

Roger Vardey

From: Fowler, Gareth, 3492 <gareth.fowler@derbyshire.police.uk>
Sent: 21 January 2021 09:54
To: Licensing
Cc: D.Licensing
Subject: Chickish - 47 Wardwick Derby. Premises Licence Application.
Attachments: Representation to PL Application.doc

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Sir/Ma'am,

Please find attached my representation form on behalf of the Licensing Authority with regards to the Premises Licence Application for the above premises.
I will forward a copy of this representation to the applicant today.

Best Regards

Gaz

PC 3492 Gareth FOWLER

Licence Enforcement Officer
Saint Marys Wharf Police Station
Tel: 7373757

Office: 0300 122 4492

Mob: [REDACTED]

gareth.fowler.3492@derbyshire.pnn.police.uk

E-mail: Web: <http://www.derbyshire.police.uk>

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Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	P.C. 3492 Gareth FOWLER
Your Address:	Derbyshire Constabulary South Division Head Quarters Saint Marys Wharf Prime Parkway Chester Green Derby DE1 3AB

Details of premises representation is about	
Name of Premises:	Chickish
Address of premises:	47 Wardwick Derby DE1 1HJ

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	yes
Public Safety	yes
Prevention of public nuisance	yes
Protection of children from harm	yes

Please summarise your concerns about this application:

The above application for a Late Night Refreshment (LNR) Premises Licence was received by this office on 31/12/20. It is the intention of the Chief Officer of Police to object to the application as in its current form it undermines all four of the four Licensing Objectives.

The application sets out a request for LNR on the following days and hours.

Monday to Sunday 2300hrs – 0500hrs.

The Police have examined the timings for licensable activities and contrasted this with the operating schedule and steps to be taken at part 'M' of the schedule.

On 1st April 2020 after representations from the Derbyshire Constabulary a special policy of cumulative impact (CIP) was adopted. This replaced 2 previous CIP's as evidence provided by the Police along with other Responsible Authorities showed that there was still a cumulative impact on the four licensing objectives due to the high concentration of Licensed Premises within the City Centre of Derby.

The Cumulative Impact Policy is included in the current Statement of Licensing Policy which is given a footing in statute at Section 5 of The Licensing Act 2003. The Special Policy is contained within Appendix 3 of the Statement of Licensing Policy produced by Derby City Council.

The representation from the Derbyshire Constabulary that gave rise to the adoption of such a policy included concerns and evidence relating to a high level of recorded incidents and crimes occurring in the area of the city inside the 'inner ring road' and particularly between the hours of 0000hrs and 0500hrs. This problem is particularly exacerbated on Fridays and Saturdays.

The statement of Licensing Policy states at paragraph 6.8 "A special policy would not prevent the Council considering future applications as each application is considered on its own merits. **However, where a special policy has been agreed, applications for a licence will normally be refused where relevant representations have been made. The applicant will need to demonstrate how the premises would not add to the cumulative impact on the area concerned.**"

Having regard to the Special Policy, the four licensing objectives (but particularly the prevention of crime and disorder), it is the opinion of the Chief Officer of Police that this application does not sufficiently demonstrate that the premises, if it were to benefit from a premises licence, would not add to the existing and cumulative impact.

The steps proposed in the application although extensive, rarely extend further than those required by law or regulation and do not provide the Police with any additional confidence that proper regard has been taken of the CIP and the affect that operating this premises in the times applied for would have on the cumulative impact of crime and disorder within the CIZ.



