

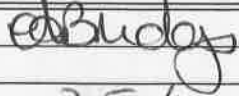
+DECISION: Application for Premises Licence

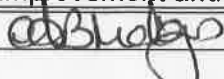
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

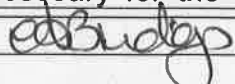
LICENSING ACT 2003 SUB-COMMITTEE

RECORD OF PROCEEDINGS/MEMBERS NOTES

1.	Date of Hearing	Monday 2 July 2012
2.	<ul style="list-style-type: none"> • Panel/Committee members present 	Cllr A Bridges (Chair) Cllr J Cotterill Cllr N Smith
	<ul style="list-style-type: none"> • Members/officers observing 	None
3.	Legal Advisor	Dave Gill
4.	Declarations of interests by members or officers	None
5.	Applicant	Ashby Ivanhoe Football Club
6.	Application premises	New sports Field Lower Packington Road Ashby de la Zouch Leics LE65 1TS
7.	Nature of Application(s)	Application for Premises Licence
8.	Parties/Representatives and Witnesses present	
	<u>For the Applicant</u>	Mr S Bonser (Club Chairman) Mr N Johnson (Club Trustee and Treasurer) Mr P Harvey (DPS)
	<u>Witnesses given permission to speak</u>	All

Signature:	
Chairman:	
Date of Hearing:	2 July 2012

	<p><u>Witnesses refused permission to speak and reason why</u></p> <p><u>For the Responsible Authorities</u></p> <p><u>Interested Parties</u></p> <p><u>Witnesses refused permission to speak and reason why</u></p>	<p>None</p> <p>None</p> <p>Mr B Everitt (Local Residents) Mr L McKenzie Mr D Stenson</p> <p>None</p>
9.	Parties/witnesses not present and reason why	The Agenda Bundle contained a number of written representations from local residents not in attendance
10.	Applications and Decisions on ancillary issues, e.g. requests for adjournments; determinations whether to proceed in absence; directions, etc.	None
11.	Written Representations and supplementary material taken into consideration	The Agenda Bundle contained a number of written representations from local residents.
12.	Agreed Facts	There were no representations from the statutory Responsible Authorities
13.	Facts/Issues	
14	Findings of Fact <i>(ie the relevant facts accepted from the evidence available)</i> The application was for the use of the premises for licensable activities to support the continued improvement and development of the football club.	
Signature:		
Chairman:		
Date of Hearing:		2 July 2012

15.	<p>Full text of decision on the application</p> <p>The Chairman introduced the parties and explained the procedure to be followed. The Hearing Regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time for each presentation be ten minutes.</p> <p>The Licensing Enforcement Officer presented the report to members, highlighting background information and the representations received.</p> <p>In response to a question from a member, the Licensing Enforcement Officer stated that alterations had taken place inside the building however the internal floor layout and size remained the same as previously.</p> <p>In response to questions from interested parties, the Licensing Enforcement Officer confirmed that he was satisfied that the publicity notices had been placed as prescribed in law, and the legislation had been complied with. He added that the applicant had placed additional notices on request. He also clarified that the Responsible Authorities had been notified as prescribed in law, and they had made no objections to the application.</p> <p>Mr S Bonser presented his case and stated the following:</p> <ul style="list-style-type: none"> - The leaflets delivered stating that the premises would become a nightclub misrepresented the application. The principal purpose of the application was to enable the football club to use the premises and to support training. - It was necessary for the club to raise funds and serving refreshments
Signature:	
Chairman:	
Date of Hearing:	<p>2 - July 2012</p>

enabled the club to do so.

- An extensive refurbishment had been undertaken and local businesses had offered support with this.

- The facility would be used to support activities promoted by the club. Alcohol would be served at strategic times of the week only.

- The services of a local publican had been engaged who would be responsible for running the facility.

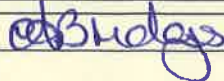
- The facility may also be used for a variety of chosen functions, mostly involving club members. The purpose of this was to raise additional funds.

- The number of patrons would be limited by the size of the premises.

- A venue hire agreement had been drawn up and the facilities manager would ensure any private hire of the premises was in accordance with the conditions specified in the hire agreement.

- CCTV would be installed to prevent crime and disorder.

- Over the past 6 weeks the club had operated functions under a Temporary Event Notice, which had been free of trouble, noise and objection.

Signature:	
Chairman:	
Date of Hearing:	2 July 2012

- Risk assessments would be carried out and a premises manager in place to ensure public safety.

- Signage would be placed to advise patrons to leave the premises quietly.

- Child protection officers were already associated with the club and the bar would operate a Challenge 21 policy.

In response to questions from members, Mr S Bonser stated the following:

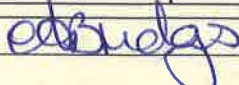
- The hours for the sale of alcohol had been requested to allow flexibility and it was not intended that this would be utilised at all times.

- 65 people had been present at the function operated under the TEN.

- To increase security at the premises, CCTV would be installed. Stock was stored internally in a strong room and tangible liquor was removed after events. Shutters would also be installed at the front of the bar.

- Steps had already been taken to improve the parking and the car park had been widened. It was intended that the access be doubled in width and visibility improved. An overspill area would be marshalled during events.

