

**APPLICATION FOR A NEW PREMISES LICENCE AT: TOTAL CONVENIENCE  
STORE, UTTOXETER ROAD, MICKLEOVER, DERBY, DE3 5GF**

**RECOMMENDATION**

To consider the application and relevant representations.

To decide whether to:

- grant the application subject to conditions consistent with the operating schedule, modified to such an extent as the authority considers necessary for the promotion of the licensing objectives;
- grant the application subject to the exclusion of licensable activities from the licence;
- grant the application subject to approving different parts of the premises for different activities;
- refuse to specify the person in the licence as the Designated Premises Supervisor;
- impose any conditions which must under section 19, sale of alcohol, section 20, exhibition of films, or section 21, door supervision be imposed, or
- reject the application.

**SUPPORTING INFORMATION**

**MATTERS FOR CONSIDERATION**

- 2.1 An application for a new premises licence was received on 12 March 2007 from Total UK Limited. A copy of the application is attached at **Appendix 2**.
- 2.2 The relevant licensable activities are the provision of late night refreshment and the supply of alcohol (for consumption off the premises only).

- 2.3 The hours of the licensable activities are 23:00 – 05:00 every day for late night refreshment and 08:00 – 23:00 every day for the supply of alcohol.
- 2.4 Other times the premises are to be open to the public: 00:00 – 23:59 every day.
- 2.5 The designated premises supervisor is Ms Nerys Mai Jones.
- 2.6 The supply of alcohol is for consumption off the premises only.
- 2.7 The steps the applicant intends to take to promote licensing objectives are outlined in the operating schedule attached at **Appendix 2**.
- 2.8 A plan of the premises is attached at **Appendix 3**.
- 2.9 A consent form signed by the Designated Premises Supervisor is attached to **Appendix 4**.
- 2.10 A relevant representation has been received from Derbyshire Constabulary, a responsible authority. A copy of which is attached at **Appendix 5**.
- 2.11 A location map is attached at **Appendix 6**.
- 2.12 The sale of retail by alcohol and provision of late night refreshment must be licensed under the Licensing Act 2003.
- 2.13 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.
- In all applications relating to premises licences the City Council expects applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.
- 2.14 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.
- 2.15 In considering an application the Council must consider the application itself and any relevant representations.
- 2.16 The Council has a duty to act in a manner, which is compatible with the Human Rights Act 1998.

## Premises History

3.1 Total Convenience Store is a petrol filling station with a convenience store.

<b>For more information</b>	Michael Kay on 01332 716340 or e-mail: michael.kay@derby.gov.uk
<b>contact:</b>	None
<b>Background papers:</b>	Appendix 1 – Implications
<b>List of appendices:</b>	Appendix 2 – Application
	Appendix 3 – Plan of Premises
	Appendix 4 – DPS Consent Form
	Appendix 5 - Relevant Representation from Derbyshire Constabulary
	Appendix 6 – Location Map

### IMPLICATIONS

#### FINANCIAL

1.1 If the application is refused, the applicant will forfeit the fee. Should they wish to re-apply for a Licence at a later date a fresh fee will have to be paid.

#### LEGAL

2.1 Any party to the decision or anyone who has made a relevant representation [including a responsible authority or interested party] in relation to the application may appeal to the Magistrates Court within 21 days of notification of the decision. On appeal, the Magistrates Court may:

- 2.1.1 dismiss the appeal; or
- 2.1.2 substitute the decision for another decision which could have been made by the Council; or
- 2.1.3 remit the case to the Council to dispose of it in accordance with the direction of the Court; and
- 2.1.4 make an order for costs as it sees fit.

#### PERSONNEL

3.1 None directly arising.

#### EQUALITIES IMPACT

4.1 None directly arising.

#### CORPORATE THEMES AND PRIORITIES FOR CHANGE

5.1. The Council's Statement of Licensing Policy used by Licensing Panel in determining applications contribute to the Council's objectives of **protecting and supporting people and a healthy environment.**