
APPLICATION FOR A PREMISES LICENCE

Purpose of Report

1. To invite Members to consider an application for a premises licence in the light of representations from “Other Persons”, namely local residents on the grounds of the Prevention of Public Nuisance.

Background Information

2. Attached to this report are details of the application for a premises licence (**Appendix 1**) and the Notice of Hearing pertaining to this application (**Appendix 2**).
3. Members are requested to determine the application and give reasons for their decision.

Legal Implications

4. The Borough Solicitor, in accordance with the Council's approved procedures, has considered this report. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Human Rights Act

5. When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate

Section 17 of the Crime and Disorder Act 1998

- 6 One of the four Licensing Objectives of The Licensing Act 2003 is the Prevention of Crime and Disorder. The representation against this application does not however relate to this objective.

Recommendation

- 7 Members are requested to determine the application in accordance with Statutory Instrument 2005 No 44, The Licensing Act 2003 (Hearings) Regulations 2005.

Richard Alty
Director of Place

Background Papers

- i) Application for a Premises Licence Martins, 118 Whitby Way
Darlington
- ii) Representations by Other Persons
- iii) The Licensing Act 2003
- iv) Darlington Borough Council's Licensing Policy (07 January 2011)
- v) Home Office Guidance issued under Section 182 of the Licensing Act 2003 (revised October 2012)
- vi) The Licensing Act 2003 (Hearings) Regulations 2005

Appendices

- 1. Report – Application for Premises Licence - Martins
- 2. Notice of Hearing

Pam Ross Extension: 388647