



## LICENSING SUB COMMITTEE B 20 OCTOBER 2004

Report of the Director of Corporate Services

### APPLICATION TO RENEW AND VARY THE PUBLIC ENTERTAINMENT LICENCE – THE OSMASTON PARK HOTEL, 187 OSMASTON PARK ROAD, DERBY.

#### RECOMMENDATION

- 1.1 To consider the application and objection to it.
- 1.2 To decide whether to grant or refuse the application or.
- 1.3 To impose a time period for the works to be carried out.

#### SUPPORTING INFORMATION

##### Matters for Consideration

- 2.1 A renewal application with variations was received 2 September 2004 from Ms A Thomas in respect of The Osmaston Park Hotel, 187 Osmaston Park Road, Derby. A copy of the application is attached at **Appendix 2**.
- 2.2 A letter has been received from Ms Thomas requesting the lifting of the voluntary condition on her public entertainment licence that restricts entry to the premises after 11pm. A copy of the letter is attached at **Appendix 3**.
- 2.3 A letter was received from Nelson's solicitors on behalf of Miss Thomas with regards to the voluntary condition during the original variation application in 2002. A copy is attached at **Appendix 4**.
- 2.4 The application has been displayed on the premises as required. A copy of this notice is attached at **Appendix 5**.
- 2.5 A notice was placed in the Derby Evening Telegraph as required. A copy of the notice is attached at **Appendix 6**.
- 2.6 An objection has been received by the Police Authority. A copy of this letter is attached at **Appendix 7**.
- 2.7 A location map is attached at **Appendix 8**.
- 2.8 There are no objections from Environmental Health and Trading Standards, Derbyshire Fire and Rescue Service, Development & Cultural Services or Members of the Public.

## Premises History

3. The premises have held a public entertainment licence since December 2001. The licence was varied in March 2002 and a voluntary condition was placed on the licence to restrict entry to the premises after 11pm on Fridays and Saturdays

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**Background papers:** None

**List of appendices:**

- Appendix 1 - Implications
- Appendix 2 - Application form
- Appendix 3 - Request letter
- Appendix 4 - Solicitors letter
- Appendix 5 - Copy of premises notice
- Appendix 6 - Copy of notice placed in DET
- Appendix 7 - Police Objection
- Appendix 8 - Location map



<b>IMPLICATIONS</b>
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### **Financial**

1. If the application is refused, the applicant will forfeit their original fee. Should the owners wish to re apply for a variation to the Public Entertainment Licence at a later date a fresh fee will have to be paid.

### **Legal**

- 2.1 Public entertainment is required to be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 In considering an application to vary a Public Entertainment Licence, the Council is required to consult the Police Authority, Derbyshire Fire and Rescue Service, Environmental Health and Trading Standards, Development and Cultural Services. In considering an application the Council must have regard to any observations by these authorities. It has also become accepted that the Council can consider objections from other people.
- 2.3 The applicant must be informed of objections and given the opportunity to comment on them.
- 2.4 The Council does have the power to refuse the application.
- 2.5 A right of appeal to the Magistrates' Court exists for any applicant who is aggrieved by the refusal of an application.

### **Personnel**

3. None directly arising from this report.

### **Environmental**

4. To be taken into account by the Committee before determining the application.

### **Equalities Impact**

5. None directly arising from this report.