

FOR PUBLICATION

AGENDA ITEM

APPLICATION FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF MOONRAKERS HOTEL, KESWICK DRIVE, NEWBOLD, CHESTERFIELD, DERBYSHIRE, S41 8HQ

MEETING: LICENSING COMMITTEE

DATE: 4.30 P.M. WEDNESDAY 29th JANUARY 2020

REPORT BY: STEVE ASHBY
LICENSING OFFICER

1.0 PURPOSE OF REPORT

For Members to determine an application for a review of the Premises Licence in respect of the Moonrakers Hotel.

2.0 THE LICENSING OBJECTIVES, GUIDANCE AND POLICY

2.1 When carrying out its licensing functions, the Committee must do so in accordance with the provisions contained in the Licensing Act and with a view to promoting the 4 licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

2.2 The Committee must have regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

- 2.3 The Secretary of State's guidance concerning reviews is attached at Appendix 1.
- 2.4 The Council's Statement of Licensing Policy is attached at Appendix 2.
- 2.5 In determining the application the Committee can take such of the following steps as it considers necessary for the promotion of the licensing objectives, which are:
1. take no further action;
 2. to issue an informal warning to the Premises Licence Holder;
 3. modify the conditions of the licence;
 4. exclude a licensable activity from the scope of the licence;
 5. remove the designated premises licence supervisor;
 6. suspend the licence for a period not exceeding three months;
 7. revoke the licence.
- 2.6 Where the Committee takes a step mentioned in 3 or 4 of paragraph 2.5 above it may provide that the modification or exclusion is to have effect either permanently or temporarily and, if temporarily, only for such period (not exceeding three months) as it may specify.
- 2.7 Any decision of the Committee which involves any of the steps mentioned in 3 to 7 in paragraph 2.5 above is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. The Applicant, the Premises Licence Holder and any party who made relevant representations with regard to the review application may appeal to the Magistrates' Court against the decision of the Committee.

3.0 **BACKGROUND**

- 3.1 The premises is a two storey detached building with a licensed area on the ground floor of the building and accommodation on the first floor.
- 3.2 The premise is licensed for regulated entertainment, late night refreshment and the sale of alcohol. A copy of the Premises Licence is attached at Appendix 3.

3.3 The holder of the Premises Licence is Admiral Taverns and the Designated Premises Supervisor is Emma Richardson.

4.0 **APPLICATION FOR REVIEW**

4.1 On Thursday 19th December 2019, an application for a review of the Premises Licence was received from Derbyshire Police. A copy of the review application is attached at Appendix 4. The application form indicates that the review is sought in relation to the prevention of crime & disorder and the public safety licensing objectives.

4.2 The application provides details of the grounds for the review. In summary, the grounds for the review arise from police enforcement action.

4.3 At 1340hrs on Friday 13th December 2019, the work/life partner and joint tenant of the premises Luke Whitbread was arrested for matters and following this arrest the entire Moonrakers Hotel premises were searched. In the landing area of the upstairs private quarters a live illegal firearm was found and this is subject to forensic testing. The firearm was linked to Mr Whitbread.

4.4 Derbyshire Police contends that the Crime & Disorder and the Public Safety objectives may be undermined if Emma Richardson (The Designated premises Supervisor) was to remain in a position of authority at the premises.

4.5 They further state their opinion that it is her relationship with Mr Whitbread which has led to this review.

4.6 They qualify their opinion by stating that the role of the designated premises supervisor as outlined in the “guidance” is to be sole individual specified in the operating schedule identified within the premises licence who is responsible for not only the day-to-day management of the business, but also the responsibility of preventing disorder.

4.7 Thus they believe that the review is necessary to remove Emma Richardson from the role of DPS.

5.0 **REPRESENTATIONS**

- 5.1 When an application for a review is submitted, the Licensing Authority is required to put a notice of the application on display at the premises to which it relates and at the offices of the Licensing Authority. These steps were carried out on 20th December 2019 in accordance with the Licensing Act and the relevant regulations.
- 5.2 The Premises Licence Holder, Responsible Authorities and Interested Parties have the opportunity of making representations within a period of 28 days starting from the day after the day on which the application was given to the Licensing Authority. Representations must be relevant to one or more of the 4 licensing objectives.
- 5.3 No further representations were received.

6.0 **RECOMMENDATION**

- 6.1 That the Committee determines the application for a review of the Premises Licence in respect of the Moonrakers Hotel, Keswick Drive, Newbold, Chesterfield, S41 8HQ.

Steve Ashby
LICENSING OFFICER

16th January 2020