

**Application for a new premises licence at: Mariland Chicken 89 Pear Tree Road Derby DE23 6QB**

**SUMMARY**

- 1.1 An application for a new Premises Licence at: Mariland Chicken 89 Pear Tree Road Derby DE23 6QB has been received by Derby City Council's Licensing Team.
- 1.2 The sale by retail of alcohol; 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 new Premises Licenses 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 subject to conditions consistent with the operating schedule accompanying the application, modified to such an extent as the authority considers necessary for the promotion of the licensing objectives,
  - grant the application subject to any conditions which must under section 19, 20 or 21 be included in the licence,
  - grant the application subject to the exclusion of any licensable activities to which the application relates,
  - grant the application but refuse to specify a person in the licence as the Premises Supervisor,or
  - reject the application.

**RECOMMENDATION**

- 2.1 To consider the information in the report, consider the application and any Relevant Representations to determine the application for a new Premises Licence at: Mariland Chicken 89 Pear Tree Road Derby DE23 6QB.

## REASONS FOR RECOMMENDATION

- 3.1 To ensure that the four licensing objectives are upheld in relation to the application for a new Premises Licence at: Mariland Chicken 89 Pear Tree Road Derby DE23 6QB.

## SUPPORTING INFORMATION

- 4.1 An application for a new Premises Licence was received by Derby City Council's Licensing Team from Maqsood Ellahi on 24 May 2017. A copy is attached at **Appendix 1**
- 4.2 The Licensing Team has received 1 Relevant Representation, from a Responsible Authority: Home Office - Immigration Enforcement. 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RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE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			✓	
Derbyshire Fire & Rescue				✓
Planning Department				✓
Safeguarding Children				✓
Food and Safety Team			✓	
Environmental Protection Team				✓
Trading Standards Team				✓
Local Authority		✓		
Primary care Trust				✓
Home Office	✓			

- 4.4 **The licensable activities applied for are:**
- Provision of late night refreshment.
- 4.5 **The days and times of the licensable activities applied for are:**
- 11.00pm am to 5.00am Monday – Sunday

- 4.6 **The days and times the premises are open to the public are:**
- 11.00am to 5.00am Monday – Sunday
- 4.7 **The Proposed Premises Licence Holder is:**
- Maqsood Ellahi
- 4.8 **The Proposed Designated Premises Supervisor is:**
- Not applicable
- 4.9 A plan of the premises is attached at **Appendix 3.**
- 4.10 A location plan of the premises 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. 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. The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
4. The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
4. 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. 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. 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:

<b>Legal officer</b> <b>Financial officer</b> <b>Estates/Property officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee
<b>For more information contact:</b>  <b>Background papers:</b> <b>List of appendices:</b>	Name: Sandra Mansell Telephone:01332 641931 e-mail: <a href="mailto:sandra.mansell@derby.gov.uk">sandra.mansell@derby.gov.uk</a> None Appendix 1 – Application Appendix 2 – Relevant Representations Appendix 3 – Premises plan Appendix 4 – Location Plan