



GENERAL LICENSING SUB-COMMITTEE
15 January 2024

ITEM 5

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

Report author: Angela Rawson, Service
Manager, Licensing

Application for a variation of a premises licence at: White Swan, Shepherd Street, Littleover, Derby

Purpose

- 1.1 An application for a variation of a premises licence at White Swan, Shepherd Street, Littleover, Derby 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

Recommendations

- 2.1 To consider the information in the report, consider the application and any relevant representation to determine the application for a variation of a premises licence at the White Swan, Shepherd Street, Littleover, Derby.

Reason

- 3.1 To ensure that the four licensing objectives are upheld in relation to an application to vary the premises licence at the White Swan, Shepherd Street, Littleover, Derby.

Supporting information

- 4.1 An application for a variation of a premises licence was received from TLT Solicitors on behalf of the premises licence holder, Greene King Brewing and Retailing Limited on 17 November 2023. A copy of the variation application, noise reduction plan and proposed new licensing plan drawing number: 2850-60 are attached at **Appendix 1**.
- 4.2 The Licensing Team has received one relevant representation from the Environment Protection Team concerning the volume of noise in the external area. Full details are attached at **Appendix 2**.

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RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE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

- 4.3 The variation application relates to proposed changes to alter the layout of the premises in accordance with the new plan drawing number: 2850-60. The changes to the area are to include an additional bar server in the rear garden as well as new beer garden and patios areas. The licensed area is proposed to increase to include the rear garden area, beer garden and patios areas.

Additional proposed conditions are as follows to be added to the operating schedule:

1. The external bar server will only be used between the hours of 10.00hrs and 23.00 hrs daily.
 2. The external bar server will be supervised at all times when in use.
 3. The external bar server will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.
 4. The DPS will enforce the Noise Reduction Plan (as submitted as part of the planning application). The plan will include matters such as numbers of tables, music and waste collection, and shall be reviewed every six months.
- 4.4 The **current** licensable activities are:
- Live Music (Indoors), Recorded Music (Indoors) and Anything of a similar description to that falling with (e), (f) or (g) on Sunday to Wednesday 10.00 to 23.00 and Thursday to Saturday 10.00 to 24.00.
 - Provision of Late Night Refreshment (Indoors) Sunday to Thursday 23.00 to 24.00 and Friday and Saturday 23.00 to 01.00.
 - Sale by Retail of Alcohol on and off the premises Sunday to Thursday 10.00 to 24.00 and Friday and Saturday 10.00 to 01.00.
- 4.5 The **current** days and times the premises are open to the public are:
- Sunday to Thursday 10.00 to 00.30
 - Friday and Saturday 10.00 to 01.30
- 4.6 The premises licence holder is: Greene King Brewing and Retailing Limited.
- 4.7 Since the Licensing Act 2003 came into force, some activities have become de-regulated under the Live Music Act 2012. As from 6 April 2015, both live music and recorded music are exempt from requiring a licence, if the activity takes place between 08:00 and 23:00 hours, and the audience consists of no more than 500.
- 4.8 There is no amendment to the days and times for the licensable activities or when the premises are open to the public.
- 4.9 The designated premises supervisor is: Carole Beard.
- 4.10 A copy of the current premises licence is attached at **Appendix 3**
- 4.11 A location plan of the premises is attached at **Appendix 4**.

- 4.12 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.

4.13 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

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: List of appendices:	None Appendix 1 – Application to vary the premises licence, noise reduction plan and new plan drawing number: 2850-60 Appendix 2 – One representation from the Environmental Protection Team Appendix 3 – Copy of current premises licence and plan Appendix 4 – Location plan