

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION TO GRANT A PREMISES LICENCE
PEACOCK INN, 37 ASHBY HIGH STREET, SCUNTHORPE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to grant a Premises Licence for the Peacock Inn, 37 Ashby High Street, Scunthorpe
- 1.2 There have been 12 representations, which have been deemed relevant. These are detailed in paragraph 4.2. Copies of the representations are attached to this report at Appendices 2 and 3.

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 Sub-Committee having considered all the relevant information are as follows:
 - To refuse to grant the licence
 - To grant the licence with additional conditions
 - To grant the licence without additional conditions
 - To grant the licence but restrict the licensable activities
 - To grant the licence with restricted times
- 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 to grant a premises licence for Peacock Inn, 37 Ashby High Street, Scunthorpe, was received on 25 February 2009. A copy of the application, including the plan is attached to this report at Appendix 1.
- 3.2 The Police have made a representation. A copy is attached to this report at Appendix 2.
- 3.3 There have been 11 representations from interested parties, including two from the Ward Councillors, which have been deemed relevant. These are detailed in paragraph 4.2. Copies of the representations are attached to this report at Appendix 3.
- 3.4 The Environmental Protection Team (Environmental Health) have corresponded with the applicant with suggested modifications to the application. The applicant has agreed and the agreed modifications are attached to this report at Appendix 4.
- 3.5 The applicant's solicitor has been made aware of the representations.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant for a Premises Licence has to serve a copy of the application form and a plan of the premises on the statutory consultees within 48 hours of the Licensing Authority receiving its copy.
- 4.2 The table below provides details of any comments received from the statutory consultees.

Statutory Consultee	Comment
Humberside Police	The Police have made a representation. A copy is attached to this report at Appendix 2.
Humberside Fire & Rescue Service	No comments
Health & Safety	No response received
Environmental Health (Noise)	The Environmental Protection Team (Environmental Health) have corresponded with the applicant with suggested modifications to the application. The applicant has agreed and the agreed modifications are attached to this report at Appendix 4.
Trading Standards	No response received
Child Protection	No response received
Planning	No response received
Other	There have been 11 representations from interested parties, including two from the Ward Councillors, which have been deemed relevant. Copies of the representations are attached to this report at Appendix 3.

- 4.3 Ward and Town councillors have been made aware of the application.

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 on page 14 of their application in Appendix 1 attached to this report.

6.1.2 Further information regarding this objective can be found in the Licensing Policy, pages 25-28.

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 on page 14 of their application in Appendix 1 attached to this report.

6.2.2 Further information regarding this objective can be found in the Licensing Policy, pages 29-31.

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 on page 14 of their application in Appendix 1 attached to this report.

6.3.2 Further information regarding this objective can be found in the Licensing Policy, pages 32-34.

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 on page 14 of their application in Appendix 1 attached to this report.

6.4.2 Further information regarding this objective can be found in the Licensing Policy, pages 35-38.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 These are detailed in Appendix 1, page 14, under the heading of General.

6.4.3 Further information regarding this objective can be found in the Licensing Policy, pages 39-48.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix 5.

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.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

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Background Papers used in the preparation of this report Nil