

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

LD

Hearing Date: 28th August 2013

Contact Officer: Ruth Boam – 01283 595716

HEARING OF A REVIEW APPLICATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Applicants Name	Derbyshire Constabulary
Licence Holder	Indeed Nominee 1 Limited
Premises Name	Travellers Rest
Address	2 New Street, Church Gresley, DE11 9PS

1. PURPOSE

To determine a review application relating to the existing premises licence for the above premises received by this Authority from Derbyshire Constabulary. Derbyshire Constabulary have requested the Licensing Authority revoke the premises licence. (**application attached at Appendix 1**) pages 5 to 12.

2. CONSULTATION RESPONSES

- 2.1 Responsible Authorities - None
- 2.2 Other Parties - Written representations supporting the licence holder have been received from the following persons during the 28 day consultation period. Full details can be found in **Appendix 2**.

Mr and Mrs Pendleton, New Street, Church Gresley, Swadlincote, DE11 9PS	Appendix 2 pages 13 and 14
Mrs Evill, New Street, Church Gresley, Swadlincote, DE11 9PS	Appendix 2 page 15 and 16

No other representations have been received.

3. ADDITIONAL INFORMATION

- 3.1 A copy of the current premises licence for the Travellers Rest including the conditions that must be complied with can be found in **Appendix 3** pages 17 to 22.

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- 3.2 Derbyshire Constabulary have provided additional evidence to support their application. This can be found in **Appendix 4** separately numbered page 1 to 381.

4. RELEVANT CONSIDERATIONS

- 4.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when determining the application.
- 4.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 4.3 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.
- 4.4 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 of each representation.
- 4.5 Positive representations must be treated in the same way as negative representations.
- 4.6 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 own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

5. DETERMINATION

- 5.1 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
1. Modify the conditions of the operating schedule by altering, omitting or adding to them.
 2. Exclude a licensable activity from the scope of the licence
 3. Remove the Designated Premises Supervisor (DPS).
 4. Suspend the licence for a period not exceeding three months.
 5. Revoke the licence.
- 5.2 Where the authority takes a step mentioned in section (8.1)(1) or (2), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. For the avoidance of doubt if no time period is mentioned the effect is to be considered permanent.
- 5.3 Members are asked to note that they must only consider taking one or more of the actions above, if they consider it:
1. Appropriate to do so in order to promote the licensing objectives
 2. Proportionate to what it is intended to achieve
 3. Relates to an outstanding representation made.

6. RIGHT OF APPEAL

- 6.1 Members should note that the applicant, or persons making representations, or the Licence Holder have the right of appeal against any decision made by the Sub-Committee.
- 6.2 Members should also note that their decision does not have effect until the time for bringing an appeal has expired or, if an appeal is lodged, until the determination or withdrawal of the appeal.

7. APPENDICES

- 1. Application for a premises licence to be granted under the Licensing Act 2003 – pages 4 to 11
- 2. Other representations – pages 12 to 15
- 3. Current Premises Licence – page 16 to 22
- 4. Additional supporting paperwork from Derbyshire Constabulary – separately numbered page 1 to 381.

