



GENERAL LICENSING SUB-COMMITTEE
4 November 2022

ITEM 05

Report sponsor: Samantha Dennis, Director of
Public Protection and Streetpride

Report author: Angela Rawson, Team Leader,
Licensing

Receipt of an Objection Notice in Respect of Temporary Event Notice at: Ristorante Da Alessia 26 - 28 Green Lane Derby DE1 1RY

Purpose

- 1.1 A Temporary Event Notice has been received by Derby City Council's Licensing Team from Constantin Dulhaniuc in respect of Ristorante Da Alessia, 26 -28 Green Lane, Derby DE1 1RY.
- 1.2 The sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment must be licensed under the Licensing Act 2003.
- 1.3 Where no licence or authorisation exists, any individual aged 18 or over, subject to specific criteria being met, can issue a Temporary Event Notice to the Licensing Authority.
- 1.4 This Notice allows licensable activities to take place without the need for any further authorisation.
- 1.5 Only the Police and the Council's Environmental Protection Team may object to a Temporary Event Notice on the two licensing objectives, an objection on behalf of Derbyshire Constabulary has been received and hence attendance at committee today.
- 1.6 The two Licensing objectives are:
 - a) the prevention of crime and disorder
 - b) the prevention of public nuisance
- 1.7 The General Licensing Sub Committee can decide to :
 - uphold the objection notice received and serve a counter-notice on the notifying individual
 - impose one or more of the existing licence conditions on the Temporary Event Notice if it considers it appropriate for the promotion of the licensing objectives or
 - reject the objection notice.

Recommendation

- 2.1 To consider the information in the report and the objection notice received from Derbyshire Constabulary in respect of the Temporary Event Notice received from Constantin Dulhaniuc on 21 October 2022.

Reason

- 3.1 To ensure that the licensing objectives are upheld in relation to the Ristorante Da Alessia, 26 -28 Green Lane, Derby DE1 1RY.

Supporting information

- 4.1 A Temporary Event Notice was received by Derby City Council's Licensing Team from Constantin Dulhaniuc on 21 October 2022. A copy is attached at **Appendix 1**.
- 4.2 The Licensing Team received an objection notice from Derbyshire Constabulary on 26 October 2022. A copy is attached at **Appendix 2**.
- 4.3 The responses from the relevant Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	OBJECTION	OBJECTION WITHDRAWN	NO OBJECTION	NO RESPONSE
Derbyshire Constabulary	X			
Environmental Protection Team				X

- 4.4 The licensable activities covered by the Temporary Event Notice are for:

- the sale by retail of alcohol (on the premises)
- the provision of regulated entertainment
- the provision of late night refreshment

- 4.5 The days and times applied for are:

5 November 2022 17:00hrs to 6 November 2022 3:00hrs.

- 4.6 A location plan of the premises is attached at **Appendix 3**.
- 4.7 A copy of the existing premises licence is attached at **Appendix 4**
- 4.8 The Committee is obliged to determine this objection notice with a view to promoting the licensing objectives which are.
- the prevention of crime and disorder;
 - the prevention of public nuisance;
- 4.9 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.
- 4.10 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.11 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.12 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."

- 4.13 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.

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 Appendix 2 – Objection Notice Appendix 3 – Location Map Appendix 4 – Copy of the Premises Licence