

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

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	Elizabeth Devey Smith
Premises Name	Amalfi White Bar & 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 12th August 2016 from Elizabeth 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 change the hours for live music, late night refreshment, the sale by retail of alcohol and the current opening hours of the premises to the times stated in paragraph 3.

The applicant is also seeking to amend 2 conditions of the premises licence to allow the garden area and the area at the front of the building to be used until 23:00hrs.

Finally, the applicant has requested a last door policy on Fridays and Saturdays of 00:30hrs with regards to new patrons entering the premises.

3. APPLICATION DETAILS

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

Activity	Days	Times
Live music – (Indoors)	Sunday – Thursday Friday & Saturday New Year's Eve	10:00hrs – 23:00hrs 10:00hrs – 00:00hrs 10:00hrs – 01:30hrs
Provision of late night refreshment (Indoors)	Sunday – Thursday Friday & Saturday	23:00hrs – 01:00hrs 23:00hrs – 01:30hrs
Sale by retail of alcohol for consumption on and off the premises	Sunday – Thursday Friday & Saturday New Year's Eve	10:00hrs – 00:30hrs 10:00hrs – 01:00hrs 10:00hrs – 02:30hrs
Opening hours of the premises	Sunday – Thursday Friday & Saturday New Year's Eve	08:00hrs – 01:00hrs 08:00hrs – 01:30hrs 08:00hrs – 03:00hrs

- 3.2 A plan is attached at **(Appendix 2)** identifying the location of the premises.
- 3.3 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 No representations were received from any of the Responsible Authorities.

4.2 Other Interested Parties

Jennifer Owen	Representation received during the 28 day consultation period. Full details can be found at (Appendix 3) .
Rachael Everard	Representation received during the 28 day consultation period. Full details can be found at (Appendix 4) .
Helen Dennis	Representation received during the 28 day consultation period. Full details can be found at (Appendix 5) .
Greg Smith	Representation received during the 28 day consultation period. Full details can be found at (Appendix 6) .
Sally James	Representation received during the 28 day consultation period. Full details can be found at (Appendix 7) .
Katie Austin	Representation received during the 28 day consultation period. Full details can be found at (Appendix 8) .
Sue Wright	Representation received during the 28 day consultation period. Full details can be found at (Appendix 9) .
Terry Potts	Representation received during the 28 day consultation period. Full details can be found at (Appendix 10) .
Mrs JJ Rowley	Representation received during the 28 day consultation period. Full details can be found at (Appendix 11) .
Mr & Mrs Walsh	Representation received during the 28 day consultation period. Full details can be found at (Appendix 12) .
Gemma Holden	Representation received during the 28 day consultation period. Full details can be found at (Appendix 13) .

Daniel & Sarah Knappett	Representation received during the 28 day consultation period. Full details can be found at (Appendix 14) .
Steve Spear	Representation received during the 28 day consultation period. Full details can be found at (Appendix 15) .
Jan Smith	Representation received during the 28 day consultation period. Full details can be found at (Appendix 16) .
Judith Baron	Representation received during the 28 day consultation period. Full details can be found at (Appendix 17) .
James Tranter	Representation received during the 28 day consultation period. Full details can be found at (Appendix 18) .
Henry Hudson & Holly Johnson	Representation received during the 28 day consultation period including a petition with 15 names thereon, 9 of whom have submitted individual representations. Full details can be found at (Appendix 19) .

5. FURTHER INFORMATION SUBMITTED BY THE APPLICANT

- 5.1 The applicant submitted further documentation, attached at **(Appendix 20)**.

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 varied under the Licensing Act 2003
2. A plan identifying the location of the premises
3. Representation from Jennifer Owen
4. Representation from Rachael Everard
5. Representation from Helen Dennis
6. Representation from Greg Smith
7. Representation from Sally James
8. Representation from Katie Austin
9. Representation from Sue Wright
10. Representation from Terry Potts
11. Representation from Mrs JJ Rowley
12. Representation from Mr & Mrs Walsh
13. Representation from Gemma Holden
14. Representation from Daniel & Sarah Knappett
15. Representation from Steve Spear
16. Representation from Jan Smith
17. Representation from Judith Baron
18. Representation from James Tranter
19. Representation from Henry Hudson & Holly Johnson including a petition with 15 names thereon, 9 of whom have made individual representations
20. Statement from applicant