

## **REPORT TO LICENSING & APPEALS SUB-COMMITTEE**

**Agenda Item: 5**

**Hearing Date: 16<sup>th</sup> June 2015**

Contact Officer: Emma McHugh – 01283 595716

### **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003**

<b>Applicants Name</b>	Makhan Singh Ranu
<b>Premises Name</b>	UPO's Fish Bar
<b>Address</b>	42 High Street, Woodville, DE11 7EA

#### **1. PURPOSE**

- 1.1 To determine an application for a premises licence received by this Authority on 26<sup>th</sup> March 2015 from Makhan Singh Ranu. A copy of the application is attached at **Appendix 1**.

#### **2. BACKGROUND**

- 2.1 The applicant is seeking a new premises licence to permit the sale by retail of alcohol. The full details are indicated below in paragraph 3.

#### **3. APPLICATION DETAILS**

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Sale by Retail of Alcohol for consumption off the premises only	Monday to Sunday	07:00 to 23:00hrs
Hours premises to remain open to members of the public	Monday to Sunday	00:00 to 24:00hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

#### **4. CONSULTATION RESPONSES**

- 4.1 Responsible Authorities

Derbyshire Trading Standards

Representation received during the 28 day consultation period based on the protection of children from harm licensing objective. Derbyshire Trading Standards have offered 9 conditions to the applicant that would promote the

protection of children from harm licensing objective. Full details can be found at **Appendix 2**.

#### Derbyshire Constabulary

Representation received during the 28 day consultation period based on the prevention of crime and disorder, prevention of public nuisance and protection of children from harm licensing objectives. Derbyshire Constabulary have offered 36 conditions to the applicant to promote the licensing objectives listed above. Full details can be found at **Appendix 3**.

#### 4.2 Other Parties

A written representation has been received Woodville Parish Council during the 28 day consultation period based on the prevention of crime and disorder licensing objective. Full details can be found at **Appendix 4**.

No other representations have been received.

4.3 Derbyshire Constabulary have submitted further information which can be found at **Appendix 5**.

4.4 A map showing the location of the premises has been attached as **Appendix 6**.

### 5. OTHER RELEVANT CONSIDERATIONS

5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.

5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the licensing objectives being pursued.

5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application and each representation.

5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

### 6. DETERMINATION

6.1 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence in accordance with the application;

2. Modify the conditions of the operating schedule by altering or omitting or adding to them;
  3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates;
  4. Reject the whole of the application.
- 6.2 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 6.3 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

## **7. RIGHT OF APPEAL**

- 7.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

## **8. APPENDICES**

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Representation from Derbyshire Trading Standards
3. Representation from Derbyshire Constabulary
4. Representation from Woodville Parish Council
5. Derbyshire Constabulary supporting information.
6. Map showing the location of the premises.