

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – THURSDAY 21 APRIL 2016

Title of report	APPLICATION FOR VARIATION OF A PREMISES LICENCE
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Purpose of report	<p>To determine an application for variation of a premises licence in respect of premises: The Queens Head Hotel and Ciro's, 79 Market Street, Ashby De La Zouch, Leicestershire, LE65 1AH. This report outlines the application and summarises the representations received. It also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.</p>
Council Priorities	<p>Business and Jobs Homes and Communities</p>
Implications:	
Financial/Staff	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Link to relevant Corporate Action Team	N/A
Risk Management	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.
Equalities Impact Screening	Equality impact screening already undertaken, issues identified actioned.

Human Rights	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.
Transformational Government	Not applicable.
Consultees	Leicestershire Constabulary, 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	Guidance issued under Section 182 of the Licensing Act 2003 Statement of Licensing Policy – Issue 6
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1. Background

- 1.1 The premises currently operate as a nightclub and hotel under the authorisation of a premises licence. The premises licence authorises the sale by retail of alcohol, regulated entertainment and late night refreshment subject to conditions. A copy of the premises licence and conditions 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 from Mr Ashley John Edward Rayner on 1 March 2016. A copy of the application is attached as **Appendix 3**.
- 1.4 The variation of the premises licence is detailed as follows:

Live music, recorded music performance of dance and anything of a similar description to live music, recorded music and performance of dance, indoor sporting events:

Current permissions	Requested variation
Monday and Tuesday - 09:00hrs until 12 midnight Wednesday to Sunday - 09:00hrs until 02:30hrs the following morning New Years Eve from the end of permitted hours to the start of permitted hours on New Years Day Christmas Eve, Boxing Day, the Sunday before a Bank Holiday and Bank Holiday Mondays 09:00hrs until 02:30hrs the	Monday to Sunday - 09.00hrs until 05.00hrs the following morning.

<p>following Morning.</p> <p>Good Friday - 09:00hrs until 03:00hrs the following Morning</p> <p>An additional hour to the standard finish time on the day when British summertime commences.</p>	
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Late night refreshments:

Current Permissions	Requested Variation
<p>Monday to Wednesday - 23:00hrs until 12 midnight</p> <p>Thursday - 23:00hrs until 02:30hrs the following morning</p> <p>Friday and Saturday - 23:00hrs until 03:30hrs the following morning</p> <p>Sunday - 23:00hrs until 02:30hrs the following morning</p> <p>New Years Eve from the end of permitted hours to the start of permitted hours on New Years Day</p> <p>Good Friday, Bank Holiday Sundays and Boxing Day 23:00hrs until 03:00hrs the following Morning.</p> <p>An additional hour to the standard finish time on the day when British summertime commences.</p>	<p>Monday to Sunday - 09.00hrs until 05.00hrs the following morning.</p>

Supply of Alcohol:

Current Permissions	Requested Variation
<p>Monday and Tuesday - 09:00hrs until 12 midnight</p> <p>Wednesday to Sunday - 09:00hrs until 02:00hrs the following morning</p> <p>New Years Eve from the end of permitted hours to the start of permitted hours on New Years Day</p> <p>Christmas Eve, Boxing Day, the Sunday before a Bank Holiday and Bank Holiday Mondays 09:00hrs until 02:00hrs the following Morning.</p>	<p>Monday to Sunday - 09.00hrs until 04.30hrs the following morning.</p>

<p>Good Friday - 09:00hrs until 03:00hrs the following Morning</p> <p>An additional hour to the standard finish time on the day when British summertime commences.</p>	
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Hours the premises are open to the public:

Current Permissions	Requested Variation
<p>Monday and Tuesday - 09:00hrs until 12 midnight Wednesday to Sunday - 09:00hrs until 02:30hrs the following morning.</p> <p>New Years Eve from the end of permitted hours to the start of permitted hours on New Years Day</p> <p>Christmas Eve, Boxing Day, the Sunday before a Bank Holiday and Bank Holiday Mondays 09:00hrs until 02:30hrs the following Morning.</p> <p>Good Friday - 09:00hrs until 03:00hrs the following Morning</p> <p>An additional hour to the standard finish time on the day when British summertime commences.</p>	<p>Monday to Sunday - 09.00hrs until 05.00hrs the following morning.</p>

The applicant has also requested removal of conditions of the premises licence which are out of date, unenforceable or superseded by current legislation. The itemised requested conditions requested for removal are enclosed within the application form at **Appendix 3**.

