



DERBY CITY COUNCIL

## LICENSING SUB COMMITTEE B 8 DECEMBER 2004

Report of the Director of Corporate Services

### APPLICATION FOR A PROVISIONAL PUBLIC ENTERTAINMENT LICENCE: TIME NIGHTCLUB, MANSFIELD ROAD, DERBY.

#### RECOMMENDATION

- 1.1 To consider the application and objections to it.
- 1.2 To decide whether to grant or refuse the application or.
- 1.3 To impose a time period for the works to be carried out.

#### SUPPORTING INFORMATION

##### Matters for Consideration

- 2.1 An application was received 30 April 2004 from Mr P Morgan in respect of Time nightclub, Mansfield Road, Derby. The application was heard by the Committee on 19 July 2004 and adjourned to allow consultations to take place between the applicant and the Police Authority. A copy of the application is attached at **Appendix 2**.
- 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 Objections have been received from the Police Authority and members of the public. Copies of these letters are attached at **Appendix 6**.
- 2.6 A location map is attached at **Appendix 7**.
- 2.7 There are no objections from the Environmental Health and Trading Standards, Derbyshire Fire and Rescue Service, or Development & Cultural Services.

## Premises History

3. The premises have previously held a Public Entertainment Licence, which lapsed in April 2003, when the previous Licensee did not apply to renew the Licence.

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**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 Advert
- Appendix 5 – Plan of Premises
- Appendix 6 – Objections
- Appendix 7 – 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 Public Entertainment Licence at a later date a fresh fee will have to be paid and will not be able to have public entertainment events in the meantime.

### **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 provisional 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.