



GENERAL LICENSING SUB-COMMITTEE
6 January 2020

ITEM 05

Report sponsor: Richard Antcliff, Director of
Public Protection and Streetpride

Report author: Ann Walker, Senior Environmental
Health Officer, Licensing Team

**Application for a review of a premises licence at: Premier
Rowditch 211-213 Uttoxeter New Road Derby DE22 3LJ**

Purpose

- 1.1 An application for an expedited/summary review of the premises licence at Premier Rowditch, 211-213 Uttoxeter New Road, Derby DE22 3LJ was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 12 December 2019.
- 1.2 A hearing was held on 16 December 2019 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 within 28 days of the Licensing Authority receiving the expedited review application, hence the hearing today.
- 1.4 The sale by retail of alcohol 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 months or,
 - revoke the licence

Recommendations

- 2.1 To consider the information in the report and any relevant representations to determine the review of the premises licence at: Premier Rowditch, 211-213 Uttoxeter New Road, Derby DE22 3LJ.

Reason

- 3.1 To ensure that the four licensing objectives are upheld in relation to a review of the premises licence at: Premier Rowditch, 211-213 Uttoxeter New Road, Derby DE22 3LJ, following an expedited/summary review.

Supporting information

- 4.1 An application for an expedited/summary review of the premises licence at: Premier Rowditch, 211-213 Uttoxeter New Road, Derby DE22 3LJ was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 12 December 2019. The application is attached at Appendix 1.
- 4.2 A hearing was held on 16 December 2019 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 not received any representations from the responsible authorities or any other person during the statutory consultation period which ended at midnight on 30 December 2019.
- 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				X
Planning Department				X
Safeguarding Children				X
Food and Safety Team				X
Environmental Protection Team				X
Trading Standards Team				X
Local Authority			X	
Health Board				X

- 4.5 The current licensable activities are:
- the sale by retail of alcohol (off the premises)

4.6 The current days and times of the licensable activities are:

Sale of alcohol (for consumption off the premises)

Sunday	10:00 to 22:30hrs
Monday to Saturday	08:00 to 23:00hrs
Good Friday	08:00 to 22:30hrs
Christmas Day	Noon to 15:00hrs
Christmas Day	19:00 to 22:30hrs

4.7 The current days and times the premises are open to the public are:

Sunday to Monday 10:00 to 03:30hrs

4.8 The current premises licence holder is: Balran Services Ltd

4.9 The current designated premises supervisor is: Baljinder Kaur Mann

4.10 A location plan of the premises is attached at Appendix 3.

4.11 A copy of the premises licence is attached at Appendix 4.

4.12 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.

4.13 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.

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

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

- 4.16 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.”

- 4.17 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.
- 4.18 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 i.e. Striking a fair balance between the demands of the general interests of the community and the requirement to protect the individual's fundamental rights?

Public/stakeholder engagement

- 5.1 Not applicable

Other options

- 6.1 Not applicable

Financial and value for money issues

- 7.1 Not applicable

Legal implications

8.1 Not applicable

Other significant implications

9.1 Not applicable

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Not Applicable to Licensing Sub Committees	
Finance	Not Applicable to Licensing Sub Committees	
Service Director(s)	Not Applicable to Licensing Sub Committees	
Report sponsor	Not Applicable to Licensing Sub Committees	
Other(s)	Not Applicable to Licensing Sub Committees	

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Background papers:	None
List of appendices:	Appendix 1 – Application for expedited review Appendix 2 – Interim Steps hearing decision notice Appendix 3 – Location Plan Appendix 4 – Copy of Premises Licence