

<b>Title of Report</b>	<b>APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE APPLICATION FOR VARIATION OF A PREMISES LICENCE</b>	
<b>Presented by</b>	Paul Dennis Licensing Enforcement Officer	
<b>Background Papers</b>	<a href="#">Revised Guidance issued under Section 182 of the Licensing Act 2003</a>  <a href="#">Statement of Licensing Policy – Issue 7</a>	<b>Public Report:</b> Yes
<b>Purpose of Report</b>	<p>To determine an application for a variation of an existing premises licence in respect of the premises Ashby Ivanhoe Football Club, Lower Packington Road, Ashby de la Zouch, Leicestershire, LE65 2QE.</p> <p>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>	
<b>Recommendations</b>	<b>THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.</b>	

## 1. Background

- 1.1. Ashby Ivanhoe Football Club have held a premises licence since 30 July 2012. The current premises licence is presented as **Appendix 1**. The licence was granted after a licensing sub-committee hearing after 17 representations were received. The decision notice is presented as **Appendix 2**. An aerial view of the site is presented as **Appendix 3**.
- 1.2. On 25 November 2020, Ashby Ivanhoe Football Club submitted an application for the variation of their existing premises licence. A copy of the application is presented as **Appendix 4**.

- 1.3. The application identifies that if the premises licence variation is granted, the following opening hours and licensable activities will occur.

<b>Opening Hours</b>	<b>Timings</b>	
	Everyday	10.00hrs – Midnight
<b>Licensable activity</b>	<b>Timings</b>	
Supply by retail of alcohol	Everyday	10.00hrs – Midnight
Live music (Indoors and outdoors)	Everyday	12.00hrs – 23:00hrs
Recorded music (Indoors and outdoors)	Everyday	12.00hrs – 23:00hrs

The application also identifies that the following conditions will be removed.

Annex 2, Condition 2	The premises shall only be used on a pre-booked basis outside if the main use as a football club.
Annex 3, Condition 2	No amplified music shall be played outside of the building.

- Please have reference to the Live Music Act 2012, the deregulation of regulated entertainment and the revised guidance issued under section 182 of the Licensing Act 2003 (sections 16.26 to 16.33), which have been applied since the original licence was issued on 30 July 2012. Live and recorded music are not licensable for licensed premises between 08:00 hours and 23:00 hours on any day, provided the audience is no more than 500 people. Therefore the applicant already has the entitlement to live and recorded music and had no need to apply in this instance (unless he intends to have audiences of over 500 people). Annex 3, Condition 2 is also outdated and no longer relevant due to the above legislation and should be removed as an administrative task, rather than considered a change of licensable activity.

The application also identifies the amendment of the following condition to 12 meters.

Annex 3, Condition 1	No open containers of alcohol are permitted outside of the designated area. The designated area being an area extending not more than 6 meters from the building line at the front of the premises and to be marked in a conspicuous manner.
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1.4. As part of the application, the applicant has specified the steps they intend to take in order to promote the four licensing objectives, in addition to the existing conditions. These are as follows:

- **General**

CCTV is installed at the site and will be maintained and kept operational. Notices will be displayed on the site.

The premises shall be kept clean and well maintained and we shall comply with all relevant statutory requirements.

External areas shall be well lit during the hours of darkness.

Responsible drinking shall be encouraged.

The site will be promoted as a family orientated venue and will generally close by 22:00 hours or earlier.

- **The prevention of crime and disorder**

For specific events, suitably qualified door supervisors will be employed.

CCTV will be maintained.

No one carrying open or sealed bottles will be admitted to the premises at any time.

No customers will be permitted to take open containers of alcohol or soft drinks from the premises.

- **Public safety**

There will be a maximum number of people within the licensed area.

There will be no irresponsible drinks promotions.

The fire escape, system and extinguishers shall be maintained.

Daily premises checks.

Staff Training.

Taxi telephone numbers will be displayed.

Regular clearance of rubbish.

Provision of first aid equipment.

Annual electrical tests.

- **The prevention of public nuisance**

There will be regular checks on the conduct of patrons.

Notices will be displayed asking patrons "leave quietly and respect our neighbours".

Music volumes will be controlled.

Regular clearance of rubbish from all areas and the provision of litter bins around the site.

Any drinks supplied for consumption outside beyond the patio area, to be provided in plastic glasses (off-licence).

- **The protection of children from harm**

Proof of age policy with Challenge 21/25 policy in place and materials displayed at the premises including at the point of sale.

