



GENERAL LICENSING SUB COMMITTEE
20 May 2013

ITEM 5

**Report of the Strategic Director of
Neighbourhoods**

APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT: NUNSFIELD SOCIAL CLUB LTD 33 BOULTON LANE ALVASTON DERBY DE24 0FD

SUMMARY

- 1.1 An application for a Variation of a Premises Licence at Nunsfield Social Club Ltd 33 Boulton Lane Alvaston Derby DE24 0FD 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 Licences 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: Nunsfield Social Club Ltd 33 Boulton Lane Alvaston Derby DE24 0FD.

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: Nunsfield Social Club Ltd 33 Boulton Lane Alvaston Derby DE24 0FD.

SUPPORTING INFORMATION

- 4.1 An application for a variation of a Premises Licence was received by Derby City Council's Licensing Team from Nunsfield Social Club Ltd on 27 March 2013. A copy is attached at **Appendix 2**.
4. The Licensing Team has received 6 Relevant Representations, from Other Persons. These are attached at **Appendix 3**.
4. Derby City Council Environmental Protection Team have agreed with the applicant to have condition 21 amended and the removal of condition 22. **See Appendix 4**.
4. The responses from all Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE
Derbyshire Constabulary				✓
Derbyshire Fire & Rescue			✓	
Planning Department				✓
Safeguarding Children				✓
Food and Safety Team			✓	
Environmental Protection Team	Agreed an amendment to 1 of the conditions			
Trading Standards Team			✓	
Local Authority			✓	
Local Health Board				✓

4. **The variation relates to:** remove conditions 21,22, 23,24,25 from the premises licence

The Current licensable activities are:

- the sale by retail of alcohol (off/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. – all indoors.

4. **The Premises Licence Holder is:**
Nunsfield Social Club Ltd

4. **The Designated Premises Supervisor is:**
Paul Walton

4. A location plan of the premises is attached at **Appendix 5**

4. A copy of the premises licence is attached at **Appendix 6**

4. 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. 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. The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.

4. The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.

4. 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. 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. 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:

Legal officer	Not Applicable for Sub Committee
Financial officer	Not Applicable for Sub Committee
Human Resources officer	Not Applicable for Sub Committee
Service Director(s)	Not Applicable for Sub Committee
Other(s)	Not Applicable for Sub Committee

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Background papers:	e-mail: Sandra.mansell@derby.gov.uk
List of appendices:	None

	Appendix 1 – Implications Appendix 2 – Application Appendix 3 – Relevant Representations Appendix 4 – Agreed Conditions Appendix 5 – Location plan Appendix 6 – Copy of Premises Licence
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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.

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 met local needs.

