



DERBY CITY COUNCIL

## GENERAL LICENSING SUB-COMMITTEE

16 MAY 2005

Report of the Director of Corporate Services

### APPLICATION TO WAIVE OF CONDITION 54 OF THE PUBLIC ENTERTAINMENT LICENCE: THE SPOT, 73 SACHEVEREL STREET, DERBY.

#### RECOMMENDATION

- 1.1 To consider the application
- 1.2 To decide whether to grant or refuse the application

#### SUPPORTING INFORMATION

##### Matters for Consideration

- 2.1 An application to waive condition 54 of the Public Entertainment Licence was received 8 April 2005 from Mr Robert James in respect of The Spot, 73 Sacheverel Street, Derby. A copy of the application is attached at **Appendix 2**. Mr James is applying for consent to hold a ladies evening for 19 May 2005.
- 2.2 The application has been displayed on the premises as required. A copy of this notice is attached at **Appendix 3**.
- 2.3 A notice was placed in the Derby Evening Telegraph as required. A copy of the notice is attached at **Appendix 4**.
- 2.4 A plan of the premises is attached at **Appendix 5**.
- 2.5 A procedure and policy for the waiver of Condition 54 of the licensing conditions, agreed by full Council are attached at **Appendix 6**. The Policy approved by Council should be taken into account when determining this application.
- 2.6 The applicant was informed of these Special Conditions and has submitted information about how he intends to comply with these conditions. **See Appendix 7**.
- 2.7 A location map is attached at **Appendix 8**.
- 2.8 There are no objections from the Environmental Health and Trading Standards, Derbyshire Fire and Rescue Service, Police Authority, Development & Cultural Services, or Members of the Public.

## Premises History

3. The premises have held a Public Entertainment Licence, for in excess of 5 years.

**For more information contact:** Mr Michael Kay 01332 716340 E-mail [michael.kay@derby.gov.uk](mailto:michael.kay@derby.gov.uk)

**Background papers:** None

**List of appendices:**

Appendix 1 – Implications

Appendix 2 – Application form

Appendix 3 – Copy of notice

Appendix 4 – Copy of Derby Evening Telegraph Advertisement

Appendix 5 – Plan of premises

Appendix 6 – Policy & Procedures

Appendix 7 – Special conditions

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 waiver 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 for a waiver to the 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

**Environmental**

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

**Equalities Impact**

5. None directly arising from this report.