

**Application for the variation of a premises licence to specify an individual as designated premises supervisor at: The Mist
25 Normanton Road Derby DE1 2GJ**

SUMMARY

- 1.1 If a Premises Licence authorises the supply of alcohol the holder may request to vary the Premises Licence to specify an individual as a Designated Premises Supervisor.
- 1.2 If the Chief of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime and disorder licensing objective he can give the licensing authority a notice stating the reason he believes this to be the case.
- 1.3 Where the notice is not withdrawn a hearing must be held to consider the notice issued by Derbyshire Constabulary.
- 1.4 The General Licensing committee can decide to:
 - Grant application
 - Reject application

RECOMMENDATION

- 2.1 To consider the information in the report, consider the application and any relevant notice to determine the application to vary a premises licence to specify:
Angela Mary Hinkley as a Designated Premises Supervisor at: The Mist
25 Normanton Road Derby DE1 2GJ.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that the four licensing objectives are upheld in relation to the application for a Designated Premises Supervisor variation at: The Mist 25 Normanton Road Derby DE1 2GJ.

SUPPORTING INFORMATION

- 4.1 An application to vary a Designated Premises Supervisor at: The Mist
25 Normanton Road was received by Derby City Council's Licensing Team on:
17 April 2014 from: Errol Scott. A copy of the application is attached at Appendix 2.
- 4.2 The relevant licensable activities are: The sale by retail of alcohol (on/off premises)
Performance of live music (indoors)
Any playing of recorded music (indoors)
Performance of indoor sporting events (indoors)
- 4.3 The supply of alcohol is for consumption on and off the premises.
- 4.4 A consent form signed by Angela Mary Hinkley, the proposed Designated Premises Supervisor is attached at Appendix 3.
- 4.5 A notice was received by the Licensing Team at Derby City Council from the Chief of Police on 29 April 2014. A copy of which is attached at Appendix 4.
- 4.6 A copy of the current premises licence is attached at Appendix 5.
- 4.7 A location map is attached at Appendix 6.
- 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;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 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.

4.14 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 Not Applicable

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

For more information contact:	Sandra Mansell on 01332 641931 or e-mail sandra.mansell@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Application

	Appendix 3 – Consent of DPS Appendix 4 – Notice from the Chief of Police Appendix 5 – Premises Licence Appendix 6 – Location Map
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IMPLICATIONS

Financial

- 1.1 If the application is refused, the applicant will forfeit the fee. Should they wish to re-apply to vary a designated premises supervisor at a later date a fresh fee will have to be paid.

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:
 - 2.1.1 dismiss the appeal; or
 - 2.1.2 substitute the decision for another decision which could have been made by the Council; or
 - 2.1.3 remit the case to the Council to dispose of it in accordance with the direction of the Court; and
 - 2.1.4 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.

Property 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 meet local needs.