

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 30th May 2018

Contact Officer: Faye Tucker – 01283 595724

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

Applicants Name	The National Forest Spring Water Ltd
Premises Name	Highfields
Address	Cockshut Lane Melbourne Derbyshire DE73 8DG

1. PURPOSE

- 1.1 To determine an application to grant a premises licence received by this Authority on the 5th April 2018 from The National Forest Spring Water Ltd. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a premises licence for the sale by retail of alcohol for the times stated in paragraph 3.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Sale by retail of alcohol for consumption off the premises	Monday - Sunday	00.00hrs – 24.00hrs
Opening hours of the premises	Monday - Sunday	00.00hrs – 24.00hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

4. CONSULTATION RESPONSES

- 4.1 Representations were received from the Responsible Authorities.

Derbyshire County Council Trading Standards

Representation received during the 28 day consultation period. Full details can be found at **(Appendix 2)**.

South Derbyshire District Council Licensing Department

Representation received during the 28 day consultation period. Full details can be found at **(Appendix 3)**.

4.2 3 representations were received from other persons.

Mrs L Iliffe Representation received during the 28 day consultation period. Full details can be found at **(Appendix 4)**.

Ms A Hackett Representation received during the 28 day consultation period. Full details can be found at **(Appendix 5)**.

Mrs P Brown Representation received during the 28 day consultation period. Full details can be found at **(Appendix 6)**.

5. AGREEMENT BETWEEN PARTIES

5.1 Derbyshire County Council Trading Standards & South Derbyshire District Council Licensing Department have now agreed conditions with the applicant and have subsequently withdrawn their representations as shown at **(Appendix 7)** and **(Appendix 8)**.

6. OTHER RELEVANT CONSIDERATIONS

6.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.

6.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.

6.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

6.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.

6.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

7. DETERMINATION

7.1 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence in accordance with the application.
2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
4. Reject the whole of the application.

- 7.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 7.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 7.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

8. RIGHT OF APPEAL

- 8.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

9. APPENDICES

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Representation from Derbyshire County Council Trading Standards
3. Representation from South Derbyshire District Council Licensing Department
4. Representation from Mrs Iliffe
5. Representation from Mrs Hackett
6. Representation from Mrs P Brown
7. Withdrawal of representation from Derbyshire County Council Trading Standards
8. Withdrawal of representation from South Derbyshire District Council Licensing Department