

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 27th January 2022

Contact Officer: Faye Norman

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

Applicant's Name	Maloka Developments Limited
Premises Name	The Garage
Address	7 Derby Road Aston on Trent Derby DE72 2AE

1. PURPOSE

- 1.1 To determine an application to grant a premises licence received by this Authority on the 10th December 2021 from Maloka Developments Limited. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a premises licence for live music, recorded music and the sale by retail of alcohol for consumption on and off the premises for the times stated in paragraph 3.

3. APPLICATION DETAILS

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

Activity	Days	Times
Live music	Monday – Saturday	1400hrs – 2300hrs
	Sunday	1400hrs – 2200hrs
	Christmas Eve & New Year's Eve	0800hrs – 0030hrs
Recorded music	Monday – Thursday	0800hrs – 2330hrs
	Friday - Sunday	0800hrs – 2345hrs
	Christmas Eve & New Year's Eve	0800hrs – 0030hrs
Sale of alcohol for consumption on and off the premises	Monday – Thursday	1100hrs – 2330hrs
	Friday - Sunday	1100hrs – 2345hrs
	Christmas Eve & New Year's Eve	0800hrs – 0030hrs
Opening hours of the premises	Monday – Sunday	0800hrs – 0000hrs
	Christmas Eve & New Year's Eve	0800hrs – 0100hrs

- 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 A representation was received from a Responsible Authority.

Licensing Authority

Representation received during the 28 day consultation period. Full details can be found at **(Appendix 2)**.

4.2 3 representations were received from other persons.

John Holloway

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

Paul Pappin

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

Lee Dabell

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

5. AGREEMENT BETWEEN PARTIES

5.1 The Licensing Authority has now agreed conditions with the applicant and have subsequently withdrawn their representation as shown at **(Appendix 6)**.

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 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.

- 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 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. Premises Licence Application
2. Representation received – Licensing Authority
3. Representation received – John Holloway
4. Representation received – Paul Pappin
5. Representation received – Lee Dabell
6. Representation withdrawn – Licensing Authority