

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

Hearing Date 28<sup>th</sup> June 2012

### APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

#### Report of the Head of Corporate Services

#### 1. PURPOSE

To consider the representations that have been made and to determine the application for a variation of a premise licence received on the 30th April 2012 from Mr David Alan Budworth. The application is to vary an existing premises licence held under the Licensing Act 2003, at the Willington Sports Bar public house, Twyford Road, Willington, Derbyshire. **(application attached at Appendix 1).**

Mr David Alan Budworth currently holds the premises licence and is also the Designated Premise Supervisor.

#### 2. BACKGROUND

- 2.1 The existing licence was granted on the 5<sup>th</sup> July 2011 with the times and types of licensable activities including conditions. **(Appendix 2)**

#### 3. NEW APPLICATION DETAILS

- 3.1.1 The proposed variation is seeking permission for provisions of regulated entertainment in respect to the provision of Indoor Sporting Events: -

Sunday 10:00hrs until 23:00 hours  
Monday to Saturday 10:00hrs until 24:00 hours

Live Music, indoors: -

Sunday to Thursday 10:00hrs until 23:00 hours  
Friday and Saturday 10:00hrs until 24:00 hours

Recorded Music, indoors: -

Sunday to Thursday 10:00hrs until 23:00 hours  
Friday 10:00hrs until 01:00 hours  
Saturday 10:00hrs until 02:30 hours

Performances of dance, indoors: -

Sunday to Thursday 10:00hrs until 23:00 hours  
Friday 10:00hrs until 01:00 hours  
Saturday 10:00hrs until 02:30 hours

Anything of a similar description to that falling within, Live Music, Recorded Music and Performances of dance, indoors and outdoors: -

Sunday to Thursday 10:00hrs until 23:00 hours  
Friday 10:00hrs until 01:00 hours  
Saturday 10:00hrs until 02:30 hours

Provision of facilities for making music, indoors: -

Sunday to Thursday 10:00hrs until 23:00 hours

Friday and Saturday 10:00hrs until 24:00 hour

Provision of facilities for dancing, indoors: -

Sunday to Thursday 10:00hrs until 23:00 hours

Friday 10:00hrs until 01:00 hours

Saturday 10:00hrs until 02:30 hours

**(Appendix 1)**

- 3.2 Additionally the application requests the Provision of facilities for entertainment: which includes the provision of making music, dancing and anything that is similar in nature, indoors to the above activities.

Sunday to Thursday 10:00hrs until 23:00 hours

Friday 10:00hrs until 01:00 hours

Saturday 10:00hrs until 02:30 hours

- 3.3 The application also requests late night refreshment, indoors: -

Sunday to Thursday 23:00hrs until 24:00 hours

Friday 23:00hrs until 01:30 hours

Saturday 23:00hrs until 02:30 hours

- 3.4 The application requests to extend the hours for the sale of alcohol both on and off the premises: -

Sunday 10:00hrs until 23:00 hours

Monday to Thursday 10:00hrs until 24:00 hours

Friday 10:00hrs until 01:00 hours

Saturday 10:00hrs until 02:30 hours

- 3.5 The proposed variation requests to extend opening hours of the premise: - Sunday to Thursday 07:00hrs until 00:30 hours

Friday 07:00hrs until 01:30 hours

Saturday 07:00hrs until 03:00 hours

3.6 The application requests '*None standard timings*' for indoor sporting events, the performance of live music, recorded music, performances of dance, provision of facilities for making music, provision of facilities for dancing, provision of facilities for entertainment, anything of similar description, late night refreshment and supply of alcohol may continue on Christmas Eve until 02:00, New Years Eve until 03:00 and all other Bank Holidays: - may continue until 01:00hrs

**(Appendix 1)**

- 3.7 The application requests '*None standard timings*' for hours open to the public Christmas Eve until 02:30, New Years Eve until 03:30 and all other Bank Holidays: - may continue until 01:30hrs

- 3.8 The applicant also requests that if these variations are agreed then he will only use the later hours on Friday and Saturday if a function has been pre-booked and requests using facility past midnight. **(Appendix 1)**

- 3.9 The application also requests during holding sporting events in snooker and soon to include pool and darts that they would like teams that have under 18 year olds

within their team to be able to bring the 18 year olds and also be allowed to stay until the end of the event which is anticipated to be between 11pm and midnight.  
**(Appendix 1)**

- 3.10 The applicant also states it is a family venue and as such would like condition no. 16 on premise licence removed and would like this rewording “to allow any person under 18 years old to be allowed on the premises so long as accompanied by a responsible adult and must leave when the adult leaves. Unless part of a sporting event whereby they can remain until the team leaves”.

**(Appendix 1)**

- 3.11 Matters included by the applicants within the variation application to promote all four licensing objectives can be seen at Page 19 of Appendix 1.

#### **4. CONSULTATION RESPONSES**

Derbyshire Constabulary -	Proposed conditions regarding application Agreed with applicant <b>(Appendix 3)</b>
Environmental Health -	Representation regarding application. Agreed with applicant <b>(Appendix 4)</b>
Derbyshire Fire Service -	No Representation
Derbyshire Social Services -	No Representation
Trading Standards -	No Representation
SDDC Planning Authority -	No Representation
Health & Safety (SDDC) -	No Representation
Derbyshire County Primary Care Trust -	No Representation
Interested Parties -	
Written representations have been received from the following:	
An individual person living in Willington <b>(Appendix 5)</b>	
An individual person living in Willington <b>(Appendix 6)</b>	

#### **5. COMMENTS**

- 5.1 The hearing will proceed in accordance with the Council's Statement of Licensing Policy considered by the Licensing and Appeals Committee on the 11<sup>th</sup> November 2010.
- 5.2 Conditions have been agreed between the Derbyshire Constabulary and the applicant. **(Appendix 3)**
- 5.3 A representation has been received from the Environmental Protection Team at South Derbyshire District Council and a statement has been agreed between them and the applicant. **(Appendix 4)**
- 5.4 Representations have been received from interested parties. **(Appendix 5 and 6)**

5.5 The licensing objectives are matters that should be given paramount importance (guidance issued under section 182 of the Licensing Act 2003. **(Appendix 7)**)

The licensing objectives are:

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

6. Options available to the Licensing Sub-Committee are:

1. Allow the application to be approved.
2. Allow the application to be approved subject to conditions
3. To exclude from the scope of the licence any of the licensable activities to which the application relates.
4. To reject the application.

## **APPENDICES**

1. Copy of application to vary a premise licence.
2. Copy of current premise licence.
3. Derbyshire Constabulary, proposed conditions regarding application.
4. Environmental Health, proposed conditions regarding application.
5. Representation from an individual person living in Willington
6. Representation from an individual person living in Willington
7. Guidance issued under section 182 of the Licensing Act in relation to licensing objectives.