

APPLICATION FOR PREMISES LICENCE AT THE THORNTREE INN, 59 Bretby Lane, Newhall, Swadlincote, Derbyshire.

Report of the Head of Environmental Health

1. PURPOSE

To consider the application for a premises licence at the The Thorntree, 59 Bretby Lane, Newhall, Swadlincote, Derbyshire, DE11 0LL. 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 & Partners Solicitors on 22nd August 2005 on behalf of Mr Lee Butler requesting a premises licence for the Thorntree Inn, 59 Bretby Lane, Newhall, Swadlincote, DE11 9DG. Although 'Grandparent Rights' are not a condition, DCMS (Department of Culture Media and Sport) suggest existing Licence conditions should be taken into account. The application is requesting:-

2.2 The application set out in Part 3 of the operating schedule attached at **Appendix 2** are to have:-

1. **Films** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday.
2. **Indoor Sporting Events** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday.
3. **Live Music** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday.
4. **Recorded Music** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday
5. **Performance of Dance** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday
6. **Provision of facilities for making music** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday
7. **Provision of facilities for dancing** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday
8. **Late Night Refreshment** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday
9. **Sale of Alcohol** - 11:00 - 01:00 Monday - Thursday, 11:00 - 02:00 Friday & Saturday and 12:00 - 01:00 Sunday

To the extent that part 3 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 02:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day and also to the extent that part 3 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at my discretion upon 7 days prior notice to the Police (if required by them)
New Years Eve : 10:00 to New Years Day - terminal hour as proposed
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 such opening times for this purpose 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.

10. **Hours Premises Open to the Public** - 11:00 - 01:30 Monday - Thursday, 11:00 - 02:30 Friday & Saturday, 12:00 - 01:30 Sunday.

The premises will close 30 minutes after the end of the non-standard timings identified above.

3. CONSULTATION RESPONSES

Derbyshire Constabulary -	Representation received from Derbyshire Police by letter 14 th September 2005 (Letter attached Appendix 3)
Derbyshire Fire Service -	No adverse comments
Derbyshire Social Services -	No adverse comments
Trading Standards -	No adverse comments
Environmental Health -	No adverse comments
SDDC Planning Authority -	No adverse comments
Health & Safety (SDDC) -	No adverse comments
Interested Parties -	1 Local resident has placed a written representation 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 11th July 2005.
- 4.2 The relevant factors in this particular case relate to concerns over the prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety. The full representation of the Derbyshire Constabulary can be seen at **Appendix 3**.
- 4.3 The representation of the Police are outlined below
- The hours applied for are likely to impact upon Licensing objectives, namely:
- The Prevention of Crime and Disorder
The Prevention of Public Nuisance
Public Safety
The Protection of Children from harm
- 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 objectives are :-

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

In relation to the guidance I would refer you to page 23 paragraph 3.29 – Licensing Hours.

And South Derbyshire District Council Policy page 9 – Licensing Hours

- 4.5 According 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.
- 4.6 The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as have the single interested party.

