

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 27th May 2021

Contact Officer: Faye Norman

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003

Applicant's Name	Elizabeth & Adam Devey Smith
Premises Name	Amalfi White Bar and Restaurant
Address	50 Derby Road, Melbourne, Derbyshire, DE73 8FE

1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by this Authority on the 31st March 2021 from Elizabeth and Adam Devey Smith. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking a full variation to a premises licence to amend condition 25 of Annex 2 of the licence which currently restricts the use of rear beer garden for the consumption of alcohol until 22.00hrs. The applicant seeks to amend this condition to extend the time to 23.00hrs.

Condition 25 of Annex 2 of the premises licence also currently restricts the use of the area to the front of the premises facing Derby Road, and the area between the premises and 48 Derby Road until 20.00hrs. The applicant seeks to further amend this condition to extend the time to 23.00hrs.

All of the external areas mentioned above can be seen in the cross hatched area of the attached plan which is attached at **(Appendix 2)**.

3. APPLICATION DETAILS

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

Activity	Days	Times
Consumption of alcohol in the areas mentioned above in Paragraph 2.1 – Outdoors	Monday - Sunday	08.00hrs – 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 2 Representations were received from the Responsible Authorities.

Derbyshire Constabulary	Representation received during the 28 day consultation period. Full details can be found at (Appendix 3) .
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SDDC Licensing Authority	Representation received during the 28 day consultation period. Full details can be found at (Appendix 4) .
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4.2 4 representations were received from other persons.

Emma Robison	Representation received during the 28 day consultation period. Full details can be found at (Appendix 5) .
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Sally James	Representation received during the 28 day consultation period. Full details can be found at (Appendix 6) .
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Greg & Debbie Smith	Representation received during the 28 day consultation period. Full details can be found at (Appendix 7) .
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Tom Hames	Representation received during the 28 day consultation period. Full details can be found at (Appendix 8) .
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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 objective 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 of 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 own 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 necessary 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 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 6.3 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 be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 6.4 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.

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 varied under the Licensing Act 2003
2. A plan identifying the external areas as specified in Paragraph 2.1
3. Representation from Derbyshire Constabulary
4. Representation from South Derbyshire District Council Licensing Authority
5. Representation from Emma Robison
6. Representation from Sally James
7. Representation from Greg and Debbie Smith
8. Representation from Tom Hames