

This information is available free of charge in electronic, audio, Braille and large print versions on request.

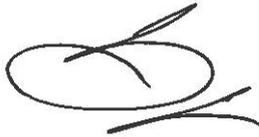
For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or e-mail: committee@derbyshiredales.gov.uk

30 August 2019

To: All Councillors

As a Member or Substitute of the **Licensing & Appeals Sub-Committee**, please treat this as your summons to attend a meeting on **09 September 2019 at 10.30am** in the **Committee Room, Town Hall, Matlock DE4 3NN**.

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredale.gov.uk of any apologies for absence.

2. ELECTION OF CHAIRMAN

The Sub-Committee will elect a Chairman for the meeting.

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press in order to consider its decision in private in accordance with the hearing procedure.

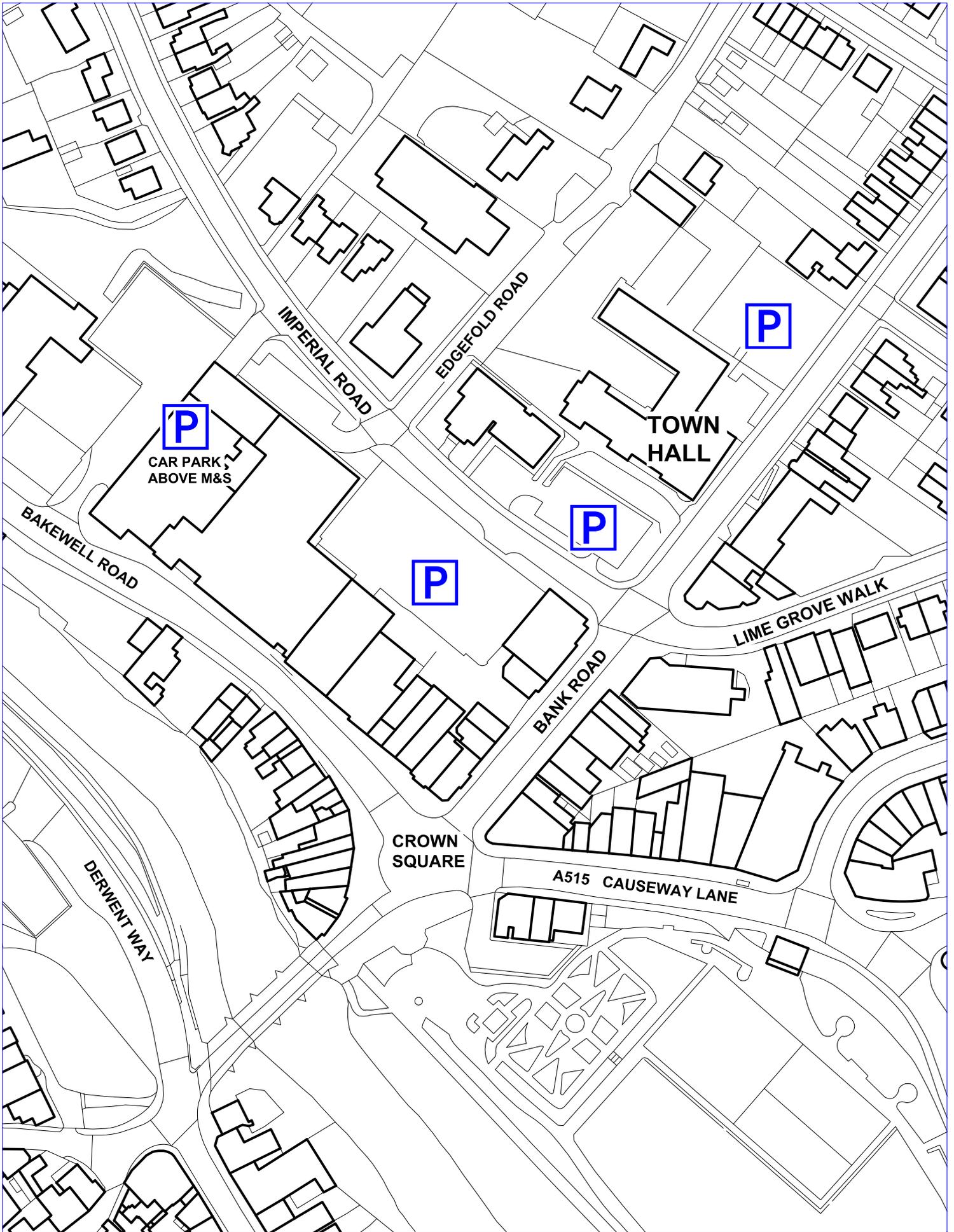
5. **LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE, EXPLORER'S RETREAT GULLIVER'S KINGDOM MATLOCK BATH DE4 3PG** 3 - 64

