

Title of Report	APPLICATION FOR GRANT OF PREMISES LICENCE	
Presented by	Tonya Cooper Licensing Enforcement Officer	
Background Papers	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) Licensing Act 2003 (c. 17) (legislation.gov.uk) Statement of Licensing Policy – Issue 7	Public Report: Yes
Purpose of Report	<p>To determine an application for a grant of a premises licence in respect of the premises Buckos Bar, Queens Street, Measham, DE12 7JE.</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>	
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.	

1 Background

- 1.1 On 12 January 2023, Adam Buck submitted an application for a premises licence grant at Buckos Bar, Queens Street, Measham, DE12 7JE. A copy of the application is attached as Appendix 1. A plan of the premises is attached as Appendix 2.
- 1.2 An aerial view of the site is attached as Appendix 3 and a map is attached as Appendix 4.

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

Opening Hours	Timings Everyday	12:00 hours – 00:00 hours
Licensable activities	Timings	
Supply by retail of alcohol	Everyday	12:00 hours - 00:00 hours
Live Music	Friday and Saturday Sunday	20:00 hours – 00:00 hours 18:00 hours – 22:00 hours
Recorded Music	Everyday	12:00 hours – 00:00 hours

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. These are as follows:

- Staff will be fully trained to check and ask for accredited ‘proof of age’ cards and/or ‘photo driving licences.
- CCTV will be installed and monitored.
- There will be effective lighting outside the premises.
- The outside area will be clean and free of rubbish.
- Children to be accompanied by adults whilst on the premises.
- There will be effective and responsible management of the premises.
- Provision of litter bins, pest control and other security measures.
- There will be appropriate instruction, training and supervision of employees.
- There will be sufficient numbers of people employed or engaged to secure the safety of the premises and patrons and to prevent incidents of public nuisance.

1.5 The premises are currently trading as Measham Top Club under a Club Premises Certificate. A copy of the Club Premises Certificate is attached as Appendix 5. The qualifying club activities that are currently authorised by the certificate are:

Licensable activities	Timings	
Supply of alcohol by or on behalf of a club, or to the order of, a member of the club for	Monday to Saturday Sunday	11:00 hours – 00:00 hours 11:00 hours – 23:00

<p>consumption on an off the premises</p>	<p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>hours</p> <p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>
<p>Sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises</p>	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>
<p>Films indoors</p>	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p>

	<p>Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>11:00 hours – 00:00 hours</p>
Indoor sporting events	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>
Live Music indoors	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>

	standard start time on 1 st January	
Recorded Music indoors	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>
Performances of dance indoors	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>
Anything of a similar description to live music, recorded music or performances of dance indoors	<p>Monday to Saturday</p> <p>Sunday</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p>

	<p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>
Provision of facilities for making music indoors	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p> <p>New Year's Day</p> <p>From the standard start time on 31st December to the standard start time on 1st January</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p> <p>11:00 hours – 00:00 hours</p>
Provision of facilities for dancing indoors	<p>Monday to Saturday</p> <p>Sunday</p> <p>Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day</p>	<p>11:00 hours – 00:00 hours</p> <p>11:00 hours – 23:00 hours</p> <p>11:00 hours – 01:00 hours</p>

	New Year's Day From the standard start time on 31 st December to the standard start time on 1 st January	11:00 hours – 00:00 hours
Provision of facilities for entertainment of a similar description to making music or dancing indoors	Monday to Saturday Sunday Bank Holiday Sunday and Monday, Christmas Eve, Christmas Day and Boxing Day New Year's Day From the standard start time on 31 st December to the standard start time on 1 st January	11:00 hours – 00:00 hours 11:00 hours – 23:00 hours 11:00 hours – 01:00 hours 11:00 hours – 00:00 hours

1.6 Listed under Annex 2 of the Club Premises Certificate currently in place are the following conditions which are also consistent with the Club Operating Schedule:

- Any person who appears intoxicated will not be permitted to enter the club premises.
- If a DJ is used, he/she will request that patrons respect the needs of local residents and leave the club premises and the area quietly.
- Any area accessible by members and their bona fide guests shall have fully operational lighting capable of illuminating those parts clearly.
- One suitable trained first aider shall be on duty on the club premises at all times.
- Signage restricting use of jackpot machines to over 18's shall be prominently displayed on the premises.

- Staff must be trained, as appropriate to their position and having regard to the four licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm to a high standard.
- Notification shall be given to the Leicestershire Constabulary Licensing Section at least 10 day in advance of any of the 15 permitted events outside of the non-standard timings. Such events will be subject to Police veto.

1.7 Prior to the application being submitted for a new premises licence, the Licensing Authority have no record of receiving any complaints relating to Measham Top Club. After submission of the application, a complaint was received by a local resident on the 14 February 2023 who complained of noise nuisance and litter outside the club. The applicant was notified of the complaint, and they confirmed that various actions had been put in place to help alleviate the complainant's concerns. The complainant was notified, and no further correspondence has been received.

Environmental Protection have confirmed that they have only ever received 2 complaints in 2004 and 2008. Due to GDPR rules, there is no information available as the data has been removed.

1.8 The Licensing Authority was notified on 3 October 2022 by the former leaseholder / manager of Measham Top Club that a new leaseholder / owner would be taking over the running of the club. The new leaseholder / owner is the applicant who has applied for a new premises licence, Adam Buck.

Licensing officers visited Measham Top Club on 3 November 2022 and whilst there found that the club may no longer satisfy as a qualifying club. It was requested that the new leaseholder / owner submit evidence which could then be determined if the club continues to be established and conducted in good faith.

Upon multiple attempts to obtain the required evidence, the Licensing Authority found that the information that was received was inadequate, and it did not provide enough information relating to the club, its finances, or its membership. A final opportunity was provided to the club on 10 of January 2023 to furnish us with the required information and if the information was not received by the deadline provided, the Licensing Authority would seek to give notice to withdraw the certificate. A copy of the corresponding email is attached as Appendix 6.

No further evidence was received, hence why the application for a grant of a premises licence was submitted. It was agreed with the applicant that we would allow the premises to continue to operate under the Club Premises Certificate so that the premises would not have to close during the consultation period and while the application was being determined. No notice to withdraw the certificate was given.

2.0 Representations

- 2.1 In respect of an application for the grant of a 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 Coalville Times on Friday, 20 January 2023 and officers are satisfied that the correct notices have been displayed at the premises.
- 2.2 Each of the responsible authorities have been served a copy of the application, namely: the Police, Fire Authorities, Home Office, Trading Standards Department, the District Council's Health and Safety, Environmental Protection, Public Health Authority and Planning Sections. We have received no representations from the responsible authorities.
- 2.3 Four relevant representations have been received from members of the public on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm. These representations are attached as Appendix 7.

Statutory Guidance

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, 1.13 to 1.17, 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, 6.2 to 6.8, 8.13 to 8.14, 8.34, 8.41 to 8.49, 8.80 to 8.87, 9.1, 9.3 to 9.9, 9.31 to 9.44, 10.1 to 10.10, 10.13 to 10.15, 13.10, 14.1 to 14.3, may have a bearing upon the application.

Statement of Licensing Policy

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, 19.2, 22.0, 23.0, and 26.0 may have a bearing upon the application.

Observations

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.

The Committee may take the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application and issue 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.

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.

Policies and other considerations, as appropriate	
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:	No information has been provided to indicate an Equality Impact Assessment (EIA) is required though this will be kept under review and an EIA carried out if necessary.
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.
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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