- Mr S Bonser indicated that the works to the car park could be completed before any events took place at the premises, however Mr N Johnson later

Signature:	
Chairman:	
Date of Hearing:	2 July 2012

clarified that funds would need to be raised from sale of alcohol prior to the works going ahead.

- The facilities manager and the Designated Premises Supervisor would be present at each event.

- No events would take place outside.

- The venue hire agreement would ask for an indication of the number of attendees at private hire events.

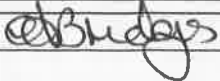
In response to questions from interested parties, the applicant stated the following:

- A planning application would be submitted regarding the entrance and advice taken from the Highways Authority.

- An overspill car park would be utilised with grasscrete blocks in accordance with planning requirements.

- It was clarified that a premises supervisor was required to be present whenever alcohol was served.

- Mr N Johnson indicated that the club would be happy to accept restrictions on the number of events or the opening hours.

Signature:	
Chairman:	
Date of Hearing:	2 July 2012

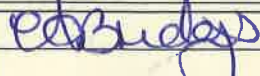
Mr D Stenson stated that he had no problem with the licensing of the football club but expressed concerns regarding the hire of the premises to anyone not connected with the football club. He also expressed concerns regarding noise and disturbance, and the car parking provision.

Mr L McKenzie stated that the applicant was disingenuous and the applicant had not made any attempt to keep him informed. He expressed concerns regarding the size of the building, patrons entering his garden, and children attending a football match where adults were drinking alcohol. He stated that the application was unrealistic and there were other methods of fundraising available to the club. He expressed concerns that the level of noise would increase.

Mr B Everitt expressed concerns that the potential noise emanating from the premises could constitute a public nuisance. He added that supported the football club in its objectives and had no objection to the players using the facilities after matches. He suggested that the hours of use be limited to reflect that. He also expressed concerns regarding the hire of the premises to the general public.

The applicant and the interested parties made brief closing speeches reiterating points made earlier in the hearing.

At 12.29pm the Sub Committee adjourned to consider its decision and reconvened at 1.30pm.

Signature:	
Chairman:	
Date of Hearing:	2 July 2012

16. Reasons for decision

(An explanation of why:

- *When applying the findings of fact to the statutory provisions and law; a particular conclusion is reached to grant, grant with conditions other than standard conditions, or refuse the application.*
- *If facts were in dispute and it is not clear from the 'Findings of Fact' box above, which facts were disputed and, in coming to the finding of fact, the extent to which the parties and witnesses were believed or disbelieved and the information on which the Panel relied in reaching its decision.*

Also, state any legal authorities cited by the parties)

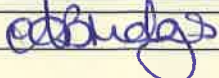
17. DECISION:

The Sub-committee noted the applicant's willingness to compromise in achieving the grant of a licence which addressed some of the concerns raised by the Interested Parties. It was on this basis that the Sub-committee made its decision.

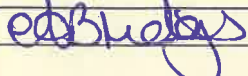
In reaching its decision the Sub-committee has had regard to the evidence and representations of the applicant and interested parties/responsible authorities, the Council's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003. Having considered all these factors the Sub-committee has decided to:

Grant the application with the attachment of additional/amended conditions. The Sub-committee did not consider that the representations and evidence received from the interested parties could justify the refusal of the application on the grounds that the grant of the application would undermine the promotion of the licensing objectives.

In attaching the additions/amended conditions the Sub-committee had particular regard to the representations made by the interested parties concerning the access to the premises and the extent of 'causal' hiring of the premises. The Sub-committee also noted the applicant's comments concerning the above.

Signature:	
Chairman:	
Date of Hearing:	2 July 2012

	<p>Therefore, the application for the premises license is granted subject to the mandatory conditions, and the following conditions which the Sub-committee considered necessary to promote the licensing objectives:</p> <p>1) Recorded Music to be permitted between the hours: Monday to Friday – 09:00 hrs until 12:00hrs and 18:00hrs until 22:00hrs Saturdays and Sundays 18:00hrs until 22:00hrs</p> <p>2) Provision of Facilities for Dancing Recorded Music to be permitted between the hours: Monday to Friday – 09:00 hrs until 12:00hrs and 18:00hrs until 22:00hrs Saturdays and Sundays 18:00hrs until 22:00hrs</p> <p>3) Sale of Alcohol Monday to Sunday 12:00hrs to 22:00hrs</p> <p>4) Hours Premises are open to the public Monday to Sunday 09:00hrs to 22:00hrs</p> <p>5) No open containers of alcohol are permitted outside of the designated area being an area extending no more than 6 metre's from the building line at the front of the premises to be clearly marked in a conspicuous manner</p> <p>6) No amplified music to be played outside the building</p> <p>7) The number of casual hiring's for private functions will be no more than 50 such events in any 12 month period</p> <p>8) The permitted numbers allowed into the premises during licensable activities will be determined by an appropriate Risk Assessment by a suitably qualified person/organisation to be submitted to and approved by the Licensing Authority.</p> <p>Having regard to concerns raised by the interested party the Chairman made reference to the power of review as outlined in the DCMS guidance part 11. In addition she noted the commitment of the applicant to do works to improve the access to the site and encouraged them to complete the works as soon as possible.</p>

Signature:		
Chairman:		
Date of Hearing:	2 July	2012

