

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

Hearing Date 19th October 2011

APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Report of the Head of Housing and Environmental Services

1. PURPOSE

To consider representations that have been made and to determine the application for a variation of a premise licence received on the 22nd August 2011 from Mr Sean Goodwin and Mark Goodwin. The application is to vary an existing premises licence held under the Licensing Act 2003, at the Black Cow public house, The Green, Dalbury Lees, Derbyshire. **(application attached at Appendix 1).**

Mr Sean Goodwin currently holds the premises licence and is also the Designated Premise Supervisor. The approximate location of the premises is shown on plans **(Appendix 2)**

2. BACKGROUND

- 2.1 The existing licence was granted on the 16th January 2006 with the times and types of licensable activities including conditions. **(Appendix 3)**

3. NEW APPLICATION DETAILS

- 3.1.1 The proposed variation is seeking permission for provisions of regulated entertainment in respect to the provision of Indoor Sporting Events: -
Sunday to Thursday 08:00hrs until 00:00 hours

Friday and Saturday 08:00hrs until 01:00 hours

Recorded Music, and anything that is similar in nature to the above activities: -
Sunday to Thursday 11:00hrs until 00:00 hours
Friday and Saturday 11:00hrs until 01:00 hours

Live Music, indoors and anything that is similar in nature: -
Sunday to Thursday 11.00hrs until 23:00 hours
Friday and Saturday 11:00hrs until 00:00 hours **(Appendix 1)**

- 3.2 Additionally the application requests the Provision of entertainment facilities: which includes the provision of making music, dancing and anything that is similar in nature, indoors to the above activities.

Sunday to Thursday 11.00hrs until 23:00 hours

Friday and Saturday 11:00hrs until 00:00 hours **(Appendix 1)**

- 3.3 The application also requests late night refreshment, indoors: -
Sunday to Thursday 23:00hrs until 00:00 hours

Friday and Saturday 23:00hrs until 01:00 hours **(Appendix 1)**

- 3.4 The application also requests the facility to use the external area and the provision of outdoor bar facilities (giving 14 days notice to authorities)

3.5 The proposed variation requests to extend opening hours of the premise: - Sunday to Thursday 08.00hrs until 00:30 hours
Friday and Saturday 08:00hrs until 01:30 hours

3.6 The application requests to extend the hours for the sale of alcohol both indoors and outdoors: -

Sunday to Thursday 11.00hrs until 00:00 hours
Friday and Saturday 11:00hrs until 01:00 hours

3.7 The application requests seasonal variations for the performance of live music, provision of facilities for dancing, provision of facilities for entertainment and anything of similar description at Christmas, New Years Eve and all Bank Holidays: -*None standard times 11:00 to 00:00hrs*

Recorded music, late night refreshment and supply of alcohol: -
None standard times 11:00 to 01:00hrs

Hours open to the public
None standard times 08:00 to 01:30 hours
(Appendix 1)

3.8 Matters included by the applicants within the variation application to promote all four licensing objectives can be seen at Page 19 of Appendix 1.

4. CONSULTATION RESPONSES

Derbyshire Constabulary -	Proposed conditions regarding application Agreed with applicant (Appendix 4)
Environmental Health -	Proposed conditions regarding application Agreed with applicant (Appendix 5)
Derbyshire Fire Service -	No Representation
Derbyshire Social Services -	No Representation
Trading Standards -	No Representation
SDDC Planning Authority -	No Representation
Health & Safety (SDDC) -	No Representation

Interested Parties -
Written representations have been received from the following:

N and Joyce Lee, Rose Cottage, Dalbury Lees, A person living in the vicinity of the premises **(Appendix 6)**

A person living in the vicinity of the premises **(Appendix 7)**

Mr and Mrs S Scargill, Holly Tops, Dalbury Lees, A person living in the vicinity of the premises **(Appendix 8)**

Margaret and Gerald Williams, Pembroke, Dalbury Lees, A person living in the vicinity of the premises **(Appendix 9)**

