



GENERAL LICENSING SUB COMMITTEE
19 January 2017

ITEM 5

Report of the Strategic Director of Communities
and Place

**Application for an expedited/summary review of a premises
licence at: Josephine's 27 Wardwick Derby DE1 1HA**

SUMMARY

- 1.1 An application for an expedited/summary review of the Premises Licence at Josephine's, 27 Wardwick, Derby DE1 1HA was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 18 January 2017 at 09:50hrs.
- 1.2 This type of application allows the police to fast track a review of the premises licence where they consider the premises are associated with serious crime or disorder or both.
- 1.3 This allows the Licensing Authority to respond quickly where appropriate by taking interim steps.
- 1.4 The application must be on a prescribed form and be accompanied by a certificate issued by a senior police officer
- 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
- 1.6 Following an expedited/summary review a full review of the Premises Licence must take place within 28 days

RECOMMENDATION

- 2.1 To consider the information in the report and determine if interim steps need to be taken pending a full review of the Premises Licence at: Josephine's, 27 Wardwick, Derby DE1 1HA.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that the four licensing objectives are upheld pending a full review of the Premises Licence at: Josephine's, 27 Wardwick, Derby DE1 1HA

SUPPORTING INFORMATION

- 4.1 An application for an expedited/summary review of the Premises Licence at Josephine's, 27 Wardwick, Derby DE1 1HA was received from Derbyshire Constabulary by Derby City Council's Licensing Team on 18 January 2017. The application is attached at Appendix 2.
- 4.2 All responsible authorities were sent details of the application by Derbyshire Constabulary on 18 January 2017 at 12:37hrs.
- 4.3 The required notice advertising the review and inviting representations was published and displayed on 18 January 2017 at the premises.
- 4.4 **The current licensable activities are:**
- the sale by retail of alcohol (off/on the premises)
 - Regulated Entertainment ; films, live music, the playing of recorded music, performance of dance and anything similar
 - The provision of late night refreshment
- 4.5 **The current days and times of the licensable activities are:**
Films, Live music (indoors), Recorded music (indoors and outdoors),
Performance of dance, and anything of a similar description:
Sunday – Saturday 10:00 – 03:00
- Late night refreshment (indoors and outdoors):
Sunday – Saturday 23:00 – 03:00
- Sale of alcohol (on and off the premises):
Sunday – Saturday 10:00 – 03:00
- 4.6 **The current days and times the premises are open to the public are:**
Sunday – Saturday 10:00 – 03:30
- 4.7 **The current Premises Licence Holders are:**
Kamaljit Singh Sandhu and Permela Kaur Sandhu
- 4.8 **The current Designated Premises Supervisor is:**
Suneeka Kaur Sandhu
- 4.9 A location plan of the premises is attached at **Appendix 3**

- 4.10 A copy of the premises licence is attached at **Appendix 4**
- 4.11 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.
- 4.12 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.
- 4.13 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.14 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.15 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.”
- 4.16 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.

4.17 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 No other options available

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:	Name: Sandra Mansell Telephone:01332 641931
Background papers:	e-mail: Sandra.mansell@derby.gov.uk
List of appendices:	None
	Appendix 1 – Implications
	Appendix 2 – Application
	Appendix 3 – Location Plan
	Appendix 4 – Copy of Premises Licence

Appendix 1

IMPLICATIONS

Financial and Value for Money

- 1.1 There is no charge for a review application

Legal

- 2.1 The premises Licence holder can request a review of any interim steps that may be taken.

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 and 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 met local needs.