

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

**Agenda Item**        **3**                      **Hearing Date:**        **9<sup>th</sup> March 2015**

Contact Officer: Lisa Kinsey – 01283 595890

### **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>	Off licence
<b>Address</b>	17 Union Road, Newhall, Swadlincote

#### **1. PURPOSE**

- 1.1 To determine an application for a premises licence received by this Authority on the 28<sup>th</sup> January 2015 from Makhan Singh Ranu. 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 off the premises. 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	07:00 to 23:00hrs

- 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. Full details can be found in **(Appendix 2)**.

Derbyshire Constabulary

Representation received during the 28 day consultation period. Full details can be found in **(Appendix 3)**.

No other representations have been received.

## **5. AGREEMENT BETWEEN PARTIES**

- 5.1 The applicant has offered additional conditions and agreed to have conditions requested by Derbyshire Constabulary added to their application **(Appendix 4)**.
- 5.2 Derbyshire Constabulary have subsequently withdrawn their representations shown at **(Appendix 5)**.

## **6. OTHER RELEVANT CONSIDERATIONS**

- 6.1 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.
- 6.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 6.3 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.
- 6.4 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.
- 6.5 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 own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

## **7. DETERMINATION**

- 7.1 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.
- 7.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.

7.3 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 actually be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.

7.4 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.

## **8. RIGHT OF APPEAL**

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

## **9. 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. Agreed conditions to be added to the Operating Schedule
5. Withdrawal of representation from Derbyshire Constabulary