



Licensing Sub-Committee	Wednesday, 16 January 2019	Matter for Information and Decision
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Report Title: **Review of Premises Licence (No. OWPMA0025) - William Wygston Public House, 84 Leicester Road, Wigston, Leicester, LE18 1DR**

Report Author(s): **Stephen Eyre (Interim Licensing Officer)**

Purpose of Report:	To determine an application for a review of a Premises Licence in respect of premises trading as The William Wygston, 84 Leicester Road, Wigston, Leicestershire, LE2 1DR. 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.
Report Summary:	A Sub-Committee report to determine the future of a premises licence held under the Licensing Act 2003 by JD Wetherspoon for the premises known as The William Wygston.
Recommendation(s):	That the application for review be determined accordingly.
Responsible Strategic Director, Head of Service and Officer Contact(s):	David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Stephen Eyre (Interim Licensing Officer) (0116) 257 2637 stephen.eyre@oadby-wigston.gov.uk
Corporate Priorities:	Not applicable.
Vision and Values:	Not applicable.
Report Implications:-	
Legal:	If the decision of the Sub-Committee is challenged, the matter will be heard by the Magistrates Court on appeal.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Not applicable.
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	Not applicable.

Chief Finance Officer:	Not applicable.
Monitoring Officer:	The report is satisfactory.
Consultees:	Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority, Home Office Immigration and members of the public/local businesses by way of Notice at the premises, on the Council's website and at the Council's Customer Service Centre.
Background Papers:	Guidance Issued under Section 182 of the Licensing Act 2003 Oadby & Wigston Borough Council Statement of Licensing Policy
Appendices:	<ol style="list-style-type: none"> 1. Current Premises Licence (No. OWPMA0025) 2. Map of Premises Location 3. Copy of Review Application 4. Copy of Representations 5. Copy of Letter from JD Wetherspoon PLC

1. Background

- 1.1 The premises are a public house located at 84 Leicester Road, Wigston, Leicestershire, LE18 1DR and currently hold a premises licence issued under the Licensing Act 2003. A copy of the Premises Licence is attached as **Appendix 1**.
- 1.2 A map showing the location of the premises is attached as **Appendix 2**.
- 1.3 On 21 December 2018, an application for a review of the Premises Licence was received from a neighbour of the premises, Mr John Lovett. The review application relates to the prevention of crime and disorder and the prevention of public nuisance. Full details of the review application are attached at **Appendix 3**.

2. Review - Application Process

- 2.1 The legislation surrounding the processing of an application for a premises licence review is quite clear and has been reiterated by two recent Magistrates' Court cases.
- 2.2 The applicant is responsible for serving the application on all responsible authorities and the licence holder. They should also supply the Licensing Authority with a hard copy of the review application. The Licensing Authority can confirm that the applicant has served the application on the Fire Authorities, Trading Standards Department, Health Authority, and the Borough Council's Health and Safety, Environmental Protection, Planning, Licensing Sections and Home Office Immigration.
- 2.3 The Licensing Authority is responsible for advertising the review application by displaying prominently a Notice at, on or near the premises to which the application relates. It also is required to advertise the application on the Council's website and at the main offices of the Licensing Authority for not less than 28 consecutive days. The required notices were displayed at the premises, on the Council's website and made available to view at the council's Customer Service Centre, Bell Street, Wigston. The Notices were checked by officers during the consultation period and on each occasion were still in situ.

Representations

- 3.1 No representation has been received from the Premises Licence Holder although a copy of a

letter written by the solicitors representing JD Wetherspoon to Mr Lovett has been forwarded to the licensing office – see **Appendix 5**.

3.2 Eight representations have been received from neighbours living in the vicinity of the premises with five of those being in the form of a pre written letter. None of those five offer any evidence and were written to the Licensing Officer pointing this out and giving the signatories the opportunity to resubmit their representation with further evidence – but no further correspondence was received. A further representation was received where the intended recipient declined to sign the pre-written letter. Two other representations were submitted with supporting narratives. All representations can be found at **Appendix 4**.

3.3 No other representations were received.

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.

4.2 Officers consider that paragraphs 1.1 to 1.5, 1.16, 1.17, 2.1 to 2.6, 2.15 to 2.21 and 11.1 to 11.28 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 Parts 3, 9, 24, 25 and 26 may have a bearing upon the application.

6. Observations

6.1 The Sub-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; and
- the protection of children from harm.

6.2 The Sub-Committee may take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months; and
- e) Revoke the licence.

6.3 Any determination made by the Sub-Committee shall not come into effect until the end of the period given for appealing against the decision or if the decision is appealed against, until the appeal is disposed of.

6.4 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and the Premises Licence Holder.