

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 10th July 2018

Contact Officer: Faye Tucker

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

Applicant's Name	Davinder Gidda
Premises Name	Nadee
Address	130 Heath Lane Findern Derby DE65 6AR

1. PURPOSE

- 1.1 To determine an application to grant a premises licence received by this Authority on the 17th May 2018 from Davinder Gidda. The application is attached at (**Appendix 1**).

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a premises licence for plays, films, indoor sporting events, live music, recorded music, performances of dance, anything similar to live, recorded music or performance of dance, late night refreshment, and sale by retail of alcohol 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
Plays, films, live music, recorded music, performances of dance, anything similar to live music, recorded music or performance of dance and sale by retail of alcohol (Indoors & outdoors)	Monday – Sunday	11.00hrs – 00.00hrs
	Christmas Eve, Boxing Day, New Year's Day, Friday, Saturday & Sunday preceding all Bank Holiday weekends	11.00hrs – 01.00hrs
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	
Indoor sporting events	Monday - Sunday	11.00hrs – 00.00hrs
	Christmas Eve, Boxing Day, New Year's Day, Friday, Saturday & Sunday preceding all Bank Holiday weekends	11.00hrs – 01.00hrs
	From the end of permitted	

	hours on New Year's Eve to the start of permitted hours on New Year's Day	
Late night refreshment (Indoors & outdoors)	Monday - Sunday Christmas Eve, Boxing Day, New Year's Day, Friday, Saturday & Sunday preceding all Bank Holiday weekends From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	23.00hrs – 00.00hrs 23.00hrs – 01.00hrs
Opening hours of the premises	Monday-Sunday Christmas Eve, Boxing Day, New Year's Day, Friday, Saturday & Sunday preceding all Bank Holiday weekends From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	11.00hrs – 00.30hrs 11.00hrs – 01.30hrs

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 Representations were received from the Responsible Authorities.

Derbyshire Constabulary

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

Environmental Health

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

4.2 5 representations were received from other persons.

R Badwal

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

P.H Lowe

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

J Walls

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

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

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

4.3 A plan is attached at **(Appendix 9)** identifying the location of the premises.

5. AGREEMENT BETWEEN PARTIES

5.1 Environmental Health and Derbyshire Constabulary have now agreed conditions with the applicant and have subsequently withdrawn their representations as shown at **(Appendix 10)** and **(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 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. Representation from Derbyshire Constabulary
3. Representation from Environmental Health
4. Representation from R Badwal
5. Representation from P.H. Lowe
6. Representation from J Walls
7. Representation from C Conroy
8. Representation from Anonymous
9. A plan identifying the location of the premises
10. Withdrawal of representation from Environmental Health
11. Withdrawal of representation from Derbyshire Constabulary