



**OPEN  
LICENSING AND APPEALS SUB-COMMITTEE**

Licensing and Appeals Sub-Committee – 14 November 2023

**Licensing Act 2003 – Section 51**

**Application for Review of a Premises Licence from the Chief Officer of Police for Derbyshire**

**Bulan Bar and Nightclub, 119 Dale Road, Matlock, DE4 3LU**

Report of Director of Regulatory Services

**Report Author and Contact Details**

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**Wards Affected**

Matlock West

**Report Summary**

This report informs the Committee of an application received for a Review of a Premises Licence. The application is made under section 51 of the Licensing Act 2003, by the Chief Officer of Police for Derbyshire, for a Review of the Premises Licence held by Luke Jonathan Taylor in respect of Bulan (Bar and Nightclub) located at 119 Dale Road, Matlock, Derbyshire, DE4 3LU.

The application seeks a reduction in the hours of operation for the premises and modification to the schedule of conditions attached to the current premises licence – Licence Number DDPLN/1715. The applicant considers that one or more of the licensing objectives are being undermined as a result of the way in which the premises is currently being operated.

The Sub-Committee is asked to consider the application and the representations received during the 28-day advertisement period. Representations have been received both in support of the Chief Officer of Police's application, and others in support of the Premises Licence Holder.

**Recommendations**

That the application received from the Chief Officer of Police for Derbyshire for a Review of the Premises Licence held by Luke Jonathan Taylor for Bulan Bar and Nightclub, 119 Dale Road, Matlock, DE4 3LU, be determined.

**List of Appendices**

Appendix 1 - Application for a Review of Premises Licence

Appendix 2 - Supporting evidence from Chief Officer of Police

Appendix 3 - Comments from Responsible Authorities

Appendix 4 - Representations from Other Persons

Appendix 5 - Review Hearing Procedure

## Background Papers

Licensing Act 2003 and amended Home Office Guidance issued under section 182 of the Licensing Act 2003 (August 2023)

Derbyshire Dales District Council's Statement of Licensing Policy (January 2021-2026)

Police Letter of Authorisation from the Chief Constable

### Consideration of report by Council or other committee

No

### Council Approval Required

No

### Exempt from Press or Public

No

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## 1 The Application

- 1.1 On 14 August 2023, an application submitted by PC Lora Holdgate on behalf of the the Chief Officer of Police Derbyshire was received by the Licensing Authority .for a review of the premises licence held in respect of Bulan Bar & Nightclub, 119 Dale Road, Matlock, DE43LU.

The application is reproduced in full in **Appendix 1**. The supporting evidence is reproduced in **Appendix 2**.

The CCTV footage which forms part of the Police evidence and has been disclosed to the premises licence holder and his solicitor, will be shown during the Hearing.

A copy of the current premises licence for Bulan and the schedule of conditions proposed by the Police are both detailed in the supporting documents in Appendix 2.

- 1.2 Home Office Guidance issued under section 182 of the Act states that at any stage following the grant of a premises licence, a responsible authority, such as the Police Authority, Environmental Health, Trading Standards etc or any Other Person (defined as local residents/businesses or anyone who is affected by the licence) may ask the Licensing Authority to review the premises licence because of matters arising at the premises which could lead to the undermining of the four licensing objectives.

### 1.3 The Licensing Objectives

The four licensing objectives specified in the Licensing Act 2003 are:

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

- 1.4 In accordance with section 52(2) of the Act, when an application for a review is received the Licensing Authority must hold a hearing to consider the application and any relevant representations. The Committee must take whatever action is considered appropriate to safeguard the promotion of these licensing objectives.

## 1.5 Grounds for Review of the Premises Licence held in respect of Bulan

It is the view of the Chief Officer of Police that the Crime and Disorder, the Public Safety and the Public Nuisance licensing objectives may be undermined if the Premises Licence Holder continues to operate these premises with the current licence conditions and current opening hours.

## 1.6 Advertising the Application

The legislation requires that the applicant for a Review serves the application on the Licensing Authority, the Premises Licence Holder, and all the Responsible Authorities (specified in the legislation) on the same day.

1.7 The Licensing Authority (not the premises licence holder) is required to display a notice at the premises (on pale blue coloured paper) for a period of 28 consecutive days. At the same time the application must be advertised on the District Council's website, to inform local residents and businesses and anyone else who may be affected by the application. Copies of the application must be made available by the Licensing Authority, on request.

1.8 The 28-day period during which the Responsible Authorities and Other Persons could make representations to the Licensing Authority in respect of this application, started on Tuesday 15<sup>th</sup> August with an end date of Monday 11 September 2023.

1.9 However, during the consultation period it became apparent that a technical error had been made in serving the application. To ensure that the administrative process was not flawed the application process was re-started. The Licensing Manager re-advertised the application with a revised 28-day period for making representations starting on Wednesday 27<sup>th</sup> September and ending on Tuesday 24<sup>th</sup> October 2023.

## 1.10 Representations

During the advertisement/consultation period, responses were received from the Environmental Health and Derbyshire Fire & Rescue Service and are produced at **Appendix 3**

### Other Persons

During the consultation period, 3 representations were received in support of the premises, and 6 were received supporting the Police application.

Representations were also received in support of the Police application from the 3 Ward Members (local councillors) for the area, and the Council's Community Safety Lead Officer.

These representations are produced at **Appendix 4**.

## 2 **The Hearing**

- 2.1 The Sub-Committee consists of 3 Members drawn from the full Licensing and Appeals Committee. The Members are Councillors Peter Dobbs, Susan Hobson, Mark Wakeman.
- 2.2 The Sub-Committee will be advised by Kerry France, Legal Services, and the report will be introduced by Eileen Tierney, Licensing Manager.
- 2.3 A copy of the procedure to be followed by the Sub-Committee is set out in **Appendix 5**, for information.
- 2.4 In making its decision the Licensing Sub-Committee will have regard to the legislation, the statutory Guidance issued under section 182 of the Licensing Act 2003 and to the District Council's most current Licensing Policy Statement republished under section 5 of the 2003 Act, in 2021. (The Policy will be reviewed and republished no later than January 2026).
- 2.5 In making its decision, the Licensing sub-Committee, having regard to the application and the representations, will take such steps (if any), as it considers appropriate for the promotion of the licensing objectives.

The steps are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

In accordance with section 52(6) of the Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. The Sub-Committee does not have to specify a period.

- 2.6 The Licensing Authority's determination of this application does not have effect until the 21-day period for any appeal to the Magistrates' Court has expired; or if the decision is appealed, the date the appeal is determined and / or disposed of.