

APPLICATION FOR PREMISES LICENCE AT THE SPREAD EAGLE, 28, Main Street, Etwall, Derbyshire. DE65 6LP.

Report of the Head of Environmental Health

1. PURPOSE

To consider an application for a premises licence under the Licensing Act 2003 at the SPREAD EAGLE, 28 Main Street, Etwall. The approximate location of the premises is shown on the plan at **(Appendix 1)**

2. BACKGROUND

- 2.1 An application has been received from Ford & Warren Solicitors on behalf of Gary Watson and Mark John Godfrey of The Spread Eagle, 28 Main Street Etwall on the 14th 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 liquor 'ON' Licence for the Spread Eagle. 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	11:00 – 23:00 New Years Day.

The applicant does not hold an existing public entertainment licence

- 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. An additional hour every Monday, Tuesday, Wednesday & Thursday evening and an additional two hours every Friday and Saturday and an additional hour on Sunday.
2. To open at 09:00 each day of the week.
3. A further additional hour, to close at 00:30hrs on every Sunday, for each May Day Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend and Easter Bank Holiday.
4. A further additional hour on the Thursday preceeding Easter Bank Holiday weekend to close at 01:00hrs.
5. A further additional hour every Christmas Eve falling between Monday to Thursday and an additional half an hour when falling on a Sunday.
6. An additional hour on Christmas Day to open at 11.00hrs. A further additional hour every Boxing Day to close at 01:00 to reflect existing New Year's Eve/Day hours.
7. Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.
8. All of the above to be for the sale of alcohol, recorded music, karaoke and live music.

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 Representations withdrawn following an agreement by Paul Taylor of 'Punch Taverns' to include the following additions to section Q(d) Prevention of Public Nuisance which states:-

- "During entertainment windows and doors will be kept closed".
- "During entertainment the landlord will patrol the perimeter of the premises to ensure that entertainment from the premises is not affecting neighbouring properties"
- "Noise or vibration shall not emanate from the premise so as to cause a nuisance to nearby properties.

SDDC Planning Authority - No Adverse comment

Health & Safety (SDDC)- No Adverse comments

Interested Parties - 4 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 11th July 2005.

4.2 Representations made by the residents are on the grounds of :-

- The prevention of public nuisance.

4.3 There are no representations from Environmental Health

4.4 Representation was received from Mr Andy Sadler, Mr Spencer Worsey, Mr Dan Smith and Ms Deb Waters. Their main representations are on the grounds of noise disturbance. (**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

- 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.

