

Date

**APPLICATION FOR PREMISES LICENCE AT THE CHESTERFIELD ARMS Ashby Road,
Bretby, Derbyshire, DE15 0QA**

Report of the Head of Environmental Health

1. PURPOSE

To consider an application for a premises licence under the Licensing Act 2003 at the CHESTERFIELD ARMS, Ashby Road, 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 the Spirit Group Ltd 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 existing liquor licence for the Chesterfield Arms for sale of alcohol both on and off the premises. 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
New Years Eve	11:00 Hrs to 00:00 Hrs
New Years Day	00:00 Hrs to 23:00 Hrs
Christmas Day	12:00 Hrs to 15:00 Hrs
Christmas day	19:00 to 22:30 Hrs

The applicant or premises does hold a Children's Licence and a Public Entertainment Licence (PEL). The present licence PEL has permitted hours of
Sunday 12:00 Noon to 22:30 Hrs
Monday – Saturday 11:00 Hrs to 23:00 Hrs
Maximum capacity 200

- 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:-
- 2.4 To extend the hours for the sale of alcohol and entertainment in doors only (facilities for dancing, recorded music, Live music etc from Sunday to Wednesday (inclusive) from 10:00 Hrs to Midnight and Thurs to Saturday (inclusive) from 10:00 Hrs to 1:00Hrs the following morning.
- 2.5 The applicant is also asking to extend the time that late night refreshment can be taken which would mean the premises would be available for food from
Sunday – Wednesday from 09:00 Hrs to 01:00 Hrs (the following day)
Thursday – Saturday from 09:00 Hrs to 02:00 Hrs (the following day)
This would be the same period that the premises is open
- 2.6 In addition to these hours the applicant is requesting :-
On St. David's Day, St. Patrick's Day, St. Georges Day and St. Andrews Day, the finish time will be extended by one hour, with 7 days notice and agreement with the Police.

For statutory Bank Holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended one hour above section 2.4 and 2.5 above. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.

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 Comment
Pollution Control -	No Adverse Comment
SDDC Planning Authority -	No adverse comments
Health & Safety (SDDC)-	No adverse comments
Interested Parties -	3 local residents have placed written representations 2 of which have been withdrawn. The remaining representation is attached as 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 11th July 2005.

4.2 Representation made by the resident are on the grounds
Of: -

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

4.3 Representation was received from Mr and Mrs A. G Orme are on the grounds of noise disturbance to local residents from people leaving the premises and possible crime and disorder from people obtaining beverage for longer. (**Appendix 3**)

4.5 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.

4.6 The licensing objectives are:-

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

4.7 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. Specifically I would refer you to point 7.43

- 4.8 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.
- 4.9 I would refer you to South Derbyshire District Council Policy Statement Section 13 (Page 11) and Public Nuisance
- 4.10 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 namely Environmental Health Pollution Section.

