

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 18 JULY 2018

Title of report	REVIEW OF 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 Team Leader 01530 454596 andy.cooper@nwleicestershire.gov.uk</p>
Purpose of report	To determine a review of the premises licence following a summary review application and interim steps in respect of premises trading as the White Hart Inn, Market Street, Ashby De La Zouch, Leicestershire, LE65 1AP.
Council Priorities	Business and Jobs Homes and Communities
Implications:	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Financial/Staff	
Link to relevant CAT	N/A
Risk Management	The risk of cost arising from an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.
Equalities Impact Assessment	Equality Impact Assessment already undertaken, issues identified actioned.
Human Rights	Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.
Transformational Government	Not applicable.

Consultees	Leicestershire Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, and Health Authority .
Background papers	Guidance issued under Section 182 of the Licensing Act 2003 Statement of Licensing Policy – Issue 6 Section 53 A-C Licensing Act 2003 Summary Review Guidance
Recommendations	THAT THE SUB-COMMITTEE DETERMINE REVIEW OF THE PREMISES FOLLOWING INTERIM STEPS.

1.0 BACKGROUND

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

2.0 REVIEW

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

3.0 REPRESENTATIONS

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

4.0 STATUTORY GUIDANCE

- 4.1 In making its decision, Members are obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 1.1 to 1.5, 1.16, 2.1 to 2.6, 2.7 to 2.9, 9.13, 10.8, 11.1 to 11.28, 12.1 to 12.35, and 13.1 to 13.11 may have a bearing upon the review.
- 4.2 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.2, 2.4, 4.1 to 4.4, 5.1 to 5.4, and 16.0, may have a bearing upon the review.
- 4.3 Members are further obliged to have regard to the Home Office Summary Review Guidance, Section 53 A-C Licensing Act 2003.

5.0 OBSERVATIONS

- 5.1 The steps that the Licensing Authority must can take are:
- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence not exceeding 3 months;
 - the revocation of the licence.
- 5.2 The Committee is obliged to determine this review with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;

- the prevention of public nuisance;
- the protection of children from harm.

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