

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – TUESDAY 21
NOVEMBER, 2023



Title of Report	APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003	
Presented by	Paul Dennis, Licensing Enforcement Officer	
Background Papers	<p>Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</p> <p>Licensing Act 2003 (legislation.gov.uk)</p> <p>Statement of Licensing Policy – Issue 7</p> <p>Cumulative Impact Assessment 2022 Ashby De La Zouch.pdf (nwleics.gov.uk)</p>	Public Report: Yes
Purpose of Report	<p>To determine an application for the grant of a premises licence in respect of the premises XXX Buns Limited, 7 Bakery Court, Market Street, Ashby de la Zouch, LE65 1AN.</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.	

1.0 Background

1.1 Mr Anthony Haslam applied for the grant of a premises licence at 7 Bakery Court, Market Street, Ashby de la Zouch, LE65 1AN on 3 October 2023. The application form is attached as **Appendix 1**.

1.2 The premises plan is attached as **Appendix 2**.

- 1.3 A map of the site is attached as **Appendix 3**.
- 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:

General - all licensing objectives:

(l) The licensee, that is the person in whose name the premise licence is issued, shall ensure that at all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premise for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. records will be kept of training and retraining.

DRINKS PROMOTIONS

1. I will adopt and comply with the British Beer and Pub Associations Guidelines on On-Trade Promotions.

PROOF OF AGE CARDS

1. I will ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.

CCTV & COMMUNICATION

1. I will provide a means of two way communication to report incidents between the premises and the local police or CCTV monitoring centre.

2. I will install Video/CCTV equipment inside/outside the premises and ensure that it is maintained in working order.

3. CCTV will be set to record 24 hours daily.

4. I will ensure that monitoring tapes are retained for at least twenty-eight days and are produced to an authorised officer on demand.

5. I will put up notices advising that CCTV has been installed on the premises so that they are clearly visible to the public within the licensed premises.

NOTICES

1. I will display any restrictions on the admittance of individuals according to age (e.g. Children) on or immediately outside the premises.

2. I will display any conditions of entry / exit, to / from the premises in the vicinity of any entrance to the premises.

ESCAPE ROUTES

1. I will make sure that escape routes and exits, including external exits, are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

2. I will make sure that all exit doors are easily openable and do not require the use of a key, card, code or similar means.

3. I will make sure that doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check is kept.

4. I will make sure that the edges of the treads of steps and stairways are maintained.

RISK ASSESSMENT / SAFETY CHECKS

1. Safety checks are carried out before the admission of the public.

2. Risk assessments re evaluated and updated accordingly. logs kept in folder on site.

FIRE ACTION

1. I will make sure that notices detailing the action to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

2. The fire brigade will be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book

3. I will make sure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency, and that patrons are made aware of these arrangements.

FIRST AID

1. I will make sure that adequate and appropriate supply of first aid equipment and materials is available on the premises.

2. I will make sure that at least 1 trained first aider(s) will be on duty when the public are present.

LIGHTING

1. In the absence of adequate daylight, I will make sure that the lighting in any area accessible to the public is fully operational.
2. I will make sure that Fire safety signs are adequately illuminated

PUBLIC LIABILITY

1. I will make sure that I have valid public liability insurance in force and that a copy of the schedule is available for inspection by an authorised officer on request.

GENERAL

1. I will make free drinking water available at all times the premises is open to the public.
2. I will provide a "hot line" to a local taxi firm.
3. I will display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
4. I will ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
5. Ensure that receptacles for waste are emptied regularly to minimise nuisance smells.

The prevention of crime and disorder: Any incidents of a criminal nature that may occur on the premise will be reported Immediately to the police.

(I) The licensee will install comprehensive cctv coverage the premise and it is operated and maintained at the premise.

The CCTV shall conform to the following points:

1. Cameras must be sited to observe the entrances and exits, both inside and outside.
2. Camera on the entrances must capture full frame shots of the shoulder and heads of all people entering the premise i.e. capable of identification.
3. Camera's viewing till areas must capture frames no less than 50% of screen.
4. Camera's overlooking floor areas should be wide angled to give an overview of the premise.
5. Be capable of visually confirming the nature of the crime committed.

6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images - colour during the day.
8. Have a monitor on the premise to be able to rewind, review and record any images/video.
9. Have displayed notices of 24/7 CCTV operation
10. Police will have access to any images/video at any reasonable time.
11. All digital images/videos will be recorded and kept for up to 28 days.

DOOR SUPERVISORS

I will use or employ door supervisors at all times when a licensable activity is being carried out and I consider them necessary to:

1. Prevent the admission and ensure the departure from the premises of drunk and disorderly persons, without causing further disorder;
2. Keep out excluded individuals (subject to court or pub watch bans)
3. Search and exclude persons suspected of carrying illegal drugs or offensive weapons; or
4. Maintain an orderly queue outside the venue.

