

Time commenced : 2:30pm  
Time adjourned : 2:37pm  
Time reconvened : 2:38pm  
Time adjourned : 3:06pm  
Time reconvened : 3:18pm  
Time finished : 3:25pm

**GENERAL LICENSING SUB COMMITTEE  
8 APRIL 2008**

Present: Councillors Dhamrait, Jennings and Lowe

**73/07 Appointment of Chair**

**Resolved to appoint Councillor Dhamrait as Chair of the Sub-Committee.**

**74/07 Apologies**

There were no apologies received.

**75/07 Late Items Introduced by the Chair**

It was noted that the Mackworth Estate Community Association had withdrawn their objections to minute no 78/07, following a meeting with the proprietor and the assurances given that the restaurant will only be open on a Friday & Saturday night for the drive thou.

**76/07 Declarations of Interest**

There were no declarations of interest.

**77/07 Application for a New Licensed Premises Gaming Machine Permit at The White Swan, 2 Moor Street, Spondon, Derby**

The Sub Committee considered a report from the Corporate Director of Environmental Services that detailed an application for a new premises gaming machine permit at The White Swan, 2 Moor Street, Spondon, Derby.

The application was received on 11 March 2008 from Pub People Company Limited.

It was reported that no representations had been received.

**Decision**

3. In making its decision, the Sub-Committee has had regard to the Derby City Council Gambling Act 2005 Statement of Principles, the guidance issued under by the Gambling Commission and the Human Rights Act 1998.
4. The Sub-Committee has made this decision to promote the 3 Licensing Objectives:
  - (a) Keeping gambling crime free;
  - (b) Ensuring gambling is conducted openly and fairly;
  - (c) Protection of children and vulnerable people from harm or exploitation.
5. **The Sub-Committee has RESOLVED to grant the application for three category 'C' machines at the premises.**
6. Reasons: the Sub-Committee took into account the three licensing objectives, the Council's Gambling Act 2005 Statement of Principles and the guidance issued by the Gambling Commission. The Sub-Committee felt it was reasonable and proportionate to allow the application.

**77/07 Application for a New Premises Licence at McDonald's Restaurants, Markeaton Park, Kingsway, Derby, DE22 4AA**

The Sub Committee considered a report from the Corporate Director of Environmental Services that detailed an application for a new premises licence at McDonald's Restaurants, Markeaton Park, Kingsway, Derby, DE22 4AA.

The application was received on 15 February 2008 from Lemaca Limited. Mr Eddie Leligdowicz (applicant) and Mr Andrew Evans (Barrister) attended and addressed the Sub Committee.

It was reported that representations had been received from interested parties, including Councillor Gerrard – Chair of Mackworth Forum, Mr & Mrs Nevison and Mr Paul Pegg representing the Mackworth Estate Community Association who enclosed a petition against the application.

**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:

- (d) Prevention of crime and disorder;
  - (e) Public Safety;
  - (f) Prevention of Public Nuisance;
  - (g) Protection of Children from harm.
5. The Sub-Committee has RESOLVED to grant the application for a Premises Licence at McDonald's, Markeaton, Derby, for the provision of late night refreshment from 11pm to 5am daily.
6. In order to promote the 4 Licensing Objectives, the following conditions will be attached to the Licence:
- 6.1 You must maintain a CCTV system in good working order on the premises which includes the car park and drive thru areas, which must be operated at all times when the premises are open to the public. All images must be retained for a minimum period of 14 days, and shown to an authorised officer of the Council or a police officer on request.
- 6.2 An incident log is to be maintained at the premises and shown to an authorised officer of the Council or a police officer on request.
- 6.3 You must display prominent, clear and legible notices at suitable points in and around the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
7. The reasons for this decision are as follows:
- 7.1 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 interested parties.
- 7.2 The Sub-Committee felt it was reasonable and proportionate to allow the application subject to the conditions specified which are consistent with the operating schedule.

MINUTES END