



Date

**APPLICATION FOR PREMISES LICENCE AT DRUM & MONKEY Castle Gresley  
Swadlincote, Derbyshire, DE11 9LH**

**Report of the Head of Environmental Health**

**1. PURPOSE**

To consider the application for a premises licence at the Drum and Monkey, Castle Gresley, Swadlincote. The approximate location of the premises is shown on the plan at **(Appendix 1)**

**2. BACKGROUND**

- 2.1 An application has been received from John Gaunt and Partners Solicitors on behalf of Patricia Gregory and Peter Gregory the 20<sup>th</sup> July 2005 requesting the transfer of an existing liquor licence to a premise licence with an application to vary the premise licence simultaneously. Derby and South Derbyshire Magistrates Court previously issued the existing liquor licence for the Drum and Monkey. This presently allows the premises to trade under the national licensing hours, which are: -
- |                        |  |
|------------------------|--|
| Monday to Saturday     | 10:00 Hrs to 23:00 Hrs                             |
| Sunday and Good Friday | 12:00 Hrs to 22:30 Hrs                             |
| Christmas day          | 12:00 Hrs to 15:00 Hrs and 19:00 Hrs to 22:30 Hrs  |
| New Years Eve          | 10:00 – New Years Day – terminal hours of existing |

The applicant does not hold an existing public entertainment licence.  
The premises does not presently hold a supper licence

- 2.2 The application is for an existing licence to be converted to a premise licence under the Licensing Act 2003 and **an application to vary the premise licence**. This means that the only area for consideration is the part of the application dealing with the variation of the premise licence within part B of the application form. Part A of the application is dealt with as "grand father rights" and must be approved.
- 2.3 The current proposed variation to the current application set out in paragraph B (1) attached at **appendix 2** are to have:-
1. To permit regulated entertainment comprising: Live music and amplified voice, recorded music by juke box and music systems, comperes for functions and quizzes and similar forms of entertainment, indoor pub games comprising a sporting event in the presence of an audience, exhibition of film principally video entertainment on screens and TV screens and amusement machines between the hours of 11:00 Hrs and 01:00 Hrs (the following day) 7 days per week on the premises.
  2. To permit late night refreshment from 23:00hrs to 001:00 hrs (the following day) 7 days per week
  3. An additional 30 minutes will be added to the terminal hour of 01:00 Hrs for drinking up purposes.
  4. If the above times are not granted by the licensing sub Committee the applicant requests to permit the sale of alcohol and such regulated entertainment up to 1am the following morning on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing day and 20 occasions per year at the applicants discretion upon 7 day prior notice to the police (if required by them)

5. To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. These permissions to be confirmed upon 7 days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

However this provision does not allow for any veto by the police and would require them to make a representation to the local authority. Temporary Events notices require the applicant to give a minimum of 10 days notice and only the police can object to these applications. The sub Committee can place conditions on this area of the application, e.g. requiring the premises to use a temporary events notice, thus reducing the number of occurrences to 12 per annum, increasing the number of days of prior notice to the police and or requiring other or all responsible authorities to be notified.

6. To remove all embedded restrictions under the Licensing Act 1964, Children and Young persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985.

### 3. CONSULTATION RESPONSES

Derbyshire Constabulary -	Representation received from the Derbyshire Constabulary by Letter 26 <sup>th</sup> July 2005. (Appendix 3)
Derbyshire Fire Service -	No adverse comments
Derbyshire Social Services -	No adverse comments
Trading Standards -	No adverse comments
Environmental Health	No Adverse Comment
Pollution Control -	No Adverse Comment
SDDC Planning Authority -	No adverse comments
Health & Safety (SDDC)-	No adverse comments
Interested Parties -	1 local residents have placed written representations which is attached.

### 4. COMMENTS

- 4.1 The hearing will proceed in accordance with the Council's Licensing procedure considered by the Licensing and Appeals Committee on the 11<sup>th</sup> July 2005.

#### 4.2 Representation made by Police:-

- The Prevention of Crime & Disorder
- Public Safety
- The prevention of Public Nuisance

The Drum and Monkey has asked to be allowed to serve alcohol until 1am 7 days a week, and whilst it is accepted that the style, concept and location of this venue is not considered "high risk", the Swadlincote police section inspector has concerns that he may not have the resources to deal with incidents that might occur at the premises, due to the large geographical area covered by Swadlincote police section and the limited resources available.

It is suggested that a terminal hour of midnight for weekdays (Sunday – Thursday), and 01:00hrs for Friday and Saturday would be more manageable for the police resources available.

Also the Association of Chief Police Officers (ACPO) recommends that only 12 “discretionary” events should be permitted, for which the police must be notified in writing not less than 14 days before the event, and that police shall have absolute veto over any events that are likely to impact on the four licensing objectives.

4.3 Representation from an Interested party – 1 Representation has been received from residents in the vicinity of the premises

- The representation was received from M S Sharpe by letter Received 15<sup>th</sup> August 2005. Who states they have suffered from crime and disorder and noise nuisance and an extension to the hours will exacerbate the situation if the application is for variation is approved. **(Appendix 4)**

4.4 The licensing objectives are matters that should be given paramount importance (guidance issued under section 182 of the Licensing Act 2003 – page 11). The Licensing Sub- Committee need to satisfy themselves that the representations do fall within the licensing objectives as outlined below.

4.6 The licensing objectives are:-

The prevention of crime and disorder  
Public Safety  
The prevention of public nuisance and  
The protection of children from harm

4.7 In relation to the guidance I would refer you to page 23 Section 3.29 of the guidance issued by the Department Culture Media and Sports in relation to Licensing Hours and page 85 Public Nuisance paragraph 7.38 –7.43 of the same document.

4.8 In regard to area of crime and disorder the authority should look to the police as the main source of advice (see page 81 paragraph 7.21 and 7.23) same guidance.

4.9 I would refer you to South Derbyshire District Council Policy Statement Section 13 (Page 11) and Public Nuisance and Section 9 Licensing Hours (Page 9) – same document.

4.10 According to the representations that are made, options open to the Sub-Committee are:-

1. Reject the representation and allow the application to be approved with no additional conditions attached.
2. Allow the application to be approved subject to conditions that are consistent with the operating schedule submitted, modified to such extent as the authority considers necessary for the promotion of the Licensing Objectives.
3. To exclude from the scope of the licence any of the licensable activities to which the application relates.
4. To reject the application for variation only.

4.11 The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as have the interested parties and Derbyshire Constabulary.

