

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – MONDAY, 25 FEBRUARY 2019

Title of report	APPLICATION FOR A VARIATION OF A PREMISES LICENCE
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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
<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	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.