OTHER

1. I shall participate in the local pubwatch / nightsafe scheme operating in the District
2. I will ensure that a secure deposit box is kept on the premises for the retention of confiscated items and ensure that the Police are advised of any items which require safe disposal.(Record will be logged and kept on the premise).

Public safety:

GENERAL

1. I shall ensure Appropriate Fire safety procedures are in place including fire extinguishers (foam, co2, wet chemical), fire blanket are easily accessible.
2. I shall ensure fire exit signs above all fire exits and smoke detectors are regularly maintained and easily visible. (please refer to site plan for more information regarding locations).
3. All emergency exits to be kept clear of any obstructions.

4. I shall ensure Adequate Highlighting of steps and lighting to prevent trips or falls / lack of visibility.

5. I shall ensure a Full risk assessment of the premise will be carried out and staff trained in the implementation of working safely.

6. I shall ensure All electrical equipment / Appliances are inspected annually.

7. I shall ensure all staff are regularly trained in the management of alcohol and food safety.

Records will be logged and kept on the premise.

BOTTLES AND GLASSES

1. Where glass bottles are used, they will be retained or disposed of on the premises.

2. No customers will be admitted, or permitted to leave when carrying open or sealed bottles or glasses.

RESTRICTIONS ON DRINKING AREAS

1. I will ensure that the consumption of alcohol is restricted to the areas identified on the plan attached to the operating schedule

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2. Keep out excluded individuals (subject to court or pub watch bans)

3. Search and exclude persons suspected of carrying illegal drugs or offensive weapons.

4. Maintain an orderly queue outside the venue.

The prevention of public nuisance: NOISE & VIBRATION

1. I will make sure that doors and windows are kept closed (except for ingress and egress) to reduce noise nuisance from the premises.

2. I will display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

3. I will make sure that the placing of bottles into receptacles outside the premises takes place at times that will minimise disturbance to nearby properties.

4. I will ensure that amplified music emitted from the premise does not exceed the recommended decibel range.

NOXIOUS SMELLS

1. I will ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

2. Ensure that receptacles for waste are emptied regularly to minimise nuisance smells.

LIGHT POLLUTION

1. I will ensure that flashing or particularly bright lights on or outside the licensed premises do not cause a nuisance to nearby properties, whilst balancing the need for lighting in the interests of prevention of crime and disorder.

LITTER

1. I will make sure litter is regularly cleared from the vicinity of the premises.

2. I will make sure that receptacles for refuse storage are maintained in a clean condition

The protection of children from harm:

All staff to be trained in underage sales prevention and to strictly enforce the challenge 25 scheme. i.e. all persons who appear under 25 will be required to provide photographic ID such as passport / driving licence or other government issued photographic ID.

All refused sales will be recorded in a register and kept on the premise.

I shall ensure adequate signage stipulating No persons under 18 shall be permitted to enter the premise to be placed over the exterior of the premise.

1.5 The applicant has applied for the following licensable activities and timings.

Licensable activity	Timings	
Supply by retail of alcohol	Everyday	10:00hrs - midnight
Late night refreshment	Everyday	23:00hrs - midnight

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 Ashby/Coalville Times on Friday, 6 October 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, Health Authority and the District Council's Health and Safety, Environmental Protection and Planning sections. We have not received any representations from any of the responsible authorities.
- 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 was received from Ashby Town Council on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representation is attached as **Appendix 4**.
- 2.4 Following Ashby Town Council's representation, the applicant drafted a response which is attached as **Appendix 5**.

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, 1.13, 2.1 to 2.14, 2.20 to 2.34, 3.1 to 3.2, 3.12, 8.7 to 8.8, 8.13, 8.80, 9.1 to 9.10, 9.31 to 9.44, 10.1 to 10.10, 14.1 to 14.3, 14.20 to 14.21 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 1.5, 2.1 to 2.3, 2.5, 4.1 to 4.4, 5.1 to 5.4, 6.1 to 6.4, 7.1 to 7.4, 10.0, 22.0, and 26.0 may have a bearing upon the application.

5.0 Cumulative Impact

- 5.1 The premises are situated within the area of the special policy on cumulative impact referred to in the Council's Statement of Licensing Policy.
- 5.2 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 granted.

5.3 Where the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

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 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.

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.

Policies and other considerations, as appropriate	
Council Priorities:	Communities and housing – looking after our tenants and keeping our communities safe
Policy Considerations:	Statement of Licensing Policy – Issue 7 Cumulative Impact Assessment 2022-25
Safeguarding:	To determine the application in accordance with the Licensing Act 2003 objectives
Equalities/Diversity:	No Equality/Diversity issues raised, though this will be kept under review.
Customer Impact:	Customers may be impacted by any decision made.
Economic and Social Impact:	Not applicable
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, 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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