

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE – 30 JULY 2014**

Title of report	<b>APPLICATION FOR A VARIATION OF A PREMISES LICENCE</b>
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Purpose of report	To determine an application for a variation of a premises licence in respect of premises trading as The Halfway House, located at 64 Church Street, Donisthorpe, Swadlincote, Derbyshire, DE12 7PX. 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.
Strategic aims	Homes and Communities
Implications:  Financial/Staff  Link to relevant CAT  Risk Management  Human Rights	<p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>Business CAT.</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>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, 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>

## 1.0 Background

- 1.1 The premises are a public house located at 65 Church Street, Donisthorpe, Swadlincote, Derbyshire, DE12 7PX 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 by Mr Peter Riley and Mr Paul Aldred on 11 June 2014. A copy of the application is attached as **appendix 3**.
- 1.4 The details of the variation application are as follows:
- The extension of the licensable area to include a new beer garden and children's play area in the paddock adjacent to the pub car park.
  - **Plays and Films (Indoors and Outdoors)**  
Monday to Thursday – 10:00hrs until 00:01hrs  
Friday and Saturday – 10:00hrs until 01:00hrs  
Sunday – 11:00hrs until 00:01hrs
  - **Indoor Sporting Events**  
Monday to Sunday – 11:00hrs until 00:01hrs
  - **Boxing or Wrestling entertainments (Indoors and Outdoors)**  
Monday to Sunday – 11:00hrs until 00:01hrs
  - **Live Music, Recorded Music, Performance of dance, Anything of a similar description (Indoors and Outdoors)**  
Monday to Thursday – 11:00hrs until 00:01hrs  
Friday and Saturday – 11:00hrs until 01:00hrs  
Sunday – 11:00hrs until 00:01hrs

- **Late Night Refreshment**

Monday to Thursday – 23:00hrs until 00:01hrs

Friday and Saturday – 23:00hrs until 01:00hrs

Sunday – 23:00 until 00:01

- To remove condition 6 of Annex 2 – No children will be allowed on the premises after 21:00hrs.

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

**General – All four licensing objectives:**

- CCTV cameras will be installed in all areas of the premises
- Fire fighting equipment will be available
- Age awareness
- Vigilant of drugs and knives

**The prevention of crime and disorder:**

- CCTV cameras
- Age awareness
- Drug and weapon awareness

**Public safety:**

- Fire fighting equipment will be available
- PAT testing
- Visual maintenance of up keep and acted upon pest control

**The prevention of public nuisance:**

- No permanent speakers outside
- Customers refused alcohol if appear drunk and requested to leave premises quietly and to consider residents in all aspects e.g. litter, nuisance and have respect for the surroundings.

**The protection of children from harm:**

- CCTV camera's
- Childproof locks
- Children accompanied by a responsible adult
- No children on premises after 22:00hrs
- Play area will be drink, food and pet free

## **2.0 Representations**

- 2.1 In respect of an application to vary the premises licence, the applicant is responsible for advertising the application by way of a notice in specified form at the premises for not less than 28 consecutive days and in a local newspaper. The applicant placed a notice in the Leicester Mercury on 12 June 2014 and Officers are satisfied that the correct notices have been displayed at the premises. Details of the application were also posted onto the Council website on 9 June 2014.
- 2.2 No representations have been received from any of the responsible authorities.
- 2.3 Any other person is able to make representations within 28 days of display of the notice of application to the Licensing Authority.
- 2.4 One representation has been received from a local resident based on the prevention of public nuisance. A copy of the representation is attached as **appendix 4**.

## **3.0 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, 1.16, 1.17, 2.1 to 2.34, 8.42, 8.54, 8.72 to 8.75, 9.1 to 9.11 may have a bearing upon the application.

## **4.0 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 2.3, 2.4, 2.5, 6.1 to 6.4, 13, may have a bearing upon the application.

## **5.0 Observations**

- 5.1 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.
- 5.2 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.
- 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.