

REPORT TO LICENSING SUB-COMMITTEE

Agenda Item

5

Date

**APPLICATION FOR PREMISES LICENCE AT THE ROYAL OAK INN, Main Street,
Caudwell, DE12 6RR**

Report of the Head of Environmental Health

1. PURPOSE

To consider an application for a premises licence under the Licensing Act 2003 at the Royal Oak Inn, Main Street, Caudwell, Derbyshire. DE12 6RR
The approximate location of the premises is shown on the plan at **(Appendix 1)**

2. BACKGROUND

- 2.1 An application has been received from the Mrs Susan Grecock the owner of the Royal Oak Inn on the 8th August 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 existing liquor licence for the Chesterfield Arms for sale of alcohol both on and off the premises. 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
New Years Eve	11:00 Hrs to 00:00 Hrs
New Years Day	00:00 Hrs to 23:00 Hrs
Christmas Day	12:00 Hrs to 15:00 Hrs
Christmas day	19:00 to 22:30 Hrs

The applicant or premises **does not** hold a Children's Licence or a 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:-
- 2.4 The applicant is requesting an extension of sale of alcohol and recorded music from Monday to Saturday up to 01:00 Hrs each day and Midnight on Sunday, with an additional 30 minutes drinking up time each day. The applicant **has not** requested for any provision of live music or dancing on or off the premises.
- 2.5 Following agreement with Pollution Control of SDDC the following amendment has been made to the application form **(See Appendix 3)**
- Recorded music would be played in doors only until the recorded music finish time
 - Music played outside would terminate at 23:00 Hrs each night
And the perimeter of the premise will be patrolled to ensure that noise from the premises is not affecting neighbouring properties.
And noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby properties

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	No Adverse Comment
Pollution Control -	Representation has been withdrawn by the Pollution control group following amendments to application See Appendix 3
SDDC Planning Authority -	No adverse comments
Health & Safety (SDDC)-	No adverse comments
Interested Parties -	3 local residents have placed written representations 2 of which have been withdrawn. The remaining representation is attached as Appendix 4

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 Representation made by the resident are on the grounds of: -

- Prevention of Crime & Disorder
- The Prevention of Public Nuisance
- Public safety
- The protection of children from Harm

Although all 4 elements have been raised by interested parties many of the items raised such as drink driving etc do not fall within the licensing objectives but other primary legislation.

4.3 Representation have been received via 9 letters, one from Chairman of the Caudwell Parish Council. This amounts to 12 persons, one of which has subsequently withdrawn their representation.

The following persons have submitted representations:-

Ms K.M.Middleton
Mrs Julie Priestley
Mr Norman Brown
Mr & Mrs R Richfield
C & M Spare
Elizabeth Mailer
Mr & Mrs R Richfield
Dr D Eaton
Chair of Caudwell Parish Council
(ALL INCLUDED IN APPENDIX 4)

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. Specifically I would refer you to point 7.43
- 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 and exclude those areas of representation that fall outside the licensing objectives and fall within other pieces of primary legislation,
- 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

