

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE – Monday 5 March 2018**

Title of report	<b>APPLICATION FOR A VARIATION OF A 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 Enforcement Officer 01530 454596 <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a></p>
Purpose of report	<p>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.</p>
Council Priorities	Business and Jobs
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p>	<p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>N/A</p> <p>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.</p> <p>Equality Impact Assessment already undertaken, issues identified actioned.</p> <p>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.</p>

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	<a href="#">Guidance issued under Section 182 of the Licensing Act 2003</a> <a href="#">Statement of Licensing Policy – Issue 6</a>
Recommendations	<b>THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.</b>

## 1. Background

- 1.1 The premises are a night club located at 60a Market Street Ashby De La Zouch and currently hold 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 17 January 2018. A copy of the application is attached as **appendix 3**.
- 1.4 The variation of premises licence is detailed as follows.
- To extend the sale of alcohol on Friday, Saturday, Christmas Eve, Boxing Day and Sundays before a Bank Holiday from the current hours of 10:00am to 2:00am the following morning to the proposed hours of 10:00am 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 09:00am 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:**

- The application has been discussed with the Police who have not expressed any issues with the premises and the existing policies and procedures will continue. Premises nearby with a 4am licence have closed. Ciro's and VIP rooms were granted

a 4am licence and the VIP Rooms 4am licence has been surrendered. There will be no impact to the licensing objectives.

## **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**.
- 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. A copy of the representation is attached as **appendix 5**.

## **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 2.31, 3.1 to 3.2, 3.11, 8.38 to 8.85, 9.11 to 9.12, 9.31 to 9.44, 10.1 to 10.10, 14.1 to 14.3 and 14.20 to 14.41 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 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.