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

The prevention of crime and disorder:

- A CCTV system shall be installed and in working condition
- Security Staff and duty manager to use “walkie talkie” system to communicate as well as using the Town retail radio.

Public Safety:

- Fire risk assessments to be completed annually
- Electrical PAT testing completed annually

- Fire drill, fire alarm call point testing and emergency lighting testing completed monthly.

The prevention of public nuisance:

- Signage to be displayed at main exit encouraging customers to show consideration for residents when leaving the premises.
- Dispersal procedure first issued in 2012 to be updated annually.

The protection of children from harm

- Challenge 25 scheme in use and logs kept detailing challenges made and the outcome.

2. Representations

- 2.1 In respect of an application to vary, 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 notice in the Leicester Mercury on 15 March 2016 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 1 March 2016.
- 2.2 As the application was received electronically, the Licensing Authority is required to serve a copy of the application to each of the responsible authorities, namely, the Police, Fire and Health Authority, Trading Standards Department and the District Council's Health and Safety, Environmental Protection and Planning Teams. Officers served the application on all parties as required via email on 1 March 2016.
- 2.3 A representation has been received from Leicestershire Constabulary on the grounds of crime and disorder, and public nuisance. A copy of the representation is attached as **Appendix 4**.
- 2.4 A representation has also been received from the District Council's Environmental Protection team on the grounds of prevention of public nuisance. A copy of the representation is attached as **Appendix 5**.
- 2.5 Following further discussions between the Environmental Protection team and the applicant, the applicant has submitted a noise and management dispersal policy as part of their application. As a result of this policy, the Environmental Protection team has agreed to this policy and has withdrawn their representation. A copy of the noise and dispersal policy is attached as **Appendix 6**. A copy of the written agreement is attached as **Appendix 7** and the representation withdrawal from the Environmental Protection team is attached as **Appendix 8**.
- 2.6 Interested parties in the vicinity of the premises are able to make representations within 28 days of display of the notice of application to the Licensing Authority. One representation has been received from Ashby Town Council based on the prevention of public nuisance. A copy of the representation is attached as **Appendix 9**.

3. Cumulative Impact

- 3.1 The special policy was initially adopted by the Licensing Authority in November 2005 and has been regularly reviewed. The special policy in respect of Ashby de la Zouch town centre has been retained following reviews of the policy in 2008, 2011 and 2014.
- 3.2 The effect of the Ashby de la Zouch Town Centre special policy is the creation of a rebuttable presumption that applications for new premises licences or club premises certificates or variations will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. This special policy applies to applications from all types of premises operating between 20:00 and 06:00
- 3.3 The Licensing Authority recognises that this policy cannot be absolute and will consider each application properly on its merits and those that are unlikely to contribute to the cumulative impact problems will be granted.

4. Statutory Guidance

- 4.1 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 2.1 to 2.20, 3.10,3.11 to 3.18,8.33 to 8.41 8.66 to 8.72, 8.75, 9.1,9.3,9.4 to 9.19, 9.30 to 9.43, 10.1 to 10.10,10.13 to 10.15,13.44, 15.1 to 15.4, 15.10, 15.26 to 15.33 and 15.54, may have a bearing upon the application.

5. Statement of Licensing Policy

- 5.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 1.2, 2.1 to 2.5, 3.0, 4.1 to 4.4, 6.1 to 6.4, 10, 11,13,19,19.1, 21, 22, and 26, may have a bearing upon the application.

6. 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;
 - the prevention of public nuisance;
 - public safety;
 - the protection of children from harm.
- 6.2 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.
- 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.