To determine an application for a Premises Licence for The Explorers Retreat at Gulliver's Kingdom Ltd, Temple Walk, Matlock Bath, Matlock, Derbyshire DE4 3PG.

Members of the Licensing Committee who will consider this application:

Councillors Tom Donnelly, Steve Wain and Mark Wakeman.

Nominated Substitute Member: To be confirmed



**LICENSING AND APPEALS SUB-COMMITTEE
9 SEPTEMBER 2019**

Report of the Head of Regulatory Services

**LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE
EXPLORER'S RETREAT GULLIVER'S KINGDOM MATLOCK BATH DE4
3PG**

PURPOSE OF REPORT

This report informs the Committee of an application made under section 17 of the Licensing Act 2003, received from Gulliver's Kingdom Limited, for a Premises Licence for the Explorer's Retreat.

The application seeks to allow the sale of alcohol for consumption on the premises, the provision of regulated entertainment and the provision of late night refreshment at the hotel which is situated within the grounds of the Gulliver's Kingdom theme park. The hours the premises will be open to the public during which the licensable activities will take place will be 08:00 to half past Midnight every day of the week. Residents of the hotel and bona fide guests will have access to the premises 24 hours a day.

The report provides the Committee with full details of the application and the procedure followed in processing it. The Committee is advised of representations received from a number of local residents (defined as Other Persons in the legislation) who have raised concerns and are objecting to the application either in full or in part.

RECOMMENDATION

That the application for a Premises Licence for the Explorer's Retreat, at Gulliver's Kingdom, Temple Road, Matlock Bath, DE4 3PG, be determined.

WARDS AFFECTED

Masson

1 The Application

1.1 The Licensable Activities

On 17 July 2019 an application for a new Premises Licence was received from Gulliver's Kingdom Limited for the Explorer's Retreat, a hotel within the grounds of the theme park.

1.2 The application seeks to permit the sale of alcohol for consumption on the premises and to provide regulated entertainment and late night refreshment during times shown in the following table:

Licensable Activity	Days of the Week	Times
Sale of Alcohol for consumption on premises	Monday - Sunday	11am - Midnight
Provision of Regulated Entertainment		
- Exhibition of Films	Every day (indoors)	24 hours – for residents and bona fide guests only.
- Live and Recorded Music, Dancing and anything similar	Every day (indoors) At any pre-booked wedding or function	11am – Midnight Only regulated after 11pm at alcohol-licensed premises.
Provision of Late Night Refreshment (*Late Night Refreshment is only licensable after 11pm and before 5am).	Monday - Sunday	11pm – 5am For residents and bonafide guests only.
Opening Hours to Members of the Public	Monday - Sunday	8am – 12:30am* (* next morning)

1.3 Advertising the Application

The legislation requires that the application is served on all of the Responsible Authorities, at the same time it is served on the Licensing Authority, (see table in paragraph 1.11 for details of Responsible Authorities and their responses to the application).

1.4 The applicant must display a notice at the premises (on pale blue coloured paper) for a period of 28 consecutive days, and place an advertisement in a local newspaper or similar publication which circulates in the area, informing local residents and businesses of the application. A number of residents (defined as Other Person in the legislation) have questioned whether the Notice was displayed as required, however, the applicant's solicitor has submitted declaration stating that the Notice was properly displayed for the 28-day period.

