

APPLICATION FOR PREMISES LICENCE AT THE BEAR Inn, Swadlincote, Derbyshire

Report of the Head of Environmental Health

1. PURPOSE

To consider the application for a premises licence at the The Bear Inn, West Street, Swadlincote, Derbyshire, DE11 9DG. The approximate location of the premises is shown on the plan at **Appendix 1**.

2. BACKGROUND

2.1 An application has been received from Mr Neil Jones & Miss Linda Mason on 14th July 2005 requesting a premises licence for the Bear Inn, West Street, Swadlincote, DE11 9DG. These premises have previously held a liquor licence issued by Derby and South Derbyshire Magistrates Court. This presently allows the premises to trade under the national licensing hours. 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 to have:-

1. To Permit regulated entertainment comprising: Live music and amplified voice, recorded music including juke box and karaoke, with or without DJ's
2. Compere's for functions and quizzes etc with amplified voice.
3. Pub Games in front of an audience
4. Video Entertainment on TV screens and amusement machines
5. On all days to sell alcohol from 00:00 to 24:00
6. To offer permitted regulated entertainment throughout opening hours.
7. To remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (safety) Regulations 1955 and the Childrens & Young Persons Act 1933

3. CONSULTATION RESPONSES

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| Derbyshire Constabulary - | Representation received from Sgt Alec Wallace by letter 4 th August 2005 (Letter attached Appendix 3) |
| 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 - | No adverse comments |

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 The relevant factors in this particular case relate to concerns over the prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety. The full representation of the Derbyshire Constabulary can be seen at **Appendix 3**.

4.3 The representation of the Police are outlined below

The hours applied for are likely to impact upon Licensing objectives, namely:

The Prevention of Crime and Disorder
The Prevention of Public Nuisance
Public Safety
The Protection of Children from harm

The Police feel that the time alcohol is available is excessive, especially given current concerns over the UK's binge drinking culture. The Swadlincote police section inspector has concerns that he may not have the resources to deal with incidents that might occur at the premises, due to the large geographical area covered by Swadlincote police section and the limited resources available.

They recognise and welcome what has been put forward by the licensee in Section Q, especially with regard to the no entry or re-entry policy between midnight and 6am, however it only goes part way to addressing fears over potential drunken anti-social behaviour. For instance, how will the levels of drunkenness be monitored?

It is suggested that a terminal hour of midnight for weekdays (Sunday-Thursday), and 02:00hrs for Friday and Saturday would be more manageable for the police resources available.

Also as the bulk of the Bear Inn's trade is from "wet" sales, the police want assurances that every possible step is being taken to protect Children from harm, and at the very least would request that no children under 14 years of age will be allowed on the premises after 8pm (20:00hrs) each day.

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 objectives are :-

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

In relation to the guidance I would refer you to page 23 paragraph 3.29 – Licensing Hours.

And South Derbyshire District Council Policy page 9 – Licensing Hours

4.5 According 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.

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

