

LICENSING AND APPEALS SUB-COMMITTEE

15<sup>th</sup> November 2021 at 10.00am

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Gee (Chair), Councillor Richards (Labour Group), and Councillor Watson (Conservative Group).

**District Council Representatives**

Elisabeth Page (Principal Legal Officer), Faye Norman (Licensing Officer), Patricia Hill (Democratic Services).

LAS/15 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received.

LAS/16 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/17 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – HAWK AND BUCKLE, ETWALL**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was to determine the application for a Variation of Premises Licence under the Licensing Act 2003 to extend the current Premise Licence to two outside buildings.

The Applicant attended the hearing in person and was represented by Karen Cochrane.

The Chairman asked the Applicant and Ms Cochrane to explain the application with reference to the plans submitted.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee and the Applicant had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited the Applicant to make representations to the Sub-Committee. Ms Cochrane made representations to the Sub-Committee on behalf of the Applicant.

The Sub-Committee asked questions of the Applicant and her representative and invited the Licensing Representative and the Interested Party to put questions to them as well.

The Chairman invited the Interested Party to submit their representations. The Sub-Committee had read all written representations submitted by the other persons.

The Sub-Committee asked questions of the Interested Party and invited the Licensing Representative, and the Applicant's representative to put questions to them as well.

The Chairman invited the Licensing Representative, the Interested Party and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary, the Applicant and the Other Persons.

**RESOLVED:**

***The Sub-Committee granted the application to Vary the Premises Licence per the submitted application.***

***The grant of the application to Vary the Premises Licence was subject to the conditions agreed between the Applicant and the Licensing Section.***

**REASON FOR THE DECISION**

***Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Interested Person.***

***The Sub-Committee felt that it was reasonable and proportionate to grant the Variation to the Premises Licence, subject to the conditions agreed between the Applicant and the Licensing Section which the Sub-Committee believed would specifically address the concerns raised by the Interested Party.***

***The Sub-Committee acknowledged that the application was made prior to the use of the redundant areas and that the Interested Party and other persons would have the opportunity to request a Review of the Premises Licence should there be difficulties once the Barn and Games Room are in operation.***

LAS/18 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

The Meeting terminated at 11.05 hours.

COUNCILLOR GEE

CHAIR