WITHDRAWN. A person living in the vicinity of the premises (**Appendix 10**)

A person living in the vicinity of the premises (**Appendix 11**)

Vivienne Alexander, The Cottage, Dalbury Lees, A person living in the vicinity of the premises (**Appendix 12**)

A person living in the vicinity of the premises (**Appendix 13**)

Mr and Mrs Timmins, Marsh Farm, The Green, Dalbury Lees, A person living in the vicinity of the premises (**Appendix 14**)

A person living in the vicinity of the premises (**Appendix 15**)

A person living in the vicinity of the premises (**Appendix 16**)

WITHDRAWN. A person living in the vicinity of the premises (**Appendix 17**)

A person living in the vicinity of the premises (**Appendix 18**)

A person living in the vicinity of the premises (**Appendix 19**)

5. COMMENTS

- 5.1 The hearing will proceed in accordance with the Council's Statement of Licensing Policy considered by the Licensing and Appeals Committee on the 11th November 2010.
- 5.2 Conditions have been agreed between the Derbyshire Constabulary and the applicants. (**Appendix 4**)
- 5.3 Conditions have been agreed between the Environmental Protection Team at South Derbyshire District Council and the applicants. (**Appendix 5**)
- 5.4 Representations have been received from interested parties living in the vicinity of the Black Cow. (**Appendix 6 to 19**)
- 5.5. On 20th September 2011 Mr Goodwin handed in a letter to the Licensing Section after taking in to consideration some of the representations he had received. Mr Goodwin said he had sent this letter to 75 addresses in Dalbury Lees. (**Appendix 20**)
- 5.6 On 20th September 2011 Licensing Officer Ruth Boam sent a letter to all persons making representation (**Appendix 21**).
- 5.7. On 20th September 2011 Mr Goodwin confirmed to the Licensing Section that he wished to change the opening times on his application on a Friday and Saturday. (**Appendix 22**)
- 5.8. In order to assist the Licensing Sub Committee a breakdown of the applicants amendments of the application is indicated at (**Appendix 23**).

- 5.9 The licensing objectives are matters that should be given paramount importance (guidance issued under section 182 of the Licensing Act 2003. **(Appendix 24)**)

The licensing objectives are:

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

6. Options available to the Licensing Sub-Committee are:

1. Allow the application to be approved.
2. Allow the application to be approved subject to conditions
3. To exclude from the scope of the licence any of the licensable activities to which the application relates.
4. To reject the application.

APPENDICES

1. Application to vary a premise licence, including new plans of premises and area requested for licensable activities.
2. Plan of premises and surrounding area.
3. Copy of current premise licence.
4. Derbyshire Constabulary, proposed conditions regarding application.
5. Environmental Health, proposed conditions regarding application.
6. N and Joyce Lee, Rose Cottage, Dalbury Lees, representation.
7. Representation from a person living in the vicinity of the premises
8. Mr and Mrs S Scargill, Holly Tops, Dalbury Lees, representation.
9. Margaret and Gerald Williams, Dalbury Lees, representation.
10. **WITHDRAWN**. Representation from a person living in the vicinity of the premises.
11. Representation from a person living in the vicinity of the premises.
12. Vivienne Alexander, Dalbury Lees, representation.
13. Representation from a person living in the vicinity of the premises
14. Mr and Mrs Timmins, The Green, Dalbury Lees, representation.
15. Representation from a person living in the vicinity of the premises
16. Representation from a person living in the vicinity of the premises
17. **WITHDRAWN**. Representation from a person living in the vicinity of the premises
18. Representation from a person living in the vicinity of the premises
19. Representation from a person living in the vicinity of the premises
20. Copy of letter Mr Goodwin sent to 75 residents of Dalbury Lees.
21. Copy of letter from Licensing Section sent to persons making representation dated 20th September 2011
22. Copy of email confirming applicant's change of opening times.
23. Licensable activities and times amendments by applicants after consultation.
24. Guidance issued under section 182 of the Licensing Act in relation to licensing objectives.