
REPORT TO:	LICENSING AND APPEALS SUB-COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	14 TH JULY 2005	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	CARL JACOBS (EXT. 5717)	DOC:
SUBJECT:	APPLICATION FOR PREMISES LICENCE AT DOG AND DUCK PUBLIC HOUSE, 2 ASTON LANE, SHARDLOW	REF:
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE: LA01

1.0 PURPOSE

To consider the application for a premises licence at the Dog and Duck, 2 Aston Lane, Shardlow. The approximate location of the premises is shown on the plan at Appendix 1.

2.0 BACKGROUND

- 2.1 An application has been received from John Gaunt and Partners Solicitors on behalf of the Wolverhampton & Dudley Breweries plc on 11th May 2005 requesting a premises Licence for the Dog and Duck, 2 Aston Lane, Shardlow. These premises have previously held a liquor licence and an additional 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 12:30Hrs to 23:30Hrs. 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:-
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 sporting events in the presence of an audience, exhibition of a film principally video entertainment on screens and TV screens and amusement machines.
 2. To the extent that the variation in paragraph 4 of b (1) is not allowed or does not permit: to permit sale of alcohol and such regulated entertainment until 00:00 Hrs the following morning on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent

that the variation in paragraph 4 is not allowed to open the same hours on up to 20 occasions per annum at the applicant's discretion upon 7 days prior notice to the police in writing (if required by them).

3. 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. Such opening times are to be confirmed with the police 7 days before in writing. The notification will include the opening times and the sporting event which is to be shown.
4. To allow the sale of alcohol and such regulated entertainment as follows:-
Mon/Tues/Wed/Thurs 10:00 – 00:00
Fri/Sat 10:00 – 01:00 following
Sun 11:00 – 00:00
5. To permit provision of refreshments after 23:00

3.0 CONSULTATION RESPONSES

Derbyshire Constabulary – No adverse comments

Derbyshire Fire Service – Representation withdrawn following additional information from applicant

Derbyshire Social Services – No adverse comments

Trading Standards – No adverse comments

Environmental Health – No adverse comments

SDDC Planning Authority – No adverse comments

Health and Safety (SDDC) – No adverse comments

Interested Parties – Representation received from Mrs J Tweed by letter of 8th June 2005 (letter attached at Appendix 3)

4.0 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 particularly relate to concerns about noise pollution and disturbance of the local residents.
- 4.3 Items 2, 3 and 4 in Mrs Tweed's letter do not fall within the scope of the Licensing Objectives and are set out below:-

Item 2 - I am concerned that the character of the pub will change. Instead of being for local families to enjoy a meal, it is likely to attract the types of drinker who cause problems in our city centre late at night. We do not want these problems to spread to Shardlow.

Item 3 - The drinkers are far more likely to be drawn from outside Shardlow. Shardlow does not enjoy good public transport, therefore drink driving could be encouraged.

Item 4 - Extra Police cover could be required. This is paid for by our taxes.

- 4.4 The Licensing Objectives are matters that should be given paramount importance (guidance issued under section 182 of the Licensing Act 2003 – page11)

The licensing objectives are:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

With regard to the area of crime and disorder, the authority should look to the police as the main source of advice (see page 81, Section 182 guidance) and it should be noted that the police have not requested any representation in regard to this application / variation. Other offences, which are covered by other legislation such as drunken driving, should also not be considered (see page 81, paragraph 7.24, Section 182 guidance).

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 Objective (see Annex G, Section 182 guidance).
3. To exclude from the scope of the licence any of the licensable activities to which the application relates.
4. To reject the application.

- 4.5 The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as has the single interested party.