

- 27/1/2018 – 01:09 hours – Female assaulted by being shoved in the back. The suspect was identified and given a verbal warning.

Signature:  Signature witnessed by:

47

RESTRICTED (when complete)

Continuation of Statement of [REDACTED]

- 11/2/2018 – 01:30 hours – Female assaulted by having her hair pulled. Suspect identified and received a Conditional Caution.

- 17/3/2018 – Female alleges that she is ejected by the door staff and is assaulted by them in the process. Incident investigated and the result was no further action.

- 2/4/2018 – 02:54 hours – Complainant reports being assaulted by a member of the door staff. Incident investigated and the decision was that the door staff made a lawful ejection.

- 13/4/2018 – 23:08 hours – Male punched in the face, resulting in a bloody and bruised nose. The complainant failed to make a statement. The crime was closed no further action.

- 19/8/2018 – 01:00 hours – Male victim punched twice in the face. Bruising and swelling to his nose and face sustained. The suspect was not identified and the crime was filed.

- 6/10/2018 – 23:24 hours – Group of males reported causing trouble at the entrance to the premises and door staff were struggling to contain them. Officers attended and confirmed that some of the group had left the area and some had entered the club.

- 7/10/2018 – 03:53 hours – Male punched in the face. Fractured nose sustained. Suspect not identified and the crime was filed.

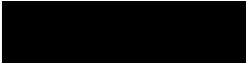
- 28/10/2018 – 02:00 hours – Complainant punched in the face and grabbed around the throat. Suspect not identified and the crime was filed.

- 25/11/2018 – 02:00 hours – A group of males were ejected from the premises after fighting in the premises. The fight continued in the street, which was reported to the [REDACTED]

Signature:

[REDACTED]

Signature witnessed by:

Continuation of Statement of: 

police by a member of the public who witnesses the incident. No victims or suspects were identified and the crime was filed.

- 8/12/2018 – Two females make a complaint alleging that they have been assaulted by an off-duty member of the door staff. Both sustained injuries. Enquiries on-going.
- 23/12/2018 – 01:30 hours – Male victim is assaulted. He sustains a broken jaw which requires surgery. Suspects not identified at present. Enquiries on-going.
- 27/12/2018 – 01:00 hours – Male punched in the face causing a loose tooth and a cut to his chin. The suspect has been identified and an interview is pending

The incidents listed are the only ones that are formally recorded. I believe that a later closing time for Manhattan’s would have a negative impact on the safety of the public. Later closing would mean an increase in late night revellers, the other night club in Ashby town centre, (this being Ciro’s), close’s in the early hours. If both Ciro’s and Manhattan’s were to close at around the same time, this would result in large numbers of people who had been consuming alcohol coming together. This could potentially result in flash points and incidents of disorder.

Based on having over 500 less officers and the force restructuring significantly over recent years I do not feel the police would have the resource to cope with additional disorder. Emergency police response to Ashby ordinarily comes from either Loughborough or Beaumont Leys.

The CCTV provision owned and operated by the council are monitored until 3am. If more people are out after this time and there is an increase in disorder, the incidents will not be monitored and key evidence not captured.

Taxi numbers in Ashby are limited and taxi queues act as a flashpoint for disorder. This is also the case with the take-away food outlets, where tensions can increase with large numbers of people queuing/waiting in small spaces to be served with hot food.

Signature: 

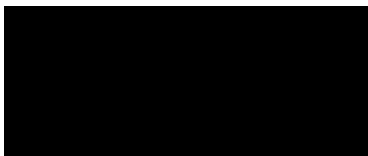
Signature witnessed by:

Continuation of Statement of 

Ashby has recently been awarded 'Purple Flag' status, which the local licensees, restaurateurs, and businesses worked hard to achieve. This award means that Ashby can promote itself as being a safe place to visit, therefore increasing visitor numbers and revenue. Part of the criteria the assessors scrutinise, is the number of reported violent crimes.

If a later licence is granted to Manhattan's, recorded I believe crime and disorder will increase which ultimately may lead to the Purple Flag status being revoked which could then have a negative effect on the to 

Signature:



Signature witnessed by:

Crime Ref:

Custody Ref

Not Disclosable

Page 1 of 4

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of:

[REDACTED]

Age if under 18: over 18 (if over 18 insert 'over 18')

Occupation: POLICE OFFICER

This statement (consisting of 4 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 willfully stated in it anything which I know to be false, or do not believe to be true.

Signature

[REDACTED]

Date: 18/1/2019

I am [REDACTED] currently stationed at North West Leicestershire Neighbourhood Policing Area.

