

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

Hearing Date

APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

Report of the Head of Environmental Services

1. PURPOSE

To consider an application for a premise licence received by this Authority on the 25th October 2010 from Cavan Martin and Associates on behalf of applicant Naushad Chaudary.

The application is for a premises licence to be granted under the Licensing Act 2003, at the Parkgate Service Station, 813 Burton Road, Midway, Derbyshire, DE11 0DN (**application attached at Appendix 1**).

Parkgate Service Station does not currently hold a premises licence. The approximate location of the premises is shown on a plan 'Siting of Parkgate Service Station'. (**Appendix 2**)

2. BACKGROUND

- 2.1 This is the original application for a premises licence under the Licensing Act 2003 that was received on 25th October 2010 from Cavan Martin and Associates on behalf of Naushad Chaudary.
- 2.2 The applicant is seeking to be granted a premise licence with times and types of licensable activities as indicated below in paragraph 4, new application details.

3. EXISTING LICENCE

- 3.1 No current premises licence exists at Parkgate Service Station.

4. NEW APPLICATION DETAILS

- 4.1 The proposed premises licence is seeking permission for the retail supply of alcohol for consumption off the premises from 05.00hrs until 23.00hrs.
- 4.2 The hours premises are open to the public will be: -
 - Sunday to Saturday 05.00hrs until 23.00hrs

5. CONSULTATION RESPONSES

Derbyshire Constabulary -	Representation regarding premises licence
Derbyshire Fire Service -	No Representation
Derbyshire Social Services -	No Representation
Trading Standards -	No Representation
Environmental Health -	No Representation
SDDC Planning Authority -	No Representation
Health & Safety (SDDC) -	No Representation
Interested Parties -	None

6. COMMENTS

6.1 The hearing will proceed in accordance with the Council's Licensing procedure considered by the Licensing and Appeals Committee on the 11th July 2005.

6.2 The Licensing Objectives are matters that should be given paramount importance (guidance issued under section 182 of the Licensing Act 2003, **(Appendix 3)**)

The licensing objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance and
- The protection of children from harm

6.3 ***The representation of Derbyshire Constabulary is outlined below; -***

This application does not demonstrate to the required standard that the primary use of the premises is that of a convenience store and not of a garage. The premises has had service and crimes recorded, relating to matters of theft and violence, amongst others. It is feared that the proposed operating schedule does not contain sufficient safeguards to satisfy the Police that the premise will suitably, and sufficiently, promote the Licensing Objectives **(Email attached at Appendix 4)**.

The relevant factors in this particular case relate to concerns over the licensing objectives: -

- Prevention of Public Nuisance,
- The Prevention of Crime & Disorder and

- Public Safety

In relation to the Derbyshire Constabulary's representation Section 182 guidance issued under the Licensing Act and section 176 of the Licensing Act is attached at **Appendix 5 and Appendix 6.**

6.5 The options open to the Sub-Committee are: -

1. Approve the application with no additional conditions attached.
2. Approve the application subject to modifications and/or add conditions, as the Authority considers necessary for the promotion of the Licensing Objectives.
3. To reject the application.

The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as have the interested party.

APPENDICES

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Plan of 'Siting of Parkgate Service Station'.
3. Guidance issued under section 182 of the Licensing Act 2003, in relation to licensing objectives.
4. Derbyshire Constabulary representation.
5. Guidance issued under section 182 of the Licensing Act 2003, in relation to garages
6. Section 176 of the Licensing Act 2003.

