

# NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## LICENSING SUB COMMITTEE – 10 MARCH 2014

Title of report	<b>APPLICATION FOR VARIATION OF A PREMISES LICENCE</b>
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Purpose of report	To determine an application for variation of a premises licence in respect of premises, Sunshine Pizza Ltd, 41 High Street, Ibstock, Coalville, Leicestershire, LE67 6LH. 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.
Council Priorities	<p>Business and Jobs</p> <p>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	Business CAT
Risk Management	The risk of incurring costs should the applicant 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 Assessment	Equality impact assessment 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 Police, Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Planning, Primary Care Trust, and members of the public/local businesses by way of notice on the premises.
Background papers	Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act 2003 - all available for reference at <a href="http://www.culture.gov.uk">www.culture.gov.uk</a> and Statement of Licensing Policy -available for reference at <a href="http://www.nwleics.gov.uk/licensing">www.nwleics.gov.uk/licensing</a>
Recommendations	<b>THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.</b>

## 1. BACKGROUND

- 1.1 The premises currently operate as a pizza takeaway outlet under the authorisation of a premises licence. The premises licence authorises late night refreshment. 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 electronically from Baykal Kahraman on 17 January 2014. A copy of the application is attached as **Appendix 3**.
- 1.4 The applicant has applied for additional permission of the Sale by retail of alcohol for consumption off the premises during the following times:

Monday to Thursday 17:00hrs to 23:00hrs  
Friday and Saturday 17:00hrs to 00:00hrs  
Sunday 17:00hrs to 23:30hrs

- 1.5 The applicant has specified steps they intend to take in order to promote the four licensing objectives:

### **The prevention of crime and disorder and public safety**

- The premises has 24 hour recorded CCTV

### **The protection of children from harm and the prevention of public nuisance**

- Enforcement of challenge 25 at all times

## 2.0 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 Coalville Times on 24 January 2014 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 17 January 2014.
- 2.2 As the application was received electronically, the Licensing Authority is required to serve a copy of the application upon each of the responsible authorities, namely, the Police, Fire Authorities, Trading Standards Department, Primary Care Trust and the

District Council's Health and Safety, Environmental Protection and Planning Sections. A copy of the application was served upon all of the responsible authorities via email on the 17 January 2014.

2.3 On 7 February 2014 a representation was received from Leicestershire Police based on the prevention of crime and disorder however following discussions with both parties the applicant has agreed to attach conditions to the licence regarding CCTV and adopting a Challenge 25 policy. The applicant has agreed in writing to amend the operating schedule and Leicestershire Police have now withdrawn their representation. A copy of this representation is attached as **appendix 4**.

2.4 Any other person is able to make representations within 28 days of display of the notice of application to the Licensing Authority. One representation was received on 12 February 2014 from Ibstock Parish Council based on crime and disorder, public safety, the prevention of public nuisance and protection of children from harm. Ibstock Parish Council were verbally asked if they would consider negotiating however this was declined. A Copy of the representation 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 2.1 to 2.7, 2.8 to 2.10, 2.18 to 2.24, 2.25 to 2.35, 3.7 to 3.9, 8.66 to 8.69, 8.72 to 8.80, 9.3, 9.38 to 9.40, 13.16 and 13.17, 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 2.1 to 2.11, 5.1 to 5.3, 6.1, 6.2, 7.1, 7.2, 8.1 to 8.4, 9.1 to 9.3, 10.1 to 10.5, 10.8, 13.1 to 13.2, and 17.1 17.3 may have a bearing upon the application.

### **5.0 OBSERVATIONS**

5.1 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.

5.2 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.

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.