

Time commenced - 10.00 am
Time finished - 10.35 am

LICENSING SUB COMMITTEE B 8 DECEMBER 2004

Present: Councillor Jones (Chair)
Councillors Bolton, Brown, MacDonald, Richards, Redfern

55/04 Apologies

There were no apologies.

56/04 Late Items Introduced by the Chair

The Chair introduced the following late item as a matter of urgency.

Outcome of Appeal – The Neptune, 10/12 Osmaston Road, Derby

57/04 Declarations of Interest

There were no declarations of interest.

58/04 Minutes

The Minutes of the meetings held on 20 October and 5 November 2004 were approved as a correct record and signed by the Chair.

59/04 Outcome of Appeal – Neptune, 10/12 Osmaston Road, Derby

A report of the Director of Corporate Services was considered which gave details of an appeal against the decision, made by the Committee at 8 September 2004 meeting, to refuse to renew the Public Entertainments Licence for the Neptune, on the grounds that the applicant had not ensured that there were sufficient first aid trained staff on the premises during times when open for public entertainment. The applicant, Mr Kirk, appealed against the decision and the matter was listed for first hearing at Derby Magistrates Court on 21 October 2004. Before the Court hearing the Appellant obtained the necessary first aid certificate. At the hearing on 21 October 2004, the Magistrates therefore allowed the appeal, the effect of which was to renew the Public Entertainments licence.

Resolved to note the outcome of the appeal against the refusal to renew the Public Entertainments Licence for the Neptune.

60/04 Application for a provisional Public
Entertainment Licence: Time Nightclub,
Mansfield Road, Derby.

A report of the Director of Corporate Services was considered which gave details of an application for a new Public Entertainment Licence at Time nightclub. A letter from Derbyshire Constabulary was presented at the meeting, requesting that the meeting be deferred until 19th January 2005, to instruct Counsel so that proper representation could be given to the Police objections.

Resolved to defer consideration of the application to the next meeting of the Committee to allow Derbyshire Constabulary time to provide proper representation.

61/04 Application to Amend the Conditions of Sunday
Opening for a Sex Establishment Licence: The
Private Shop, 61 Osmaston Road, Derby.

A report of the Director of Corporate Services was considered which gave details of a request to vary conditions of Sunday opening for a sex establishment licence for The Private Shop, 61 Osmaston Road, Derby. Mr Scrimshaw, Area Manager of Darker Enterprises attended the meeting and addressed the Sub-Committee. A letter was received from Mr R G Darker – owner, requesting to vary the standard opening conditions to allow the premises to open for business on two Sundays – 12 December 2004 and 19 December 2004, between the hours of 10am and 4pm. The Standard Conditions applicable to Licences for Sex Establishments states, “Except with the previous consent of the Council the premises shall not be open on Sundays, Christmas Day or Good Friday.” Mr Scrimshaw stated that they wish to open on 12 December 2004 and 19 December 2004 to take advantage of Christmas trade and that it would not wish to open on a Sunday at any other time.

Resolved to agree to vary condition 6 of the licence conditions to allow the premises to be open to the public on Sunday, to enable the licence holder to take advantage of the Christmas trade, subject to the following conditions:

- 1. The premises can only be opened on Sunday 12 December 2004 and Sunday 19 December 2004.**
- 2. The premises shall not be opened to the public before 10am and shall not be kept open after 4pm.**

(Councillor Jones requested that her vote against the decision be recorded.)

At this point, Councillor Redfern arrived at the meeting.

62/04 Application to Renew the Public Entertainment Licence – Friary, Friar Gate, Derby.

A report of the Director of Corporate Services was considered which gave details of an application to renew the public entertainment licence for The Friary. Mr M Boulter – applicant and Mr Townsin from Freemans Solicitors attended the meeting and addressed the Sub-Committee. It was noted that a renewal application was received on 31 March 2004, but had been deferred by the Sub Committee at the last three meetings to enable discussions to take place between the applicant and the Crime Reduction Officer, regarding the CCTV system. A late notification was received via fax, on 8 December 2004 at 09:15 hours, from Derbyshire Constabulary, noting that all works regarding CCTV and security requirements at the Friary have now been completed.

Resolved to renew the Public Entertainment Licence.

The Committee also expressed its disappointment at the length of time it took to resolve this application, and hoped that it would not happen again.

MINUTES END