1.5 The Licensing Authority is also required to upload details of the application to the District Council's website and to make available public register copies on request.

1.6 The original 28-day period during which the Responsible Authorities and Other Persons could make representations to the Licensing Authority in respect of this application, ended on 14 August 2019.

1.7 The Operating Schedule – Licence Conditions

In section M of the Operating Schedule part of the application form, the applicant is required to describe the steps that they intend taking to promote the four licensing objectives if the application is granted.

The four licensing objectives are:

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

1.8 The legislation allows for any measures that an applicant has volunteered in Section M of the Operating Schedule part of the application, to be translated into licence conditions and (together with the Mandatory Conditions specified in the Licensing Act 2003), to be attached to a premises licence, if granted.

1.9 A copy of the original application received is reproduced in **Appendix 1** for the Committee's consideration. The measures referred to in Section M of the application form proposed by the applicant are contained in the schedule of licence conditions in Appendix 2.

1.10 A schedule of licence conditions has been drafted. These include the Mandatory Licence Conditions required in law, and those consistent with the measures proposed by the Applicant in Section M of the application form. The schedule is detailed in **Appendix 2**, for the Committee's consideration.

1.11 Representations

1.11.1 **Responsible Authorities**

During the consultation period, the application was provided to the Responsible Authorities for consideration.

The responses received from the Responsible Authorities are detailed in the following table:

Responsible Authority	Comments
Derbyshire Police Authority (North Division)	No objections.
DDDC Environmental Health Public Health Team (Noise Pollution)	No objections.
DDDC Environmental Health – Commercial Team (Health & Safety).	No objections.
Derbyshire Fire & Rescue Service (Buxton)	No response.
DDDC Planning Authority	No response.
Derbyshire County Council Trading Standards	No response.
Derbyshire Local Safeguarding Children Board	No response.
Derbyshire County Council Public Health	No response.
Home Office (Immigration Enforcement)	No response.
DDDC – Licensing Authority	No response required.

1.11.2 Other Persons

During the consultation period, 18 representations in respect of the application were received from local residents.

In the relevant representations concern was expressed that if the licence were to be granted the Prevention of Public Nuisance licensing objective, in particular, would be undermined.

The representations received in respect of the application are reproduced in **Appendix 3**, for the Committee's consideration.

2 The Hearing

2.1 The Sub-Committee consists of 3 Members drawn from the full Licensing and Appeals Committee. The Members are Councillors Tom Donnelly, Steve Wain and Mark Wakeman.

2.2 The Sub-Committee will be advised by Lee Gardner, Legal Services Manager, 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 4**, for information.

2.4 In determining the application for a premises licence the Sub-Committee will take into account the measures proposed by the applicant to promote the 4 licensing objectives (see paragraph 1.7 above), and any relevant representations received and not withdrawn. The Committee will also take into account the provisions of the 2003 Act, and the most current Statutory Guidance issued to Licensing Authorities under section 182 of the Act.

2.5 The Committee will have regard to the District Council's most current Licensing Policy Statement republished under section 5 of the 2003 Act, in January 2016. The Policy must be reviewed and republished every 5 years.

2.6 In making its decision the Licensing Sub-Committee has powers to

- approve the application;
- reject the whole of the application;
- reject part of the application;
- exclude licensable activities from the licence;
- restrict hours of any of the activities;
- and/or attach conditions consistent with the Operating Schedule part of the application, or other conditions deemed necessary and proportionate for the promotion of the licensing objectives.

3 CONTACT INFORMATION

Eileen Tierney, Licensing Manager.

Tel: (01629) 761374

Email: eileen.tierney@derbyshiredales.gov.uk

4 BACKGROUND PAPERS

None.

5**ATTACHMENTS**

Date	Description	Reference
July 2019	Application Form	Appendix 1
July 2019	Schedule of Proposed Measures/Conditions	Appendix 2
Jul/Aug 2019	Representations	Appendix 3
September 2019	Hearings Procedure	Appendix 4