

LICENSING AND APPEALS SUB-COMMITTEE

06 December 2022 at 10.00 hours

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Richards (Chair), Councillor MacPherson (Independent Group) and Councillor Hewlett (Conservative Group).

**District Council Representatives**

Elisabeth Page - Principal Legal Officer

Faye Norman - Licensing Officer

Donna Foster - Democratic Services Officer

**Other Persons**

Real Brewing Pub Company Limited Applicant

Mr and Mrs Titchmarsh

LAS/22 **APPOINTMENT OF CHAIR**

It was confirmed that Councillor Richards was appointed as Chair for the Sub-Committee hearing.

LAS/23 **APOLOGIES**

The Sub-Committee was informed that no apologies have been received.

LAS/24 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/25 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – THE GARAGE, 7 DERBY ROAD, ASTON ON TRENT, DERBY**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the variation application for a Premises Licence under the Licensing Act 2003 for The Garage, Aston on Trent

Paul Harris attended the hearing in person and was represented by Andrew Cochrane of Flints LLP.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons.

The Chairman invited the Other Persons, to present their objections. The Other Persons declined to add any objections to those raised in writing.

The Chairman invited the Applicant, to make representations to the Sub-Committee. Mr Cochrane made outlined the application and the reasons for it. The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and Other Persons, to put questions to him as well.

The Chairman invited all parties to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

**RESOLVED:**

***The Sub-Committee granted the application to vary the Premises Licence as per the application***

***The grant of the application to vary the Premises Licence is subject the conditions attached to the current licence.***

**REASON FOR THE DECISION**

***Having taken into account the four Licensing Objectives, 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 and the representations made by the Other Persons.***

***The Sub-Committee considered that it was reasonable and proportionate to grant the variation of the Premises Licence noting the following-***

- ***The Applicant had provided good reasoning for the variation application***
- ***The varied hours were no later than those of the licenced premises in the locality of the Premises***
- ***The Premises are yet to open and the Sub Committee were mindful that the Responsible Authorities could request a review of the Premises Licence should there be a breach of the Licensing Objectives and the Other Persons could complain to the Responsible Authorities to necessitate such a Review***

LAS/26 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

The Meeting terminated at 10:45hours.

COUNCILLOR RICHARDS

CHAIR