



Licensing Sub-Committee	Wednesday, 16 October 2019	Matter for Decision
--------------------------------	---------------------------------------	----------------------------

Report Title: **Application for Premises Licence - The Stage Service Station, 282 Leicester Road, Wigston, Leicestershire, LE18 1HQ**

Report Author(s): **Tracey Aldwinckle (Licensing Enforcement Officer)**

Purpose of Report:	An application has been received for a premises licence for the Stage Service Station at 282 Leicester Road, Wigston, Leicestershire, LE18 1HQ. The Sub-Committee is asked to determine whether the premises licence is to be granted or refused in respect of the application.
Recommendation(s):	The Sub-Committee is asked to determine whether the premises licence is to be granted or refused. If the application is to be granted, the Sub-Committee is asked to determine whether the application is to be granted in full as requested or, if not, what hours and regulated activities are granted and what additional conditions are attached.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Tony Cawthorne (Regulatory Services Manager) (0116) 257 2670 tony.cawthorne@oadby-wigston.gov.uk Tracey Aldwinckle (Licensing Enforcement Officer) (0116) 257 2689 tracey.aldwinckle@oadby-wigston.gov.uk
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1)
Vision and Values:	"A Stronger Borough Together" (Vision) Accountability (V1)
Report Implications:-	
Legal:	Implications arising from an appeal made to the Magistrates' Court by anyone aggrieved by the decision of the Sub-Committee.
Financial:	The risk of cost arising from an appeal against the decision of the Sub-Committee. In any event, and in order to mitigate these risks, the Sub-Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in on appeal.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable.
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.
Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Leicestershire Police, Leicestershire Fire and Rescue Service, Environmental Health, Trading Standards, Health and Safety, Local Licensing Authority, Local Planning Authority, Local Health Authority, and members of the public/local businesses by way of notice at the premises, the Council's website and at the Council Offices, Wigston.
Background Papers:	<ul style="list-style-type: none"> • Licensing Act 2003 • Licensing Act 2003 (Hearings) Regulations 2005 • Revised Guidance Issued under Section 182 of Licensing Act 2003 • Statement of Licensing Policy (2015-2020)
Appendices:	<ol style="list-style-type: none"> 1. Application for Premises Licence 2. Representation from Environmental Health 3. Representations from Members of the Public 4. Plan of the Premises

1. Application / Representations Received

- 1.1 The application as submitted, advertised and circulated to the responsible authorities, is for the following regulated activities.
- 1.1.1 **Sale of Alcohol** (for consumption off the premises)
Monday to Sunday, 00:00 – 24:00 hrs
- 1.1.2 **Late Night Refreshment**
Monday to Sunday, 23:00 – 05:00 hrs
- 1.1.3 **Hours Premises are Open to the Public**
Monday to Sunday, 00:00hrs to 24:00 hrs
- 1.2 A copy of the full application can be found at **Appendix 1.**
- 1.3 All of the required advertising and notifications have been undertaken. No representations from the responsible authorities have been received, other than an observation from an Environmental Health Officer, Ms Cheryl Stew. A copy of this can be found at **Appendix 2.**
- 1.4 Representations have been received from 6 persons relating to the application, all who live in residential properties nearby. Copies of these representations can be found at **Appendix 3.**
- 1.5 As well as adhering to the mandatory conditions, the applicant is asked, on the application form, to describe the steps they intend to take to promote the four licensing objectives.

The applicant has stated they will take the following steps:

1.5.1. General (All 4 Licensing Objectives)

A suitable and sufficient CCTV System with recording facilities will be in place at site and will operate at all times the premises is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals log will be operated and maintained and will be produce to relevant officer of the Police or other relevant officers of responsible authority upon request.

A challenge 25 Policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits (with the exception of spirits mixers and pre mixed spirit drinks) will be located behind the counter.

1.5.2. The Prevention of Crime and Disorder

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premises is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers a responsible authority.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

1.5.3. Public Safety

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

1.5.4. The Prevention of Public Nuisance

Staff will be trained with regard to their responsibilities in the retail of sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

1.5.5. The Protection of Children from Harm

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon

request.

A challenge 25 policy will be operated at the premise; acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

1.6 A plan of the premises is attached at **Appendix 4**.

2. Determination of the Application

- 2.1 The Licensing and Regulatory Committee, and its Sub-Committees, have a responsibility, by acting in its capacity as the Local Licensing Authority to discharge all of the Council's "licensing functions" as defined under Part 2 of the Licensing Act 2003.
- 2.2 When considering and determining the representations set out in the report, the Sub-Committee, acting for the Licensing Authority, is required by Section 4 of the Licensing Act 2003 to carry out its functions with a view to promoting the 4 licensing objectives which are:
- The Prevention of Crime and Disorder;
 - Public Safety;
 - The Prevention Of Public Nuisance; and
 - The Protection Of Children From Harm;
- 2.3. Section 4 of the Licensing Act 2003 also requires the Licensing Authority to have regard to the relevant provisions of the guidance set out in Section 182 of the Act (Secretary of State's Guidance) and the Council's own Statement of Licensing Policy (2015-2020).
- 2.4. The Sub-Committee, may, if it considers it to be in the public interest, or if it considers it necessary for further consideration of any representations made by a party, adjourn the hearing to a specified date or arrange for a hearing to be held on a specified additional dates (paragraphs 11 to 13 of the Licensing Act 2003 (Hearings) Regulations 2005).
- 2.5. The Sub-Committee is reminded of its duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of its decisions and the Licensing Authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 2.6. The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of civil rights and provides for the protection of property, which include licences in existence and the protection of private and family life.
- 2.7. Section 52(3) of the Licensing Act 2003 sets out that the Licensing Authority must give regard to the application and any relevant representations and takes such steps as it considers necessary, if any, for the promotion of the licensing objectives.
- 2.8. The steps which the Sub-Committee may consider necessary are:
- To modify the conditions of the new licence;
 - To exclude a licensable activity from the scope of the licence;
 - Refuse to specify a person in the licence as the premises supervisor; and/or
 - Refuse the application.