

Meeting Commenced:
Meeting Adjourned:
Meeting Reconvened:
Meeting Adjourned:
Meeting Reconvened:
Meeting Concluded:

**GENERAL LICENSING SUB-COMMITTEE
25 MARCH 2014**

Present: Councillors Jackson, Roberts and F Winter

122/13 Appointment of Chair

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

123/13 Apologies

There were no apologies received.

124/13 Late Items to be introduced by the Chair

There were no late items.

125/13 Declarations of Interest

There were no declarations of interest.

126/13 Application for a Transfer of a Premises Licence

1. The Sub-Committee has considered an application for the transfer of the Premises Licence for USA Fried Chicken, 7 The Spot, Osmaston Road, Derby DE1 2JA from Zia Ul Haq Nemati to Wab Ashouri.
2. The Sub-Committee has heard evidence from: Ann Walker (Derby City Council, Licensing Team) and Sgt Mark Lomas (Derbyshire Constabulary), and has taken into account the written representations received from the applicant, Wab Ashouri, which accompanied the application, along with the further representations received from the applicant and his solicitor dated 19 March 2014, comprising of a 14-page bundle of documents.

Decision

3. 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.

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

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

5. The Sub-Committee has RESOLVED to REFUSE the application to transfer the premises licence for the premises from Zia Ul Haq Nematy to Wab Ashoury.:

6. The reasons for this decision are as follows:

6.1 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 sought to balance the interests of the applicant and the representations made by the responsible authority and the licence-holder.

6.2 In the absence of a formal withdrawal of the objection made by the Derbyshire Constabulary in accordance with section 44(5) of the Licensing Act 2003, the Sub-Committee was obliged to determine the application, notwithstanding the indication from the applicant within the correspondence dated 19 March 2014 that he no longer wished to proceed with the application.

6.3 Notwithstanding that indication, and in the absence of the applicant's attendance before the Sub-Committee, the Sub-Committee was satisfied that the status of the application and the relationship between the current licence holder and the applicant was so vague that the public interest would not have been served by accepting the proposed transfer, without more.

7. All Parties may appeal this decision. Guidance on this process is attached to the decision notice.

MINUTES END