



**GENERAL LICENSING SUB-COMMITTEE
31 JANUARY 2022**

ITEM 5

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

Report author: Angela Rawson, Service
Manager, Licensing

**Application for a premises licence at:
Binary Units 5-8 Mickleover Retail Units Limes Avenue
Mickleover Derby DE3 0GR**

Purpose

- 1.1 An application for a premises licence at Binary, Units 5-8 Mickleover Retail Units, Lime Avenue, Mickleover Derby DE3 0GR 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 applications for new premises licence 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

Recommendations

- 2.1 To consider the information in the report, consider the application and any relevant representations to determine the application for a premises licence at Binary, Units 5-8 Mickleover Retail Units, Lime Avenue, Mickleover Derby DE3 0GR.

Reason

- 3.1 To ensure that the four licensing objectives are upheld in relation to an application for a new premises licence at Binary, Units 5-8 Mickleover Retail Units, Lime Avenue, Mickleover Derby DE3 0GR.

Supporting information

- 4.1 An application for a new premises licence was received by Derby City Council's Licensing Team from Bespoke Inns 2020 Ltd on 8 December 2021. The application is attached at **Appendix 1**.
- 4.2 The Licensing Team has received 4 relevant representations objecting to the application from other persons. These are attached at **Appendix 2**.

The Licensing Team has also received 4 comments in support of the application. These can be found at **Appendix 3**.

- 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RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE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				X
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	
Local Health Board				X
Home Office				X

- 4.4 The application relates to:
- Late night refreshment
 - Supply of alcohol, for consumption on and off the premises.

- 4.5 The days and times applied for are:
- Late night refreshment –
Sunday to Thursday 23.00hrs to Midnight
Friday and Saturday 23.00hrs to 01.00 hrs
 - Supply of alcohol –
Sunday to Thursday 08.00hrs to Midnight
Friday and Saturday 08.00hrs to 01.00 hrs
- 4.6 The proposed opening times of the premises are:
Sunday to Thursday 08.00hrs to Midnight
Friday and Saturday 08.00hrs to 01.00 hrs
- 4.7 Non-standard times applied for:
- Late night refreshment –
Bank holidays (including Sunday preceding bank holiday Mondays)
23.00hrs to 01.00hrs
Christmas Eve and Boxing Day – 23.00hrs to 01.00hrs
New Year's Eve – 23.00hrs to 03.00hrs
- Supply of alcohol –
Bank holidays (including Sunday preceding bank holiday Mondays)
08.00hrs to 01.00hrs
Christmas Eve and Boxing Day – 08.00hrs to 01.00hrs
New Year's Eve – 08.00hrs to 03.00hrs
- Opening times –
Bank holidays (including Sunday preceding bank holiday Mondays)
08.00hrs to 01.00hrs
Christmas Eve and Boxing Day – 08.00hrs to 01.00hrs
New Year's Eve – 08.00hrs to 03.00hrs
- 4.8 The proposed premises licence holder is: Bespoke Inns 2020 Ltd.
- 4.9 The proposed designated premises supervisor is: Cara Spence.
- 4.10 A location plan of the premises is attached at **Appendix 4**.
- 4.11 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.
- 4.12 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.

- 4.13 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.14 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.15 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.”

- 4.16 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.
- 4.17 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 Appendix 2 – Relevant Representations Appendix 3 – Supporting Comments Appendix 4 – Location Map