



GENERAL LICENSING SUB-COMMITTEE
17 June 2019

ITEM 05

Report sponsor: Richard Antcliff, Director of
Public Protection and Streetpride

Report author: Sandra Mansell, Team Leader of
Licensing

**Application for a review of a premises licence at: D’Gios 17
Victoria Street Derby DE1 1ES**

Purpose

- 1.1 An application for an expedited/summary review of the premises licence at D’Gios, 17 Victoria Street, Derby DE1 1ES from Derbyshire Constabulary by Derby City Council’s Licensing Team on 21 May 2019.
- 1.2 A hearing was held on 23 May 2019 at which interim steps were taken by the General Licensing Sub Committee.
- 1.3 Following an expedited/summary review a full review of the premises licence must take place, hence the hearing today.
- 1.4 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.
- 1.5 The General Licensing Sub Committee can decide to:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months or,
 - revoke the licence

Recommendations

- 2.1 To consider the information in the report and any relevant representations to determine the review of the premises licence at: D’Gios, 17 Victoria Street, Derby DE1 1ES

Reason

- 3.1 To ensure that the four licensing objectives are upheld in relation to a review of the premises licence at: D’Gios, 17 Victoria Street, Derby DE1 1ES, following an expedited/summary review.

Supporting information

- 4.1 An application for an expedited/summary review of the premises licence at: D’Gios, 17 Victoria Street, Derby DE1 1ES was received from Derbyshire Constabulary by Derby City Council’s Licensing Team on 21 May 2019. The application is attached at Appendix 1.
- 4.2 A hearing was held on 23 May 2019 at which interim steps were taken by the General Licensing Sub-committee. The interim steps are detailed in the decision notice attached at Appendix 2.
- 4.3 The Licensing Team has received one representation, from an interested person in relation to the subsequent review of the premises licence. This is attached at Appendix 3
- 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RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE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	Review applicant			
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	
Health Board				X

- 4.5 The current licensable activities are:
- the sale by retail of alcohol (off and on the premises)
 - regulated entertainment ; exhibition of films, a performance of live music, any playing of recorded music, a performance of dance, entertainment of a similar descriptions to that falling within the performance of live music, the playing of recorded music and the performance of dance
 - the provision of late night refreshment
- 4.6 The current days and times of the licensable activities are:
- Sale of alcohol (on & off) and regulated entertainment (indoors)**
- Sunday to Monday 10:00 to 03:00hrs
- Provision of late night refreshment (indoors)**
- Sunday to Monday 23:00 to 03:00hrs
- 4.7 The current days and times the premises are open to the public are:
- Sunday to Monday 10:00 to 03:30hrs
- 4.8 The current premises licence holder is: Stella Elizabeth Meah
- 4.9 The current designated premises supervisor is: Phillip Meah
- 4.10 A location plan of the premises is attached at Appendix 4.
- 4.11 A copy of the premises licence is attached at Appendix 5.
- 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 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.
- 4.14 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.15 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.

- 4.16 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.”

- 4.17 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.
- 4.18 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?

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	

For more information contact:	Name: Sandra Mansell Telephone: 01332 641931 e-mail: Sandra.mansell@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Application for expedited review Appendix 2 – Interim Steps hearing decision notice Appendix 3 – Representation for an Interested Person Appendix 4 – Location Plan Appendix 5 – Copy of Premises Licence