

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 5

Hearing Date: 6th October 2016

Contact Officer: Mark Lomas – 01283 595890

HEARING FOR AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

Applicants Name	Brobot Petroleum Ltd
Premises Name	Brobot Petroleum Southbound
Address	A38 Southbound Derby Egginton Derbyshire DE65 6GY

1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by this Authority on the 16th August 2016 from Brobot Petroleum LTD. The Application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking a full variation to a premises licence to permit the provision of late night refreshment between the hours of 23:00hrs and 05:00hrs daily. The applicant is also seeking to remove the current conditions referred to in Annex 2 of the premises licence and replace them with a new set of conditions as per the application.

3. APPLICATION DETAILS

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

Activity	Days	Times
Provision of late night refreshment (Indoors & outdoors)	Monday to Sunday	23:00hrs to 05:00hrs

- 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.

- 3.3 A plan is attached at **(Appendix 2)** identifying the location of the premises.

4. CONSULTATION RESPONSES

4.1 Responsible Authorities

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

4.2 Other Interested Parties

Ruth Topliss Representation received during the 28 day consultation period. Full details can be found at **(Appendix 4)**.

Brian & Elaine Prince Representation received during the 28 day consultation period. Full details can be found at **(Appendix 5)**.

Elizabeth Hall Representation received during the 28 day consultation period. Full details can be found at **(Appendix 6)**.

Susan Bussey Representation received during the 28 day consultation period. Full details can be found at **(Appendix 7)**.

Alan Bussey Representation received during the 28 day consultation period. Full details can be found at **(Appendix 8)**.

Adrian Pegg Representation received during the 28 day consultation period. Full details can be found at **(Appendix 9)**.

5. AGREEMENT BETWEEN PARTIES

5.1 The applicant has offered and agreed to have conditions requested by Derbyshire Constabulary added to their application shown at **(Appendix 10)**.

5.2 Derbyshire Constabulary have subsequently withdrawn their representation shown at **(Appendix 11)**.

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. A plan identifying the location of the premises
3. Representation from Derbyshire Constabulary
4. Representation from Ruth Topliss
5. Representation from Brian & Elaine Prince
6. Representation from Elizabeth Hall

7. Representation from Susan Bussey
8. Representation from Alan Bussey
9. Representation from Adrian Pegg
10. Agreed conditions to be added to the Operating Schedule
11. Withdrawal of representation from Derbyshire Constabulary