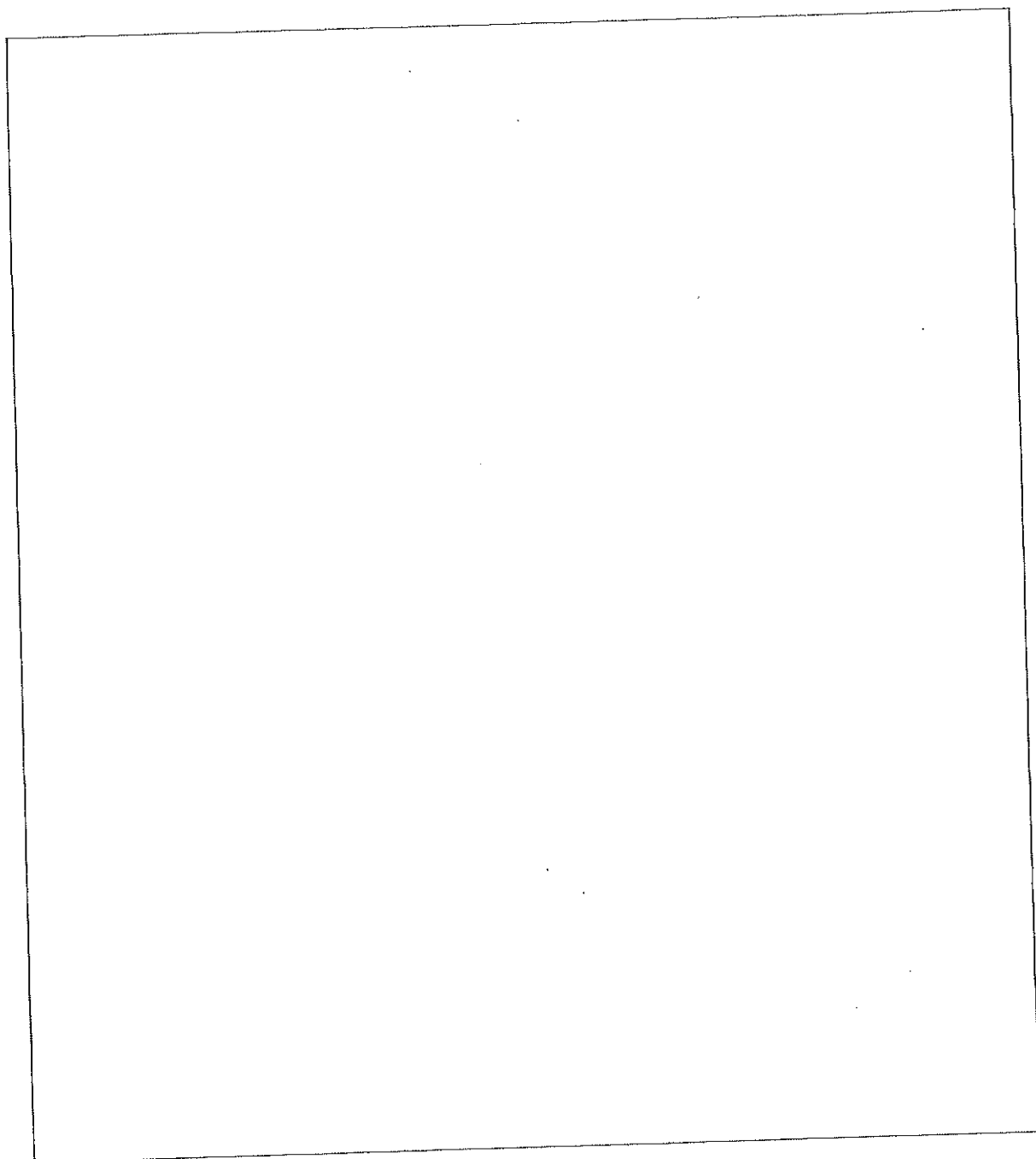
The Chief Officer of Police is aware of the case of *Brewdog Bars Limited v Leeds City Council*, Leeds Magistrates' Court, 6th September 2012, where an appeal against the decision of a Licensing Authority to refuse an application in an area of Cumulative Impact was heard. The applicant, Brewdog Bars Limited, persuaded District Judge Anderson to overturn the decision and the District Judge re-iterated that the effect of such a policy was not to "bring down the iron curtain" on allowing a new premises licence to be granted. The Police are aware that this decision is persuasive and not binding.

It is the position of the Chief Officer of Police that there is no "iron curtain" approach in the City of Derby. Each application will be and is assessed on its own merits and against the perceived impact on the four licensing objectives. Those premises that propose to operate in such a way so as to actively demonstrate a commitment to promoting the licensing objectives will be supported where the operation of the premises, including the proposed activities carried on, the proposed operating hours, and the target clientele, are such that it cannot be considered that its operation would not add to the cumulative impact on the Four Licensing objectives, in particular that of the prevention of crime and disorder, but also the other three Licensing Objectives.

The evidence submitted to the Licensing Authority by the Derbyshire Constabulary for the current Licensing Policy regarding the CIZ remains valid. The concerns of the Police in relation to new premises and variations to premises licences also remain valid. It is the opinion of the Police that this application should not be granted in light of the above information and the perceived impact on the four licensing objectives and when having additional regard to the effect of the Special Policy of Cumulative Impact.

Please take this as formal notification of a representation From the Chief Officer of Police for Derbyshire, under Section 18(3) of the Licensing Act 2003.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives



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By post: Licensing Officer Derby City Council Communities Environment &
Regulatory Services Council House Corporation Street Derby DE1 2FS.
by email: licensing@derby.gov.uk

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Roger Vardey

From: Ann Walker
Sent: 27 January 2021 17:03
To: Licensing
Cc: [REDACTED]
Subject: FW: New Premises Licence Application - Chickish, 47 Wardwick,
Attachments: LA Representation Chickish.doc

