



GENERAL LICENSING SUB COMMITTEE
26 March 2015

ITEM 4

Report of the Strategic Director of Neighbourhoods

**Application for a review of a premises licence at:
Wardwick Tavern 15 The Wardwick Derby DE1 1HA**

SUMMARY

- 1.1 An application for an Expedited/Summary review of the Premises Licence at Wardwick Tavern 15 The Wardwick Derby DE1 1HA was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 02 March 2015.
- 1.2 A hearing was held on 04 March 2015 at which interim steps were taken by the General Licensing Sub Committee.
- 1.3 Following an Expedited/Summary review a full review of the Premises Licence must take place, hence the hearing today.
- 1.4 The sale by retail of alcohol; the supply of alcohol by or on behalf of a club to A member of the club; the provision of regulated entertainment; and the provision of late night refreshment must be licensed under the Licensing Act 2003.
- 1.5 The General Licensing Sub Committee can decide to:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the Designated Premises Supervisor;
 - suspend the licence for a period not exceeding three monthsor
 - revoke the licence

RECOMMENDATION

- 2.1 To consider the information in the report and any Relevant Representations to determine the review of the Premises Licence at: Wardwick Tavern 15 The Wardwick Derby DE1 1HA.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that the four licensing objectives are upheld in relation to a review of the Premises Licence at: Wardwick Tavern 15 The Wardwick Derby DE1 1HA following an Expedited/Summary review.

SUPPORTING INFORMATION

- 4.1 An application for an Expedited/Summary review of the Premises Licence at: Wardwick Tavern 15 The Wardwick Derby was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 02 March 2015. **Application is attached at Appendix 1.**
- 4.2 A hearing was held on 04 March 2015 at which interim steps were taken by the General Licensing Sub Committee. The interim steps are detailed in the decision notice attached at **Appendix 2.**
- 4.3 The Licensing Team has received 1 Relevant Representation, from a Responsible Authority and 2 from other persons (John Gaunt and Partners Solicitors) in respect of the Designated Premises Supervisor, Carol Joan Groom and tenants, Wick Entertainment Limited, in relation to the subsequent review of the Premises Licence. These are attached at **Appendix 3.**
- 4.4 The responses from all Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE
Derbyshire Constabulary	Review applicant			
Derbyshire Fire & Rescue				√
Planning Department				√
Safeguarding Children				√
Food and Safety Team	√			
Environmental Protection Team	Additional info			
Trading Standards Team				√
Local Authority			√	
Health Board				√

- 4.5 Additional information has been received from Derby City Council Environmental Protection Team in relation to noise complaints received on 22 April 2013 – **Information is attached at appendix 4.**
- 4.6 **The current licensable activities are:**
- the sale by retail of alcohol (off and on the premises)
 - Regulated Entertainment ; a performance of live music, any playing of recorded music, a performance of dance, entertainment of a similar descriptions to that falling within the performance of live music, the playing of recorded music and the performance of dance
 - The provision of late night refreshment
- 4.7 **The current days and times of the licensable activities are:**
- Sale of alcohol by retail for consumption on and of the premises:
- Sunday 09:00 to 24:00
Monday to Saturday 09:00 – 03:00
- Live and Recorded Music (Indoors and outdoors) and anything of a similar description shown above as regulated entertainment
- Sunday 09:00 to 24:00
Monday to Saturday 09:00 – 03:00
- Provision of late night refreshment (indoors and outdoors)
- Sunday 23:00 to 01:00
Monday to Saturday 23:00 to 03:00
- 4.8 **The current days and times the premises are open to the public are:**
- Sunday 09:00 to 01:00
Monday to Saturday 09:00 to 03:20
- 4.9 **The current Premises Licence Holder is:** Spirit Pub Company (Leased) Ltd
- 4.10 **The current Designated Premises Supervisor is:** Carol Joan Groom
- 4.11 A location plan of the premises is attached at **Appendix 5.**
- 4.12 A copy of the premises licence is attached at **Appendix 6.**

- 4.13 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.

- 4.14 In making its decision, the Committee is also obliged to have regard to national Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.

- 4.15 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.

- 4.16 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.

- 4.17 A Licence is regarded as property for the purposes of the Human Rights Act 1998. Article 1 of the First Protocol states that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

- 4.18 The Committee must also take into account the effect on local residents. Article 8 states:

- Everyone has the right to respect for his private and family life, his home and his correspondence.
- There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 4.19 Three stage test to be applied:

- Is the interference in accordance with the law?
- Is the interference necessary in a democratic society in pursuit of one of the legitimate aims set out above?

Is the decision proportionate ie. Striking a fair balance between the demands of the general interests of the community and the requirement to protect the individual's fundamental rights?

OTHER OPTIONS CONSIDERED

5.1 No other options available

This report has been approved by the following officers:

Legal officer Financial officer Estates/Property officer Human Resources officer Service Director(s) Other(s)	Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee
For more information contact: Background papers: List of appendices:	Name: Sandra Mansell Telephone:01332 641931 e-mail: Sandra.mansell@derby.gov.uk None Appendix 1 – Application Appendix 2 – Interim Steps hearing decision notice Appendix 3 – Relevant Representations Appendix 4 - Additional information supplied by Derby City Council Environmental Protection Team Appendix 5 – Location Plan Appendix 6 –Copy of Premises Licence