

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR VARIATION OF A PREMISES LICENCE
RED LION, 2 MARKET PLACE, EPWORTH, DN9 1EU**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application for Variation of a Premises Licence for Red Lion, Epworth.
- 1.2 There have been 5 representations, which have been deemed relevant. These are detailed in paragraph 4.2. and are attached to this report as Appendices C, D, E, F and G.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided which is relevant to the licensing objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence;
 - To reject the whole or part of the application
- 2.7 Members of the Sub-Committee should be advised that the applicant, statutory consultees and persons making relevant representations may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for the variation of a premises licence for the Red Lion was received on 28 September 2012. A copy of the application is attached to the report at Appendix A. The nature of the variation application is as follows:

Variation	Detail
Additional Activities	Films, indoor sporting events, performance of dance and dancing to the licensable hours currently permitted for regulated entertainment. Also to add late night refreshment to the licence to enable the sale of tea, coffee, etc...
Change of Hours	None
Remove Conditions	Live Music and Recorded Music shall only take place at pre-arranged functions. There will be at least 10 working days notice to the police and the licensing authority for each function. The functions will be of a similar nature to weddings, anniversaries and birthday parties. The public will not have access to the functions
Add Conditions	To allow functions to take place on the premises without any restrictions

- 3.2 The premises currently holds a Premises Licence, determined on 7 September 2005. A copy of the current Premises Licence is attached to this report at Appendix B.

3.3 There have been 5 letters of objection from interested parties, which have been deemed relevant. These are detailed in paragraph 4.2 and are attached to this report as Appendix C,D,E, F and G.

3.3 The applicant's solicitor has been made aware of the representations

4. **OUTCOMES OF CONSULTATION**

4.1 An applicant wishing to vary a Premises Licence has to serve a copy of the application form and a plan of the premises on the statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table below provides details of any comments received:

Responsible Authority	Comment
Humberside Police	Have made representation on all four licensing objectives. Copy attached to this report at Appendix C.
Humberside Fire & Rescue Service	No adverse comments received.
Environmental Health (commercial)	Have made representation on the grounds of prevention of public nuisance. Copy attached to this report at Appendix D.
Health & Safety	No adverse comments received.
Health and Safety Executive (if applicable)	Not applicable.
Trading Standards	Have made representation on the grounds of protection of children from harm. Copy attached to this report at Appendix E.
Child Protection	No adverse comments received.
Planning	No comments received.
Primary Care Trust (PCT)	No adverse comments received.
Licensing Authority	Have made representation on the grounds of prevention of crime and disorder, prevention of public nuisance and the protection of children from harm. Copy attached to this report at Appendix F.
Interested Parties	Epworth Town Council have made representation on the grounds of prevention of crime and disorder and prevention of public nuisance. Copy attached to this report at Appendix G.

5. OUTCOMES OF MEDIATION

- 5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 Prevention of Crime & Disorder

6.1.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed at section P of their application in Appendix A attached to this report.

6.1.2 Further information regarding this objective can be found in the Licensing Policy, pages 27-29.

6.1.3 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed at section P of their application in Appendix A attached to this report.

6.2.2 Further information regarding this objective can be found in the Licensing Policy, pages 30-32.

6.2.3 Representations have been received raising concerns with regard to this objective.

6.3 Prevention of Public Nuisance

6.3.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed at section P of their application in Appendix A attached to this report.

6.3.2 Further information regarding this objective can be found in the Licensing Policy, pages 33-35.

6.3.3 Representations have been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed at section P of their application in Appendix A attached to this report.

6.4.2 Further information regarding this objective can be found in the Licensing Policy, pages 36-39.

6.4.3 Representations have been received raising concerns with regard to this objective.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 These are detailed in Appendix A, at section P of their application, under the heading of General.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix H.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6, and attach such conditions considered necessary.

8.3 That the Sub-Committee provides the reasons for its decision.

Director of Places

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire

Author: Jill Musgrave
Date: 11 October 2012

Background Papers used in the preparation of this report Nil