Hello Licensing Team,

I have not heard from the applicant, Mr Mohammed Iqbal with regards to his application since his latest email dated 19 January 2021, so please find attached a representation.
I am submitting it on behalf of the Licensing Authority, a Responsible Authority under the Licensing Act 2003.
I have copied Mr Iqbal into this email.
Regards

Ann Walker | Senior Environmental Health Officer | Licensing | Communities & Place | The Council
House, Corporation Street, Derby DE1 2FS | Telephone 01332 641945 | Minicom 01332 640666
| www.derby.gov.uk

From: [REDACTED]
Sent: 19 January 2021 22:42
To: Ann Walker <Ann.Walker@Derby.gov.uk>
Subject: RE: New Premises Licence Application - Chickish, 47 Wardwick,

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Hi Ann,

Apologies for the late reply. I have been ill since the weekend and have not been able to reply. Hopefully I will recover in few days and will respond to your email then.

Regards
M Iqbal

From: Ann Walker
Sent: 15 January 2021 14:54
To: [REDACTED]
Subject: New Premises Licence Application - Chickish, 47 Wardwick,

Hello Mr Iqbal,
I refer to your recent application for a new premises licence for 47 Wardwick, Derby.

In my role, acting on behalf of the Licensing Authority as a responsible authority under the Licensing Act 2003, I have some queries with the application submitted.

How is your application with a terminal hour of 5am not going to negatively affect the cumulative impact on the area, specifically during the early hours of the morning, such between 1am and 5am?

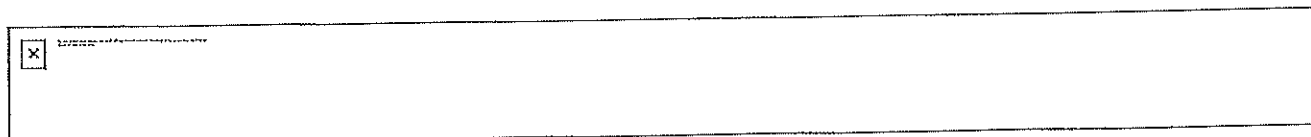
What procedures / policies will you have in place to deal with any foreseen issues?

You do not seem to have considered the Council's Cumulative Impact Policy in your application. Can you clarify where in the application you have considered it please?

Regards

Ann

Ann Walker | Senior Environmental Health Officer | Licensing | Communities & Place | The Council
House, Corporation Street, Derby DE1 2FS | Telephone 01332 641945 | Minicom 01332 640666
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Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	Ann Walker – Senior Environmental Health Officer
Your Address:	On behalf of the Licensing Authority Council House Corporation Street Derby DE1FS

Details of premises representation is about	
Name of Premises:	Chickish
Address of premises:	47 Wardwick Derby DE1 1HJ

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	yes



Please summarise your concerns about this application:

The Licensing Authority received an application for a new premises licence on 31 December 2020.

The applicant, Mr Mohammed Iqbal has applied for late night refreshment on the days Monday to Sunday 23:00hrs to 05:00hrs

It is the intention of Ann Walker to submit a representation objecting to the application in its current form, on behalf of the Licensing Authority, as it undermines the crime and disorder licensing objective, and does not meet the requirements of the Council's Cumulative Impact Policy. The Policy requires the applicant to demonstrate how the proposed operation will not add to the cumulative impact on the area.

On 1 April 2020, the Licensing Committee adopted the latest Cumulative Impact Policy following submission of evidence from Derbyshire Constabulary, and is included within Appendix 3 of the Council's current Licensing Policy. The evidence submitted to the Licensing Committee, indicated there was still a cumulative impact of licensed premises in the identified area within the inner-city ring road, affecting the licensing objectives.

The evidence included the increased number of incidents and crimes occurring between the hours of midnight and 05:00hrs.

The Licensing Policy states at paragraph 6.8:

"A special policy would not prevent the Council considering future applications as each application is considered on its own merits. However, where a special policy has been agreed, applications for a licence will normally be refused where relevant representations have been made. The applicant will need to demonstrate how the premises would not add to the cumulative impact on the area concerned"

The Cumulative Impact Policy states at paragraph 2.1:

"There will be a presumption to refuse relevant new applications for premises licences or club certificates, or variation applications to existing licences or certificates, unless the applicant can demonstrate that the premises will not add to the existing cumulative impact of licensed premises within the cumulative impact policy zone. The onus therefore falls on applicants to demonstrate this in their operating schedules."

Having considered the application and Mr Iqbal's submission in Part M, there is no evidence that he has considered the Cumulative Impact Policy when drafting the application, apart from his statutory responsibilities under other relevant legislation. Therefore, Mr Iqbal has not demonstrated sufficiently, that if a licence was to be granted, the business would not add to the existing cumulative impact.

Please accept this as a formal representation under section 18(3) of the Licensing Act 2003, and in light of the concerns mentioned previously, respectfully request the application be refused.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

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