

For publication

LICENSING ACT 2003

**APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR PIZZA
ROYAL, 1 HOLYWELL STREET, CHESTERFIELD, S41 7SA (LC200)**

Meeting: Licensing Committee

Date: 8 January 2020

Cabinet portfolio: Health and Wellbeing

Report by: Meredith Ezard, Licensing Officer

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1.0 **PURPOSE OF REPORT**

1.1 The purpose of this report is for the Committee to determine an application for a Review of the premises licence in respect of Pizza Royal, 1 Holywell Street, Chesterfield, Derbyshire, S41 7SA.

2.0 **APPLICATION**

2.1 The application for a review was submitted by Sgt 3402 Winterbottom of Derbyshire Police, on the 13 November 2019. A copy of the application form is attached at Appendix 1.

2.2 The application for review is in relation to the prevention of crime and disorder and public safety licensing objectives.

3.0 **BACKGROUND**

3.1 The premises licence for Pizza Royal was originally granted on 29 September 2007 and is licensed for the following;

Late night refreshment (Indoors) Monday, Tuesday and Wednesday from 4pm to 1am, Thursday, Friday and Saturday from 4pm to 4am and Sunday from 4pm to 3am.

3.2 The current premises licence holder is Hamid Reza Jaber. Mr Hamid Reza Jaber became the premise license holder on 10 May 2016.

3.3 A copy of the premises licence is attached at Appendix 2.

4.0 **APPLICATION FOR REVIEW**

4.1 The grounds for the review are following a disturbance that took place in the premises at 03:30am on Friday 25th October 2019 where a male has received a broken arm by an unknown offender in an unprovoked attack.

4.2 Crucial to the investigation is the CCTV, however enquiries by officers at the premises on the night and in subsequent days established that no staff member present on the night or there after knew how to operate the system.

4.3 At Annex 3 – Conditions Attached After A Hearing By The Licensing Authority of the Premise License it states:
1. To install and maintain a closed circuit television system to a standard required by Police Licensing.
This system will be operational and recording during any time when the premises are open for licensable activities as specified within the premise license. The system will cover the inside and immediately outside the premises. This system will keep all recorded images for a period of no less than twenty eight days. There must be a person trained in the use of the system either at the premises or available to retrieve any

recorded images or data immediately upon request of a police officer or authorised person acting on behalf of a responsible authority as detailed within Section 13 of the Licensing Act 2003.

4.4 Officers eventually accessed the system 8 days later to find that the system only retained images for 7 days, all possible images had been written over. Key witness evidence had been lost.

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 the 14 November 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 four licensing objectives. The deadline for representations was 11 December 2019.

5.3 No further objections have been received from any of the Responsible Authorities.

6.0 **OPTIONS**

6.1 When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the 4 licensing objectives and also with regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

6.2 The Licensing Committee may decide;

- to modify the conditions of the licence
- to exclude a licensable activity from the scope of the licence
- to remove the designated premises supervisor
- to suspend the licence for a period not exceeding three months
- to revoke the licence

6.3 Where either the applicant or a person who made relevant representations is aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.

7.0 **RECOMMENDATION**

7.1 That the Licensing Committee consider the application for review and what action to take as set out in paragraph 6.2 of this report.

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