

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 10 JULY 2018

Title of report	APPLICATION FOR GRANT 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 454528 matthew.pickering@nwleicestershire.gov.uk</p>
Purpose of report	To determine an application to grant a premises licence in respect of the premises trading as Ibstock Town Cricket and Social Club, Ibstock, Leicestershire, LE67 2TD. 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	Business and Jobs, Homes and Communities
<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 Police, 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. Background

1.1. The premises is a cricket and social club located on Melbourne Road, Ibstock. It currently holds a club premises certificate issued under the Licensing Act 2003. A copy of the club premises certificate 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 grant of a premises licence was received from Mr Jason Lingard on 16th May 2018. A copy of the application is attached as **Appendix 3**.

1.4. The application outlines how the purpose of a premises licence would allow the club to hold an annual concert on behalf of the Royal British Legion. This would enable funds to be raised to support ex-military personnel and their families in Leicestershire. Otherwise, the club will continue to operate as usual with activities primarily related to cricket.

1.5. Should the premises licence be granted, this would replace the existing club premises certificate.

1.6. As part of the application, the applicant has specified steps they intend to take in order to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The prevention of children from harm

These steps are outlined in Section 18 of the application.

2. Representations

- 2.1. The applicant is also required to serve each of the responsible authorities a copy of the application, 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 have been two responses from the responsible authorities regarding this application. These include a representation from the Council's Health and Safety team regarding concerns relating to public safety, and a response from the Council's Environmental Protection team proposing a specific condition regarding the prevention of public nuisance. Each of these teams have been in contact with Mr Lingard to agree the stated conditions prior to this hearing and thus, these conditions will be added to the licence if granted. I present these responses including the proposed conditions as **Appendix 4** and **Appendix 5**.
- 2.3. Other persons are able to make representations within 28 days of display of the notice of application to the Licensing Authority. Five representations have been received from other persons. A summary of the representations is outlined below and copies of all the representations are presented as **Appendices 6-10**.

Appendix No.	Name	Capacity	Licensing objective
Appendix 6	Sandra Tomlinson	Local Resident	public safety prevention of public nuisance
Appendix 7	Jonathan Bonser	Local Resident	public safety prevention of public nuisance
Appendix 8	Janice & Brian Bonser	Local Resident	public safety prevention of public nuisance
Appendix 9	Mr & Mrs King	Local Resident	public safety prevention of public nuisance
Appendix 10	P. H. Depper	Local Resident	public safety prevention of public nuisance

- 2.4. There has been an email supporting this application from local Ibstock East Councillor Felix Fenning. I present this email as **Appendix 11**.

3. Statutory Guidance

- 3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 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 and 14.1 to 14.3 may have a bearing upon the application.

4. Statement of Licensing Policy

4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.1 to 2.5, 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.

5. Observations

5.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- a. the prevention of crime and disorder;
- b. public safety;
- c. the prevention of public nuisance;
- d. the protection of children from harm.

5.2 The Committee may take such of the following steps, if any, as it considers necessary for the promotion of the licensing objectives:

- Grant the application as requested.
- Modify the conditions of the licence, by altering or omitting or adding to them.
- Reject the whole or part of the application.

5.3 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and persons who made relevant representations.