Date

ADDITIONAL INFORMTION FOR PREMISES LICENCE AT THE ALMA INN, Derby Road, Melbourne, Derbyshire, DE73 1FE Following Adjournment 28th October 2005

Report of the Head of Environmental Health

1. PURPOSE

To consider the additional information furnished by the applicant in regard to an application for a premises licence at The Alma Inn, Derby Road, Melbourne, Derbyshire, DE11 0LL

2. BACKGROUND

- 2.1 An application has been received from John Gaunt & Partners Solicitors on 7th September 2005 on behalf of Mr Malcolm Cowan requesting a premises licence for the Alma Inn, Derby Rd, Melbourne, DE73 1FE. The Hearing of the Licensing Sub Committee was adjourned on the 28th October as no representatives of the company attended, and the original applicant was no longer in control of the Alma Inn. In addition no transfer information in accordance with the Licensing Act 2003 had been received by the Licensing Authority.
- 2.2 The appropriate paperwork was received on the 4th November 2005 from the Union Pub Company confirming consent of the transfer of the premise licence holder Mr Malcolm Cowan to **Mr James Edward Cripps (Appendix 1)**. In addition information was received of the transfer of designated premise supervisor to Jayne Anne Harrison (**Appendix 2**)
- 2.3 The application has been placed before the local authority and no "grand parent rights" are applicable to this application. However the Licensing Committee need to be aware that where an existing Justices Licence Holder applies for a **new** Premises Licence (i.e. **not** utilising the grandfather rights provisions), prior to Second Appointed Day the 24th November 2005, the Licensing Committee **cannot apply** any conditions restricting the hours at which alcohol is sold currently (i.e. as per the Justices Licence) **unless** there has been a material change in circumstances since the Justices Licence was granted, or the Police have made representations in connection with the prevention of crime.
- 2.4 These premises presently hold a 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. However this additional allowance only allows the consumption of alcohol if taken with a substantial meal and is restricted to the Dining room area with 26 covers (information confirmed with Derbyshire Constabulary) (Appendix 3)
- 2.5 Since the original application the Derbyshire Constabulary have agreed with the Wolverhampton and Dudley Breweries an amendment to the application, which will now from conditions which will be attached to the Licence. The Licensing sub Committee may if they consider necessary impose additional conditions to those agreed with the police subsequent to the committee hearing. The amendment to the application are as follows:-

As a result of these communications the premises application for the Alma Inn is to be amended to reflect the following:

- The terminal time for the service of alcohol will be Midnight Sunday thru Thursday, and 01:00hrs (1am) Friday & Saturday. The premises will remain open for a further 30 minutes each day to allow for dispersal.
- The premises may open for the service of alcohol until 01:00hrs on a Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing Day. For New Years the premises may remain open from the terminal hour New Years Eve to the opening hour New Years Day.
- The non specific sporting extensions in Box M shall be restricted to 12 occasions per annum, on 14 days written notice to the police, and the police shall have right of veto on the grounds of contravention of one or more of the licensed objectives, such a right of veto not to be unreasonably exercised.
- The premises will comply with reasonable recommendations of the Police Crime Reduction Officer. (Appendix 4 & 5)
- 2.4 What is not clear from this agreement is whether the applicant is applying these restricted hours to all other licensable activities.
- 2.5 The application is additionally being amended to allow sale of alcohol for residents and their "boni fide" guests 24 Hrs a day, In relation to late night refreshment this is already exempt for residents under the Licensing Act 2003 Schedule 2 paragraph 3
- 2.6 For comparison I have attached the original application (Appendix 6)

3. **CONSULTATION RESPONSES**

Derbyshire Constabulary - Representation received from Derbyshire

Now Withdrawn

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 - 8 Local residents have placed written

representations, which are attached (Appendix 7).

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.

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 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

- 4.4 According the representations that are made, options open to the Sub-Committee are:-
 - 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.
- The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as have the single interested party.

				\$
				<i>3</i> 5
		•		
·			·	
			•	
	·			
		·		