

**Application for a Variation of a Premises Licence at:  
The Prince of Wales 7 Chapel Street Spondon Derby DE21 7JP**

**SUMMARY**

- 1.1 An application for a Variation of a Premises Licence at The Prince of Wales 7 Chapel Street Spondon Derby DE21 7JP 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 variations to Premises Licenses applications where there are no Relevant Representations received; 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:
  - grant the application as per the application
  - modify the conditions of the licence
  - or
  - reject the whole or part of the application

**RECOMMENDATION**

- 2.1 To consider the information in the report, consider the application and any Relevant Representations to determine the application for a variation of a Premises Licence at: The Prince of Wales 7 Chapel Street Spondon Derby DE21 7JP.

**REASONS FOR RECOMMENDATION**

- 3.1 To ensure that the four licensing objectives are upheld in relation to the application for a variation of a Premises Licence at: The Prince of Wales 7 Chapel Street Spondon Derby DE21 7JP.

## SUPPORTING INFORMATION

- 4.1 An application for a variation of a Premises Licence was received by Derby City Council's Licensing Team from Geoffrey Anthony Feast on 06 March 2015. A copy is attached at **Appendix 1**.
- 4.2 The Licensing Team has received two Relevant Representations, from Other Persons. These are attached at **Appendix 2**.
- 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RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE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		Agreed conditions		
Derbyshire Fire & Rescue				√
Planning Department				√
Safeguarding Children				√
Food and Safety Team			√	
Environmental Protection Team				√
Trading Standards Team				√
Local Authority			√	
Local Health Board				√

- 4.4 Following receipt of the application to vary the premises licence at: The Prince of Wales 7 Chapel Street Spondon Derby DE21 7JP. Discussions have taken place between the applicant, Mr Feast and Derbyshire Constabulary to agree conditions on the licence. An email detailing the conditions is attached at **Appendix 3**.

- 4.5 **The variation relates to:** The addition of an outbuilding on to the current premises licence for the supply of alcohol to the public.

Details are shown in plans attached to the application at **Appendix 1**.

Ground floor garage area to be used for beer festivals (plan 2). Garage doors fully opened as fire exit when trading.

All current hours of trading and conditions remain the same but to include outbuilding as marked on enclosed plans.

**The Current licensable activities are:**

- the sale by retail of alcohol (off and on the premises)
- Regulated Entertainment ; an exhibition of a film, an indoor sporting event, 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 (indoors)
- The provision of late night refreshment (indoors)

- 4.6 **The varied licensable activities would be:**

There will be no variation to existing licensable activities on the premises licence.

The variation relates to the addition of an outbuilding on to the current premises licence for the supply of alcohol to the public.

- 4.7 **The current days and times of the licensable activities are:**

Sale of alcohol for consumption on and off the premises

Films (indoors)

Indoor Sporting events

Live and recorded Music (indoors)

Anything of a similar description that falls within regulated entertainment (indoors)

Sunday – Thursday 09:00 to 24:00

Friday and Saturday 09:00 to 01:00

Provision of late night refreshment (indoors)

Sunday – Thursday 23:00 to 24:00

Friday and Saturday 23:00 – 01:00

- 4.8 **The varied days and times of the licensable activities would be:**

Not applicable

- 4.9 **The current days and times the premises are open to the public are:**

Sunday to Thursday 09:00 to 00:30

Friday and Saturday 09:00 to 01:30

- 4.10 **The varied days and times the premises would be open to the public are:**  
There is no variation to the days or time the premises would be open to the public
- 4.11 **The Premises Licence Holder is:** Geoffrey Anthony Feast
- 4.12 **The Designated Premises Supervisor is:** Peter McCourt
- 4.13 A location plan of the premises is attached at **Appendix 4.**
- 4.14 A copy of the premises licence is attached at **Appendix 5.**
- 4.15 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.
- 4.16 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.
- 4.17 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.18 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.19 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.”

4.20 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.

4.21 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?

<b>OTHER OPTIONS CONSIDERED</b>
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5.1 No other options available

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Estates/Property officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	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
<b>For more information contact:</b>  <b>Background papers:</b> <b>List of appendices:</b>	Name: Sandra Mansell Telephone:01332 641931 e-mail: Sandra.mansell@derby.gov.uk None Appendix 1 – Application Appendix 2 – Relevant Representations Appendix 3 - Email detailing agreed conditions with Derbyshire Constabulary Appendix 4 – Location plan Appendix 5 – Copy of Premises Licence