

**APPLICATION FOR PREMISES LICENCE AT THE Square and Compass, Caudwell Road  
Linton Swadlincote, Derbyshire, DE12 6RX**

**Report of the Head of Environmental Health**

1. **PURPOSE**

To consider the application for a premises licence at the Square and Compass, Caudwell Road, Linton, Swadlincote, DE12 6RX. The approximate location of the premises is shown on the plan at **Appendix 1 and the plan of the premises**

2. **BACKGROUND**

- 2.1 An application has been received from Cobbetts Solicitors on behalf of Pyramid Pub Management Ltd, 20<sup>th</sup> June 2005 requesting the transfer of an existing liquor licence to a premise licence with an application to vary the premise licence simultaneously. The existing liquor licence for the Square and Compass, Linton was previously issued by Derby and 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

The applicant does hold a public entertainment licence. The Hours of operation are as follows:-

Wednesday, Thursday, Friday and Saturday 20:00 Hrs to 23:00 Hrs  
And Sunday 20:00 Hrs to 22:30 Hrs

- 2.2 The premises does not presently hold a supper licence
- 2.3 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.
- 2.4 The original proposed variation to the current application set out in paragraph B (1) attached at **appendix 2** are to have:-
1. To extend the hours for the sale of alcohol from 23:00Hrs until 01:00 Hrs Monday to Saturday (and on certain specified Bank / Public Holidays) and from 11:00 until 00:00 Hrs (midnight) on a Sunday and to extend the provision of musical entertainment from 19:00 Hrs until 23:00 Hrs each day.
- 2.5 **Following Representations** made to the applicant, the hours of operation have been amended and were confirmed by Cobbetts Solicitors See attached e-mail **appendix 3** as the following: -
1. Monday to Thursday : Sale of Alcohol until 00:00 Hrs (Midnight) premises open until 00:30 Hrs.
  2. Friday to Saturday: sale of Alcohol until 1:00Hrs premises open until 01:30 Hrs.
  3. Sunday :sale of alcohol until 23:30 Hrs premises open until 00:00 Hrs (midnight)

4. The provision of entertainment remains as before

### 3. CONSULTATION RESPONSES

Derbyshire Constabulary -	Representation received from the Derbyshire Constabulary on 15 <sup>th</sup> July 2005 which was later rescinded following changes to times alcohol times
Derbyshire Fire Service -	No adverse comments
Derbyshire Social Services -	No adverse comments
Trading Standards -	No adverse comments
Environmental Health -	No adverse comments
SDDC Planning Authority -	No adverse comments
Health & Safety (SDDC)-	No adverse comments
Interested Parties -	We have received 25 letters from interested parties (residents in the area) concerning noise nuisance and antisocial behaviour (list of residents representations <b>appendix 5</b> )

### 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 The relevant factors in this particular case relate to concerns over the prevention of Crime and Disorder and the prevention of Public Nuisance.
- 4.2 The representation of the residents are attached for information, **appendix 4**. The amendment to the hours of operation of the premises have also been made available to residents and subsequent letters have been received, **appendix 6** stating they were still apposed to the granting of the extended hours
- 4.3 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 the representations do fall within the licensing objectives as outlined below.
- 4.4 The licensing objectives are:-  
The prevention of crime and disorder  
Public Safety  
The prevention of public nuisance and  
The protection of children from harm
- 4.4 In relation to the guidance I would refer you to page 23 Section 3.29 of the guidance issued by the Department Culture Media and Sports in relation to Licensing Hours and page 85 Public Nuisance paragraph 7.38 –7.43 of the same document.
- 4.5 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 and it should be noted that the police have not requested any representation in regard to this application / variation.

- 4.6 I would refer you to South Derbyshire District Council Policy Statement Section 13 (Page.11) and Public Nuisance and Section 9 Licensing Hours (Page 9) – same document.
- 4.7 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.
- 4.8 The applicant has been invited to attend the Sub-Committee hearing, together with their representative, as have the single interested party.

