

## APPENDIX 4

On behalf of the licensing authority, I wish to object to this application.

This premises falls within the sensitive licensing area for Whippendell Road. These areas are identified within our policy as areas which require special attention due to historic issues in these areas, and to prevent these issues from becoming reality again. They were consulted upon and received support from residents in these areas as well as the approval of the Licensing Committee.

In our policy, we state that we will seek to make representations to negotiate additional conditions or to seek a reduction in the potential impact of applications in sensitive licensing areas.

In this case we are not satisfied that the applicant is of suitable ability or character to hold a premises licence, or to run and manage a licensed premises. We feel that there are no extra measures that can be applied by way of condition to mitigate the harmful effects of this person obtaining a licence.

For this reason, no conditions are suggested as part of this representation which is based upon evidence of previous dealings with the applicant.

As evidence we are relying on two previous instances of the applicant having been a licence holder and the impact that this had on the local area.

On 01 March 2010, the premises licence for DKSR was revoked by a licensing sub-committee following a licence review which was instigated by the Police. The review was brought because there was evidence of multiple breaches of the Licensing Act 2003.

These breaches included selling alcohol to person already drunk (street drinkers) and selling alcohol beyond permitted hours.

An appeal against this decision was heard on 23 June 2010 in front of a magistrates' court, and the court dismissed the appeal.

On 6<sup>th</sup> November 2012 a new licence was granted to the business owner's daughter. A substantial number of conditions were placed on the licence in order to ensure that premises licence holder, designated premises supervisor and business owner, were assisted in their efforts to operate in accordance with the law.

Unfortunately, in less than three months, this licence was surrendered pending a review hearing, again initiated by the Police. The Police were requesting the revocation of the licence. The review was brought on the grounds of breach of licence by sale of alcohol to underage persons and breach of conditions attached to the licence concerning the sale of single cans and lager above 5.5% ABV, the latter of these offences committed with considerable deception.

Nothing in the most recent application gives any confidence that the applicant, who has remained the business owner throughout the time that the premises has operated, has in any way changed. Nothing in the application has sought to reassure the authority of a change of approach to licensing. The applicant displays a catastrophic lack of understanding of even the most basic requirements of the Licensing Act and has demonstrated this lack of knowledge on multiple occasions.

Furthermore, this behaviour does not only lead to technical breaches of the licence but to a serious impact on the local area by way of associated anti-social behaviour and criminal activity.

In the time since the surrender of the licence for this premises, anti-social behaviour in the area associated with sale of alcohol to person drunk, or sales of alcohol beyond permitted hours, or sale of alcohol to underage persons has dropped significantly and has stayed at a low level. It is my opinion that the grant of a licence to this applicant would see a reversal of this trend. In the circumstances it would be remiss of the authority not to object to this application for the reasons given.

Jamie Mackenzie  
Business Compliance Officer