

**Application for a review of a premises licence at: Hardy's Off
Licence, 88 Sunny Hill Avenue, Littleover, Derby, DE23 1RJ**

SUMMARY

- 1.1 An application for a review of the Premises Licence at: Hardy's Off Licence 88 Sunny Hill Avenue Littleover Derby DE23 1RJ has been received by Derby City Council's Licensing Team.
- 1.2 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.
- 1.3 Officers have delegated powers to deal with various applications made under the Licensing Act 2003; however this is not the case with this application and hence attendance at committee today.
- 1.4 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, consider the application and any Relevant Representations to determine the review of the Premises Licence at: Hardy's Off Licence 88 SunnyHill Avenue Littleover Derby DE23 1RJ.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that the four licensing objectives are upheld in relation to the application for a review of the Premises Licence at: Hardy's Off Licence 88 SunnyHill Avenue Littleover Derby DE23 1RJ.

SUPPORTING INFORMATION

- 4.1 An application for a review of a Premises Licence was received by Derby City Council's Licensing Team from Derbyshire Constabulary on 27 June 2018. A copy is attached at **Appendix 1**
- 4.2 The Licensing Team has received 0 Relevant Representations, from Responsible Authorities.
- 4.3 The responses from all Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE
Derbyshire Constabulary	✓			
Derbyshire Fire & Rescue				✓
Planning Department				✓
Safeguarding Children				✓
Food and Safety Team				✓
Environmental Protection Team				✓
Trading Standards Team				✓
Local Authority			✓	
Local Health Board				✓
Home Office				✓

- 4.4 **The current licensable activities are:**
the sale by retail of alcohol (off) the premises.
- 4.5 **The current days and times of the licensable activities are:**
Sunday 10.00am – 22.30pm and Monday to Saturday 08:00am – 23:00pm.
Christmas day 12.00pm – 15.00pm, Christmas day 19.00pm – 22.30pm and Good Friday 08.00am – 22.30pm.
- 4.6 **The current days and times the premises are open to the public are:**
As at date of application.
- 4.7 **The current Premises Licence Holder is:**
Osman Baiz Hassan.

- 4.8 **The current Designated Premises Supervisor is:**
Osman Baiz Hassan.
- 4.9 A location plan of the premises is attached at **Appendix 2**
- 4.10 A copy of the premises licence is attached at **Appendix 3**
- 4.11 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.
- 4.12 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.
- 4.13 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.14 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.15 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.”
- 4.16 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.

4.17 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 – Location plan Appendix 3 – Copy of Premises Licence