My role is Dedicated Neighbourhood Officer with responsibility for Ashby town centre.

In order to keep up to date with and collate incidents that directly involve violence and relate to the Ashby Night Time Economy, I regularly check the Leicestershire Police IT reporting systems, and add these to a spread sheet.

I have researched the incidents from 7th January 2018 to 7th January 2019.

The total number of violent incidents reported are 64.

Having looked closer at these incidents, I can say that during this period, 13 of those were directly attributed to Manhattan's Night Club.

These are:

27/1/2018 – 01:09 hours – Female assaulted by being shoved in the back.

The suspect was identified and given a verbal warning.

11/2/2018 – 01:30 hours – Female assaulted by having her hair pulled.

Suspect identified and received a Conditional Caution.

17/3/2018 – Female alleges that she is ejected by the door staff and is assaulted by them in the process.

Incident investigated and the result was no further action.

Signature:

[REDACTED]

Signature witnessed by:

Continuation of Statement of: 

2/4/2018 – 02:54 hours – Complainant reports being assaulted by a member of the door staff. Incident investigated and the decision was that the door staff made a lawful ejection.

13/4/2018 – 23:08 hours – Male punched in the face, resulting in a bloody and bruised nose. The complainant failed to make a statement. The crime was closed no further action.

19/8/2018 – 01:00 hours – Male victim punched twice in the face. Bruising and swelling to his nose and face sustained.
The suspect was not identified and the crime was filed.

6/10/2018 – 23:24 hours – Group of males reported causing trouble at the entrance to the premises and door staff were struggling to contain them.
Officers attended and confirmed that some of the group had left the area and some had entered the club.

7/10/2018 – 03:53 hours – Male punched in the face. Fractured nose sustained.
Suspect not identified and the crime was filed.

28/10/2018 – 02:00 hours – Complainant punched in the face and grabbed around the throat.
Suspect not identified and the crime was filed.

25/11/2018 – 02:00 hours – A group of males were ejected from the premises after fighting in the premises. The fight continued in the street, which was reported to the police by a member of the public who witnessed the incident.
No victims or suspects were identified and the crime was filed.

8/12/2018 – Two females make a complaint alleging that they have been assaulted by an off-duty member of the door staff. Both sustained injuries.
Enquiries on-going.

23/12/2018 – 01:30 hours – Male victim is assaulted. He sustains a broken jaw which requires

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Continuation of Statement of 

surgery.

Suspects not identified at present. Enquiries on-going.

27/12/2018 – 01:00 hours – Male punched in the face causing a loose tooth and a cut to his chin.

The suspect has been identified and an interview is pending.

In my opinion, I would say that a later closing time for Manhattan's would have a negative impact on Ashby Town centre, and there are a number of reasons for this, which are as follows:

A later closing time for Manhattan's would mean an increase in late night revellers.

The other night club in Ashby town centre, (this being Ciro's), close's in the early hours.

If both Ciro's and Manhattan's closed around the same time, this would result in large numbers of people who had been consuming alcohol coming together. This would potentially mean flash points and incidents of disorder.

The CCTV cameras are only monitored until 3am, when the controller then goes off duty.

If there are more people out after this time and there is an increase in disorder, the incidents will not be monitored and evidence will not be captured.

Taxi numbers in Ashby are limited and tempers can flare when revellers are queueing to get to their destinations.

This is also the case with the take-away food outlets, where tensions can increase with large numbers of people queuing/waiting in small spaces to be served with hot food.

A later closing time for Manhattan's will mean an increase in people drinking alcohol.

This, plus the issues I have previously mentioned in this statement will no doubt mean an increase in Night Time Economy incidents, and have an impact on local policing who's time will be spent dealing with crime, disorder, and Anti-Social Behaviour in Ashby town centre.

Ashby has also recently been awarded 'Purple Flag' status, which the local licensees, restaurateurs, and businesses worked hard to achieve.

Signature: 

Signature witnessed by:

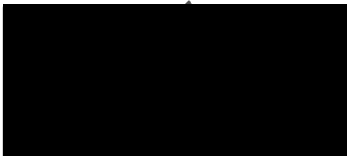
Continuation of Statement of: [REDACTED]

This award means that Ashby can now promote itself as being a safe place to visit when using the Night Time Economy, therefore increasing visitor numbers and revenue.

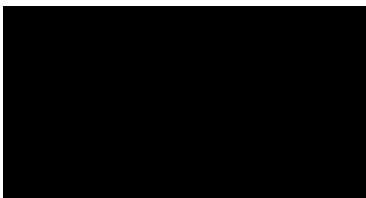
Part of the criteria the accessors scrutinise, is the number of reported crimes.

