



GENERAL LICENSING SUB-COMMITTEE
17 September 2021

ITEM 05

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

Report author: Angela Rawson, Service
Manager, Licensing

**Application for a variation of a club premises certificate at:
Spondon Liberal Club, 4 Moor Street, Spondon, Derby DE21 7EA**

Purpose

- 1.1 An application for a variation of a club premises certificate at Spondon Liberal Club, 4 Moor Street, Spondon, Derby DE21 7EA has been received by Derby City Council's Licensing Team.
- 1.2 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 club premises certificate 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 club premises certificateor
 - reject the whole or part of the application

Recommendations

- 2.1 To consider the information in the report, consider the application and any relevant representations to determine the application for a variation of a club premises certificate at Spondon Liberal Club, 4 Moor Street, Spondon, Derby DE21 7EA..

Reason

- 3.1 To ensure that the four licensing objectives are upheld in relation to an application to vary the club premises certificate Spondon Liberal Club, 4 Moor Street, Spondon, Derby DE21 7EA

Supporting information

- 4.1 An application for a variation of a club premises certificate was received by Derby City Council's Licensing Team from Spondon Liberal Club on 24 July 2021. A copy is attached at **Appendix 1**.
- 4.2 The Licensing Team has received 1 relevant representation from an other person. This is attached at **Appendix 2**.
- 4.3 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RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE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

- 4.4 The variation relates to:
- Extending the licensable area to include the beer garden and car park for the supply of alcohol for members and their guests.

- 4.5 The current licensable activities are:
- performance of plays (indoors)
 - playing of films (indoors)
 - performance of indoor sporting events (indoors)
 - a performance of live music (indoors)
 - any playing of recorded music (indoors)
 - entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance (indoors)
 - the supply of alcohol to members for consumption on or off the premises
 - the supply of alcohol to guests of members for consumption on the premises
- 4.6 The **current** days and times of the licensable activities are:
- Plays (indoors), indoor sporting events, live music (indoors), recorded music (indoors) and entertainment of a similar description (indoors)
- Sunday to Saturday 12:00 to 24:00 hrs
- Films (indoors), supply of alcohol (on & off the premises)
- Sunday to Thursday 10:00 to 24:00 hrs
 - Friday & Saturday 10:00 to 01:00 hrs
- 4.7 The current days and times the premises are open to members are:
- Sunday to Saturday 09:00 to 01:30 hrs
- 4.8 The club premises certificate holder is licence holder is: Spondon Liberal Club.
- 4.9 Since the granting of the current club premises certificate, 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.
- 4.10 The **proposed** days and times for the variation applied for are:
- Supply of alcohol for the members and their guests
- Sunday to Thursday 10:00 to 23:00 hrs
 - Friday & Saturday 10:00 to 23:59 hrs
- 4.11 The **proposed** days and times for the external area are open to members are:
- Sunday to Friday 08:00 to 24:00 hrs
 - Saturday 08:00 to 01:00 hrs
- 4.12 A copy of the current club premises certificate is attached at **Appendix 3**.
- 4.13 A location plan of the premises is attached at **Appendix 4**.

- 4.15 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.
- 4.16 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.
- 4.17 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.18 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.19 A licence / authorisation 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."

- 4.20 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.
- 4.21 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

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	

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Background papers:	None
List of appendices:	Appendix 1 – Application Appendix 2 – Relevant Representation Appendix 3 – Copy of the Current Club Premises Certificate Appendix 4 – Location Plan