

Meeting Commenced: 10.00am
Meeting Adjourned: 12.54pm
Meeting Reconvened: 2.17pm
Meeting Concluded: 2.24pm

**GENERAL LICENSING SUB-COMMITTEE
28 JANUARY 2014**

Present: Councillors Harwood, Redfern and Sandhu

102/13 Appointment of Chair

Resolved to appoint Councillor Sandhu as Chair of the General Licensing Sub Committee.

103/13 Apologies

There were apologies received.

104/13 Late Items to be introduced by the Chair

There were no late items.

105/13 Declarations of Interest

There were no declarations of interest.

106/13 Application for an Expedited Review

The Sub-Committee has considered an application for the review of a premises licence under section 53A of the Licensing Act 2003 on the basis that the above mentioned premises are associated with serious crime

The Sub-Committee has heard evidence and representations from: – Ann Walker (Derby City Council Licensing team) PC Mark Dunn (Derbyshire Constabulary) Mr Steve Hennessy (Solicitor on behalf of the Premises Licence Holder) Mr Paul Turner (Premises Licence Holder) and Mr Leigh Wilkinson (Designated Premises Supervisor)

There was no request from Derbyshire Constabulary that the sub-committee consider 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 to formally exclude the press or public from the hearing.

DECISION

In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003

and the Human Rights Act 1998, and has carefully considered all the evidence presented to it.

The Sub-Committee has made this decision to promote the 4 Licensing Objectives namely:

- (a) Prevention of crime and disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from harm.

Findings

There was an application together with a certificate under section 53A(1)(B) of the Licensing Act 2003 served within the correct time period to consider an expedited review.

The Sub-Committee have considered what constitutes serious crime under section 53(A) of the Licensing Act 2003. On the basis of the limited evidence provided by Derbyshire Constabulary and upon consideration of the sentencing guidelines, the offence of cannabis cultivation that has been identified by Derbyshire Constabulary, could not reasonably be expected to attract a sentence of imprisonment for a term of three years or more in these circumstances.

The Premises Licence Holder has volunteered information to the sub-committee that the Premises Licence may be transferred in any event.

The Sub-Committee has **RESOLVED** :

Not to take any interim steps pending a hearing for a full review of the premises licence.

The reasons for this decision are as follows:

Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act, the Sub-Committee was not satisfied that Derbyshire Constabulary have provided sufficient evidence that the requirement to demonstrate serious crime threshold has been passed.

The date set for a full review of the Premises Licence shall take place at Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS on 20th February 2014 at 10am.

MINUTES END