



**GENERAL LICENSING SUB COMMITTEE**  
**20 February 2014**

**ITEM**

Report of the Strategic Director of  
Neighbourhoods

**Application for a review of a premises licence at: Curzons  
23-25 Curzon Street Derby DE1 1LH**

**SUMMARY**

- 1.1 An application for an Expedited/Summary review of the Premises Licence at Curzons 23-25 Curzon Street Derby DE1 1LH was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 24 January 2014.
- 1.2 A hearing was held on 28 January 2014 at which it was resolved not to take any interim steps pending a full review hearing of the premises licence 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.
- 1.4 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 and any Relevant Representations to determine the review of the Premises Licence at: Curzons 23-25 Curzon Street Derby DE1 1LH.

## REASONS FOR RECOMMENDATION

- 3.1 To ensure that the four licensing objectives are upheld in relation to a review of the Premises Licence at: Curzons 23-25 Curzon Street Derby DE1 1LH following an Expedited/Summary review.

## SUPPORTING INFORMATION

- 4.1 An application for an Expedited/Summary review of the Premises Licence at: Curzons 23-25 Curzon Street Derby DE1 1LH was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 24 January 2014 . **Application is attached at Appendix 2.**
- 4.2 A hearing was held on 28 January 2014 it was resolved not to take any interim steps pending a full review hearing of the premises licence by the General Licensing Sub Committee. The reasons for the decision are detailed in the decision notice attached at **Appendix 3.**
- 4.3 The Licensing Team has received 1 Relevant Representation, from a Responsible Authority, Derbyshire Fire and Rescue in relation to the subsequent review of the Premises Licence. These are attached at **Appendix 4.**
- 4.4 Information in relation to inspections at Curzons by Derby City Council, Food Safety Team has been provided for inclusion with this report and is attached at **Appendix 5.**

4.5 The responses from all Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE
Derbyshire Constabulary	Initial request for review			
Derbyshire Fire & Rescue	√			
Planning Department				√
Safeguarding Children				√
Food and Safety Team	Information only			
Environmental Protection Team				√
Trading Standards Team				√
Local Authority			√	
Health Board				√

4.6 **The current licensable activities are:**

- the sale by retail of alcohol (off/on the premises)
- Regulated Entertainment ; 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
- The provision of late night refreshment

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

The sale of alcohol off/on the premises – Sunday to Saturday 10:00 – 04:00

Indoor sporting events– Sunday to Saturday 10:00 – 04:00

Live and recorded music (indoors) Sunday to Saturday 10:00 – 04:00

Performance of dance (indoors) – Sunday to Saturday 10:00 – 04:00

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):

Sunday to Saturday 10:00 – 04:00

Provision of late night refreshment (indoors) – Sunday to Saturday 23:00 – 04:00

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

Sunday to Saturday 10:00 – 04:00

- 4.9 **The current Premises Licence Holder is:** Paul Anthony Turner
- 4.10 **The current Designated Premises Supervisor is:** Leigh Wilkinson however an application was received to vary the Designated Premises Supervisor on 31 January 2014 which came into force on 14 February 2014 for a Martin David Carter to be the new Designated Premises Supervisor this has not been reflected on the attached licence as the consultation period had not ended before the distribution of this report.
- 4.11 A location plan of the premises is attached at **Appendix 6**
- 4.12 A copy of the premises licence is attached at **Appendix 7**
- 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:

<b>Legal officer</b> <b>Financial 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
<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 Appendix 1 – Implications Appendix 2 – Application Appendix 3 - Interim steps hearing – decision notice Appendix 4 – Relevant Representation Appendix 5 - Information supplied by Derby City Council Food Safety Team Appendix 6 – Location plan Appendix 7 – Copy of Premises

## Appendix 1

## IMPLICATIONS

### Financial and Value for Money

- 1.1 There is no charge for a review application

## **Legal**

- 2.1 Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may:
- dismiss the appeal; or
  - substitute the decision for another decision which could have been made by the Council; or
  - remit the case to the Council to dispose of it in accordance with the direction of the Court; and
  - make an order for costs as it sees fit.

## **Personnel**

- 3.1 None directly arising from this report.

## **Equalities Impact**

- 4.1 The equality impact of this application has been considered to have no significant effects from the information given.

## **Health and Safety**

- 5.1 None directly arising from this report.

## **Environmental Sustainability**

- 6.1 None directly arising from this report.

## **Property and Asset Management**

- 7.1 None directly arising from this report.

## **Risk Management**

- 8.1 None directly arising from this report.

## **Corporate objectives and priorities for change**

- 9.1 The information contained in this report contributes to the council's plan of a thriving and sustainable economy with good quality services that meet local needs.