

Date

**APPLICATION FOR PREMISES LICENCE AT THE THE HOLLYBUSH INN , 15 Main Street, Netherseal, Swadlincote, Derbyshire, DE12 8DA**

**Report of the Head of Environmental Health**

**1. PURPOSE**

To consider an application for a premises licence under the Licensing Act 2003 at the THE HOLLYBUSH INN, 15 Main Street, Netherseal. The approximate location of the premises is shown on the plan at **(Appendix 1)**

**2. BACKGROUND**

- 2.1 An application has been received from Anthony Collins Solicitors on behalf of Mrs Denise Rogelia Wood of The Hollybush Inn on the 5th August 2005 requesting the transfer of an existing liquor licence to a premise licence with an application to vary the premise licence simultaneously. These premises have previously held a liquor licence issued by Derby & South Derbyshire Magistrates Court. This presently allows the premises to trade under the national licensing hours, which are: -

Monday to Saturday	11:00 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	11:00- 23:00 New Years Day

- 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.

The premises does not currently hold a public entertainment's licence.

- 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 entertainments throughout the opening hours comprising:
  - Live acoustic and/or amplified music, and amplified voice
  - Recorded music including jukebox and karaoke, with or without DJ's
  - Compere for functions, quizzes etc with amplified voice
  - Pub games in front of an audience
  - Video Entertainment on TV screens and amusement machines.
2. To permit sale of alcohol on each day from Sunday to Thursday from 09:00 until 00:00 and every Friday and Saturday from 09:00 until 01:00 the following day. On New Years Eve from 09:00 until 01:00 on January 2<sup>nd</sup>. Also on every Christmas Eve and Bank Holiday from 09:00 until 01:00.
3. Provide refreshment after 23:00 hours
4. To remain open for a further 30 minutes at the end of permitted hours for the sale of alcohol as a "wind down" period.
5. Remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (safety) Regulations 1955, and the Children & Young Persons Act 1933.

2.4 During discussions with the Landlady of the Hollybush Inn, the Committee should be made aware of an amendment that has been made to Section Q of the application form which are as follows (**Appendix 3**):-

1. The doors and windows will be closed during live entertainment.
2. The volume of sound outside will be monitored during the evenings.
3. The main beams in the 18<sup>th</sup> Century, will be checked for vibrations.

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
Pollution Control -	No Adverse Comments
SDDC Planning Authority -	No Adverse comments
Health & Safety (SDDC)-	No Adverse comments
Interested Parties -	16 local residents have placed written representations which are attached.

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 Representation made by the residents are on the grounds of :-

- The prevention of Public Nuisance

4.3 Representation was received from Mr Fitzpatrick, Mr & Mrs Brown, Mr & Mrs Wicks, Mr & Mrs Milton, Mr King, Ms J Niklin, Mr Minett, Mrs Riley, Mrs Wren, Mr & Mrs Arthur, D Holey, Mr Buckingham, Mr & Mrs Roobottom, Mrs Jones, Mr & Mrs Hemsall, Mrs Hewes (**Appendix 4**)

4.4 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.

4.5 The licensing objectives are:-

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

4.6 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.

4.7 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.

4.8 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.

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

