

APPLICATION FOR PREMISES LICENCE AT THE WHITE HART Derby Road, Aston On Trent, Derbyshire, DE72 2AF

Report of the Head of Environmental Health

1. PURPOSE

To consider an application for a premises licence under the Licensing Act 2003 at the **WHITE HART Derby Road, Aston On Trent,**. 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 and Partners Solicitors on behalf of Watergate Inns Ltd on the 8th August 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 White Hart. 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
Christmas day	12:00 Hrs to 15:00 Hrs and 19:00 Hrs to 22:30 Hrs
New Years Eve	10:00 – New Years Day – terminal hours of existing

These premises do not hold a Public Entertainment Licence or any other form of licence that can be considered for "grand parent rights"

- 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:-
1. To permit regulated entertainment comprising: Live music and amplified voice, recorded music by juke box and music systems, comperes for functions and quizzes and similar forms of entertainment, indoor pub games comprising a sporting event in the presence of an audience, exhibition of film principally video entertainment on screens and TV screens and amusement machines..
 2. To permit late night refreshment after 23:00hrs
 3. to allow the to allow Films, indoor sporting events, live music ,sporting events, recorded music performance of dance, provision of facilities for making music and dance, late night refreshment (on the premises only), and supply of alcohol (both on and off the premises) from 10am Each day up to midnight Mon – Thursday (inclusive) and 1am Friday – Sunday (inclusive) plus 30 minutes each day drinking up time.
 4. If the above times are not granted by the licensing sub Committee the applicant requests to permit the sale of alcohol and such regulated entertainment up to 1am the following morning on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing day and 20 occasions per year at the applicants discretion upon 7 day prior notice to the police (if required by them)

5. 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. These permissions 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.

6. Item 5 above has been agreed to be amended by the Derbyshire Constabulary and applicant to the following

The non specific sporting extensions shall be restricted to 12 occasions per annum, on 14 days written notice to the Police, and the Police shall have a right of veto on the grounds of contravention of one or more of the licensing objectives, such right of veto not to be unreasonably exercised.

6 To remove all embedded restrictions under the Licensing Act 1964, Children and Young persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985.

3. CONSULTATION RESPONSES

Derbyshire Constabulary -	Amendment to application agreed
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 Comment
Health & Safety (SDDC)-	No adverse comments
Interested Parties -	9 local resident has placed written representations which is attached. (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 a local resident on the grounds of :-

- The prevention of Public Nuisance

Representation have been received from Susan Winter, VA Tidmarsh, R Hayes , JR Dminy , JD & C Wellings, RJB Read, M Bonser, J and E Holloway and another (included as Appendix 3)

There main representation are on the grounds of potential noise disturbance from people vacating the white hart and noise from entertainment, and changes to village life. In regard to certain matters raised such as indiscriminate parking and changes to village life these matters do not come within the licensing objectives.

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