My concern is that a later licence is granted to Manhattan's, recorded crime will increase and then the Purple Flag status will be revoked at its annual review.

This would then have a detrimental effect on the Night Time Economy and Ashby town in general.



Signature:



..... Signature witnessed by:

**NORTH WEST LEICESTERSHIRE DISTRICT
COUNCIL LICENSING ACT 2003**

REPRESENTATION FORM

Your name/organisation name/name of body you represent	
Organisation name/name of body you represent (if appropriate)	Queens Head Hotel and Ciros Nightclub
Your Postal address	79 Market street , Ashby De La Zouch, LE65 1AH
Name of the premises you are making a representation about	Manhattans nightclub
Address of the premises you are making a representation about	60A Market St, Ashby-de-la-Zouch LE65 1AN

What are you making a representation about?
Please indicate which part of the licence/certificate application you are making a representation about (i.e. Terminal hours, and music and dancing on Friday and Saturday night)
Extension of operating hours

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Please provide full details of your concerns regarding the application and include any evidence you may have in support of it. Please use separate sheets if necessary
To prevent crime and disorder	An additional operating hour will have the two clubs exiting a lot of customers at the end of trading at the same time. Our security team currently monitor and manage, if necessary, the quiet dispersal after trading of our customers up and down Market Street. This is currently manageable as there is little trouble from our customers who also know our security team and respect their work. The vast majority of incidents that we deal with are as a result of a mixing of the two sets of customers or solely from those exiting manhattans. For example this last weekend we had significant police presence & requests to attend Market street at the end of the Manhattans tunnel, resulting in a number of police cars and police riot vans attending on Saturday trading (Sunday am). We had an ambulance treating an individual who had a bottle smashed over his head too which I believe is from that venue. We also had a customer who was set upon after he exited Ciros and passed four males walking up Market street at roughly 2.30am. Our security and the police (who had a presence in town after the above incidents) had to separate them. In previous weeks we have had security provide first aid (deep head wound) to an individual who had exited Manhattans and be set up by other customer (so he reported, and when checked he was not in attendance at Ciros). He came to Ciros for help and first aid after 2am. We have given first aid to a customer who was fitting on the floor outside their side entrance to the venue in Market Street (an ambulance was called for her and her friend) who claim their drinks were spiked in Manhattans. At the same time we stopped a fight between an exiting customer of Ciros and 4 individuals from Manhattans who decided to start a fight with him. Whilst we are happy to provide such assistance and intervention away from our property to keep our customers

	safe, should there be an increase in converging exiting customers, we would not feel safe in getting involved and would have to resort to calling 999 and awaiting police arrival which is very stretched at this time and geographically. Our security team are involved in incidents from mixing customers virtually every night of trading. This will get dramatically worse if the extension is granted and while this is resolved well at the moment, the same cannot be expected with much larger numbers involved.
Public safety	This summer we have seen the chaos of a large number of exiting customers from pubs during the World Cup some of which got its way onto social media tainting the towns reputation as a Purple Flag destination. For example people climbing up traffic lights, 'car surfing' on car bonnets, blocking Market Street etc. Should the two clubs have a similar exit time, then this will undoubtedly reoccur on a regular basis and at an unsociable hour.
To prevent public nuisance	We have seen during the World Cup that when large amounts of individuals get together that irresponsible behavior occurs in the town. Damage to shop frontages and council property occurs. Should that be mixed with the early hours then our reputation with our residential neighbours (which is currently good due to our security team managing dispersal well in Market Street) will be severely tainted.
To protect children from harm	n/a
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	The only solution is to reject the extension proposal and keep the licence as it currently stands.

Signed:

Date:

Capacity:

NOT FOR PUBLICATION

Your e-mail address	[REDACTED]
Your contact telephone number	[REDACTED]

SUPPORTING NOTES

If you do make a representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.

This form must be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section on 01530 454556 if you are in doubt about the date.

They can only relate to the four licensing objectives.

Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Sub-Committee, which will be publicly available. Names and addresses will only be withheld from the Sub-Committee report at your request. Email addresses and contact telephone numbers will not be publicly available.

Responsible authorities or any other person may make representations against any application before the relevant date. Any representations must be made in writing and it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction of this offence is £5,000.

Please return this form when completed along with any additional sheets to:

Legal and Support Services
Licensing
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ

email to licensing@nwleicestershire.gov.uk

Tel: 01530 454545
Fax: 01530 454574

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