

Meeting Commenced: 10.20am
Meeting Adjourned: 11.52am
Meeting Reconvened: 1.36pm
Meeting Concluded: 1.45pm

**GENERAL LICENSING SUB-COMMITTEE
16 MAY 2014**

Present: Councillors Barker, J Khan and Redfern

132/13 Appointment of Chair

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

133/13 Apologies

There were no apologies received.

134/13 Late Items to be Introduced by the Chair

There were no late items.

135/13 Declarations of Interest

There were no declarations of interest.

**136/13 Application for the Transfer of a Premises Licence at
The Mist, 25 Normanton Road, Derby, DE1 2GJ**

The Sub-Committee has considered an application for the transfer of the premises licence for The Mist, 25 Normanton Road, Derby DE1 2GJ from Satinder Singh Sandhu to Errol Scott, made by Errol Scott of 7 Willesden Avenue, Mackworth, Derby DE22 4EL.

The Sub-Committee has heard evidence from: Ann Walker (Licensing Authority), Errol Scott (Applicant), Clem Nicholls (for the Applicant), and Michael Griffiths, Ian Coleman and PC Mark Dunn (Derbyshire Constabulary), and has taken into account the objection notice received from the latter.

Decision

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.

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.

The Sub-Committee has RESOLVED to refuse the application for the transfer of the premises licence for The Mist, 25 Normanton Road, Derby DE1 2GJ from Satinder Singh Sandhu to Errol Scott.

The reasons for this decision are as follows:

1 Having taken into account the Licensing Act 2003 and in particular the crime prevention objective, the guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act 1998, the Sub-

Committee sought to balance the interests of the applicant against the representations made by the Police.

2 The Secretary of State has recommended that, where the Police issues an objection notice, there should be a presumption in favour of refusal of an application unless there are exceptional and compelling circumstances which justify granting the application. The licensing authority must be satisfied that the individual circumstances of the case are so exceptional and compelling and the likelihood of risk to the community is so diminished that it is right to grant the application.

3 In considering the individual circumstances of the application, the Sub-Committee had regard to all the evidence and decided that it had heard nothing which was so exceptional and compelling to persuade it that it would be right to grant the application. In particular, having regard to the applicant's clear lack of knowledge of the four licensing objectives, there are significant concerns that, at source, he is unable to uphold principles that he is unaware of. On balance, it was also of concern that the applicant, while he previously held a premises licence for Dunns River Diner, apparently had no knowledge of the drug related incidents that formed the basis of the intelligence provided in evidence by the police that he either must have turned a blind eye to what was going on or else was so inept in his management capabilities as to be unable to exert effective management over the premises. The parallels between the police concerns about Dunns River Diner and The Mist are so similar, with the added concern that alcohol, a controlled substance, is intended to be retailed from the latter.

4 The Sub-Committee was not satisfied that the applicant has satisfactorily demonstrated that he was now in possession of the knowledge, expertise or ability now to enable him effectively discharge the functions of a premises licence holder. His admission of unauthorised sales from The Mist within the last few weeks only serves to emphasise the overall concerns about his unsuitability to hold a licence.

137/13 Application for the Variation of a Premises Licence to Specify an Individual as Designated Premises Supervisor at The Mist, 25 Normanton Road, DE1 2GJ

The applicant, Errol Scott formally withdraw his application.

MINUTES END