

**APPLICATION FOR PREMISES LICENCE AT THE ANGEL INN, Church Street,
Swadlincote, Derbyshire, DE11 8LP**

Report of the Head of Environmental Health

1. PURPOSE

To consider the application for a premises licence at the Angel Inn, Church Street, Swadlincote. The approximate location of the premises is shown on the plan at Appendix 1

2. BACKGROUND

- 2.1 An application has been received from Cobbetts Solicitors on behalf of Pyramid Pub Management Ltd, 16th 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 Angel Inn, Church Street, Swadlincote 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

The premises does not presently hold a supper 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:-

- To extend the hours for the sale of alcohol from 23:00Hrs until 01:00 Hrs Monday to Saturday (and on various specified Bank / Public Holidays and to 00:00 Hrs (midnight) on a Sunday and to provide musical entertainment on each day of the week within from 20:00 Hrs to 23:00 Hrs

3. CONSULTATION RESPONSES

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| Derbyshire Constabulary - | Representation received from the Derbyshire Constabulary by Letter 14 th June 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 and the prevention of public Nuisance. The full representation of the Derbyshire Constabulary can be seen 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.
1. While it is accepted that the style, concept and location are not high risk, there are still Police concerns owing to the very large geographical area covered by Swadlincote Police section and the limited Police resources available, the Section Inspector fears that he may not have the resources to deal with incidents at Licensed premises during the proposed later hours, particularly at the weekends when a proportion of the available resources are diverted to Derby City centre to deal with issues there.
 2. There are concerns that, if premises enjoy substantially later hours, such as those proposed, there is a likelihood of customers being attracted to the premises from outlying areas, thereby increasing the risk of disorder and nuisance which may in turn have an adverse impact upon the standing of the premises in the local community,
 3. There is also a commitment to providing Community Police Officers which is being driven by the Home Office, if there is a proliferation of late night venues then there is a risk that these officers will have to be re-deployed to other roles to cover issues at Licensed premises, this will be to the detriment of the wider community of South Derbyshire.
 4. Insufficient information has been provided as to how the four licensing objectives are to be addressed (Guidance has been enclosed to assist this).

No information is included as to how the external drinking area is to be managed.

The request of the Derbyshire Constabulary is that a terminal hour of midnight for Sunday, Monday, Tuesday, Wednesday & Thursday and 1am for Friday and Saturday is more manageable for the Police resources available and is consistent with other applications received to date.

- 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 the representations do fall within the licensing objectives as outlined below.

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

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

