

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 27th January 2021

Contact Officer: Faye Norman

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

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| Applicant's Name | Chief Officer of Police |
| Premises Name | Royal Oak |
| Address | 163-167 High Street Newhall Swadlincote Derbyshire DE11 0HP |

1. PURPOSE

- 1.1 To determine an application for the review of a premises licence received by this Authority on the 13th December 2021 from The Chief Officer of Police.

2. BACKGROUND

- 2.1 The premises is currently a pub selling alcohol for the consumption of alcohol on and off the premises and providing regulated entertainment. A premises licence issued under the Licensing Act 2003 is currently in place and a copy of the licence is attached as **Appendix 1**.

3. APPLICATION DETAILS

- 3.1 An application to review the premises licence was received from the Chief Officer of Police on 13th December 2021 on the grounds of the prevention of crime and disorder. A copy of the application form detailing the full grounds for review and supporting documents can be found at **Appendix 2**.

4. CONSULTATION RESPONSES

- 4.1 A representation was received from the Licensing Authority at South Derbyshire District Council. This representation was received during the 28-day consultation period. A copy of the representation and supporting report can be found at **Appendix 3**.

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 Responsible Authorities, other persons and the premises licence holder.
- 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:
- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence not exceeding 3 months;
 - the revocation of the licence.

7. RIGHT OF APPEAL

- 7.1 An appeal may be made to the Magistrates Court within 21 days of the licence holder being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officers of Police and/or any other person who have made relevant representations
- 7.2 The decision of the Licensing Authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

8. APPENDICES

1. Royal Oak Premises Licence
2. Application for the review of a premises licence from The Chief Officer of Police.
3. Representation received – Licensing Authority at South Derbyshire District Council.