

APPLICATION FOR PREMISES LICENCE AT THE MELBOURNE ROYAL BRITISH LEGION, 87 Derby Road, Melbourne, Derbyshire, DE73 1FL

Report of the Head of Environmental Health

1. PURPOSE

To consider an application for a premises licence under the Licensing Act 2003 at the MELBOURNE ROYAL BRITISH LEGION, 87 Derby Road, Melbourne. The approximate location of the premises is shown on the plan at **(Appendix 1)**

2. BACKGROUND

- 2.1 An application has been received from Flint Bishop & Barnett Solicitors on behalf of Jill Carr of Melbourne Royal British Legion on the 29th 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 Club Registration Certificate for the Melbourne Royal British Legion. 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	11:00 – 23:00 New Years Day.

These premises additional supper hour's certificate issued by Derby and South Derbyshire Magistrates Court. This presently allows the premises to extend their licensing hours for on and off sales to Monday to Saturday 10:00Hrs to 00:00Hrs and Sundays and Good Fridays from 12:00Hrs to 23:30Hrs

The applicant does not hold an existing public entertainment 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. Sale of Alcohol and associated entertainment:-

Monday – Thursday	10:00 – 23:00
Friday – Saturday	10:00 – 00:00
Sunday	12:00 – 22:30

2. To apply for extensions to permitted hours for the supply of alcohol during televised Football, Rugby League and Union World Cup finals matches of any nation. The extensions would be one hour before the start of the match and one hour after its conclusion.

3. CONSULTATION RESPONSES

Derbyshire Constabulary -	No Adverse comments
Derbyshire Fire Service -	No Adverse comments
Derbyshire Social Services -	No Adverse comments
Trading Standards -	No Adverse comments
Environmental Health	No Adverse Comments
Pollution Control -	No Adverse Comments
SDDC Planning Authority -	No Adverse comments
Health & Safety (SDDC)-	No Adverse comments
Interested Parties -	3 local residents have placed written representations which are 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 11th July 2005.

4.2 Representation made by the residents are on the grounds of :-

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

4.3 Representation was received from Mr Clive Avery and, Mr Stuart Cooper and Mr & Mrs Tivey, their main representation are on the grounds of noise disturbance and possible crime and disorder. **(Appendix 3)**

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 all the specific areas of the representations do fall within the licensing objectives as outlined below.

4.5 The licensing objectives are:-

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

4.6 In relation to the guidance I would refer you to page 85 Public Nuisance paragraph 7.38 – 7.43 and 7.45 of the same document.

4.7 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.

4.8 I would refer you to South Derbyshire District Council Policy Statement Section 13 (Page 11) and Public Nuisance

4.9 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.

