

**APPLICATION FOR PREMISES LICENCE AT THE MALT SHOVEL, Aston on Trent, Derbyshire**

**Report of the Head of Environmental Health**

**1. PURPOSE**

To consider the application for a premises licence at the The Malt Shovel, Aston on Trent, Derbyshire. The approximate location of the premises is shown on the plan at **Appendix 1**.

**2. BACKGROUND**

2.1 An application has been received from Ford & Warren Solicitors on behalf of Punch Taverns Plc on 20<sup>th</sup> July 2005 requesting a premises licence for the The Malt Shovel, Aston on Trent, Derbyshire. These premises have previously held a liquor licence issued by Derby and South Derbyshire Magistrates Court. This presently allows the premises to trade under the national licensing hours. The applicant does not hold a public entertainment licence.

2.2 The current proposed variation to the current application set out in paragraph B (1) attached at **Appendix 2** are to have:-

1. An additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
2. A further additional hour into the morning followed every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
3. A further additional hour every Christmas Eve
4. A further additional hour every Boxing day
5. To reflect existing New Years Eve/Day hours
6. Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.
7. All of the above for the sale of alcohol and recorded music

**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

SDDC Planning Authority - No adverse comments

Health & Safety (SDDC) - No adverse comments

Interested Parties - We have received 2 letters from interested parties (residents in the area) concerning Prevention of Crime and Disorder and Prevention of Public Nuisance. **Appendix 3**

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 The relevant factors in this particular case relate to concerns over the prevention of Crime and Disorder, the Prevention of Public Nuisance.
- 4.3 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.

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

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

- 4.4 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 for variation only.
- 4.5 The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as have the interested parties.