Staff to be trained and training to be documented.

1.5 Since this premises licence was issued on 30 July 2012, Licensing have received no complaints with regard to this premises on any licensing matters. Environmental Protection have also confirmed they have not received any complaints over the same period with regard to public nuisance/noise.

## 2 Representations

- 2.1. Each of the responsible authorities have been served 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. We have received no representations from the responsible authorities.
- 2.2 One representation was received from Ashby Town council on the grounds of public nuisance, public health, the prevention of crime and disorder and the protection of Children from harm. This representation is presented as **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. Twenty nine representations have been received from other persons. A summary of the representations is outlined below and copies of all the representations from those persons are presented as **Appendices 6 - 34**.

Appendix No.	Name	Capacity	Licensing objective
<b>Appendix 6</b>	Mr Derek Stinson	Local Resident	prevention of crime and disorder prevention of public nuisance
<b>Appendix 7</b>	Anonymous	Local Resident	prevention of public nuisance
<b>Appendix 8</b>	Mr Frank Bedford	Local Resident	public safety prevention of public nuisance
<b>Appendix 9</b>	Sarah Hender	Local Resident	prevention of crime and disorder prevention of public nuisance
<b>Appendix 10</b>	Mr Vincent Aleman	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 11</b>	Geoffrey Martyn Haslewood	Local Resident	prevention of crime and disorder prevention of public nuisance public safety
<b>Appendix 12</b>	Alan Turland	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 13</b>	Alan Sedeman	Local Resident	prevention of crime and disorder prevention of public nuisance public safety
<b>Appendix 14</b>	Claire Birch	Local Resident	prevention of crime and disorder prevention of public nuisance public safety
<b>Appendix 15</b>	David Howarth & Betsy Lynn Mattison Howarth	Local Resident	prevention of public nuisance

<b>Appendix 16</b>	P Wilson	Local Resident	prevention of public nuisance
<b>Appendix 17</b>	EJ Cureton	Local Resident	prevention of public nuisance
<b>Appendix 18</b>	Anonymous	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 19</b>	Anonymous	Local Resident	prevention of crime and disorder prevention of public nuisance public safety
<b>Appendix 20</b>	John Trinick	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 21</b>	Brian Everitt	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 22</b>	Mr & Mrs Shilton	Local Resident	prevention of crime and disorder prevention of public nuisance public safety
<b>Appendix 23</b>	Tim Gillever	Local Resident	prevention of crime and disorder prevention of public nuisance public safety
<b>Appendix 24</b>	Anonymous	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 25</b>	Margi Edwards	Local Resident	prevention of public nuisance
<b>Appendix 26</b>	Anonymous	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 27</b>	Dr Stephen Christopher Eyley	Local Resident	prevention of public nuisance
<b>Appendix 28</b>	Anonymous	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 29</b>	Anonymous	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm

<b>Appendix 30</b>	Alex Weston	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 31</b>	Dr Barbara Kneale	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 32</b>	Richard Neilson-Gataby	Local Resident	prevention of public nuisance public safety
<b>Appendix 33</b>	Andrew Thomas	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 34</b>	Martyn Andrews	Local Resident	prevention of crime and disorder prevention of public nuisance public safety protection of children from harm
<b>Appendix 35</b>	Mr & Mrs Windridge	Local Resident	prevention of crime and disorder prevention of public nuisance

### **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 2.6, 2.7 to 2.9, 2.15 to 2.21, 2.22 to 2.31, 3.1 to 3.2, 3.11, 8.41 to 8.50, 8.66 to 8.68, 8.74 to 8.77, 8.80 to 8.87, 9.1, 9.3, 9.31 to 9.44, 10.1 to 10.10, 10.13 to 10.14, 14.1 to 14.3, 16.1 to 16.19 and 16.26 to 16.41 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 7.4, 11.0, 13.0, 19.2, 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 appropriate for the promotion of the licensing objectives:

- Grant the application and vary the premises licence 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.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Business and Jobs, Homes and Communities
Policy Considerations:	Statement of Licensing Policy – Issue 7
Safeguarding:	To determine the application in accordance with the Licensing Act 2003 objectives
Equalities/Diversity:	Equality Impact Assessment already undertaken, issues identified actioned
Customer Impact:	Not applicable
Economic and Social Impact:	Customers may be impacted by any decision made
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	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, in a local newspaper, on the Council's website and at the Council Offices, Coalville.
Risks:	The risk of incurring costs 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.
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