

Meeting: Licensing Committee

Date: 15 August 2005 18:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE – THE FOLD

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1 PURPOSE

To determine the application to vary the premises licence for the Fold, 16 The Hyde (address occasionally also referred to as Shephall Way).

There have been no objections to the conversion application for this premises, so they will be granted their existing hours and activities as grandfather rights regardless of the decision related to the variation application.

2 SUMMARY OF APPLICATION

2.1 Type of Licence applied for

An application was received from Punch Taverns Plc to vary a premises licence under section 34 of the Licensing Act 2003 during the transitional period (see appendix 1). The Licensing Authority accepted the application on 20 June 2005.

2.2 Summary of application

The Fold is located in The Hyde, Stevenage and is detailed in the plan attached as appendix 2. The premises is within a designated area ('alcohol free zone') which makes failing to surrender alcohol in public areas an offence. The pub owns an outside paved area to the Shephall Way frontage (appendix 3).

The premises is a Public House and they are entitled to have the existing licences converted to a premises licence. The existing licences are a Justices On-Licence, which allows the sale of intoxicating liquor for consumption either on or off the premises, and the sale of hot food and/or drink in line with alcohol sales plus an extra 30 minutes. Recorded music may be played throughout the premises 24 hours per day in line with the provisions of Section 182 of the Licensing Act 1964.

The premises does not currently hold a public entertainment licence (PEL), but is permitted by virtue of their Justice's Licence to hold 'two in a bar' live music entertainments. They are not currently permitted to hold discos or karaoke.

The variation application is to:

- Permit an additional hour Monday – Saturday (to close at 00:30hrs)
- Permit a further additional hour Friday – Monday every bank holiday, Thursday – Monday on Easter weekend, Christmas Eve and Boxing Day (to close 01:30hrs)
- Permit sale of alcohol, karaoke, recorded music, anything similar to making music and facilities for dancing (e.g. discos), and live music limited to 2 entertainers. All of these activities up until 30 minutes before closing time.

Licensing Officer Comment: of these licensable activities, the pub is not currently permitted to hold karaoke and discos.

Sale of alcohol is permitted from 10am throughout our district due to the Petty Sessional Division exercising their discretion. This does not necessarily mean that this premises currently uses this right, but it should be converted onto their new licence.

3 DETAILS OF THE PROPOSED VARIATION

These are described in the Operating Schedule and are summarised in the following table:

Table 1 – summary of existing, proposed standard and non-standard timings.

Day of the Week	LICENSABLE ACTIVITY									
	LIVE MUSIC (Limited to 2 performers)		RECORDED MUSIC		FACILITIES FOR DANCING/MAKING MUSIC (e.g. karaoke/discos)		SUPPLY OF ALCHOL		OPENING HOURS	
	Current permitted Hours	Proposed Hours	Current permitted Hours	Proposed Hours	Current permitted Hours	Proposed Hours	Current permitted Hours	Proposed Hours	Current permitted Hours	Proposed Hours
Monday	10:00 – 23:00	11:00-00:00	24hrs	11:00 – 00:00	None	11:00 – 00:00	10:00 – 23:00	11:00 – 00:00	10:00 – 23.20	11:00 – 00:30
Tuesday										
Wednesday										
Thursday										
Friday										
Saturday										
Sunday	12:00 – 22:30	12:00 – 22:30		12:00 – 22:30		12:00 – 22:30	12:00 – 22:30	12:00 – 22:30	12:00– 22:50	12:00 – 23:00
Non Standard Timings	A further additional hour for all activities Friday – Monday every bank holiday, Thursday – Monday Easter weekend, Christmas Eve, Boxing Day.									

Release to Press

4 BACKGROUND INFORMATION

The following background information is known about these premises:

Previous licences held: Justices 'on' licence

Current Convictions: None

Details of licence reviews: None

5 PROMOTION OF LICENSING OBJECTIVES

The operating schedule submitted by the applicant shows that the licensing objectives will be met as follows:

Please note that the operating schedule must be converted into conditions on the premises licence should the variation be granted.

5.1 GENERAL – all four licensing objectives

5.1.1 30 minutes 'drinking up' time.

5.2 THE PREVENTION OF CRIME AND DISORDER

5.2.1 The premises, including enclosed rear area, is fully illuminated during evening business hours.

5.2.2 The premises has a security system fitted.

Licensing Officer Comments: The applicant is invited to provide details of this security system.

5.2.3 A CCTV system monitors the public car park and the front areas of the public house.

Licensing Officer Comments: The applicant is invited to confirm that the system referred to is owned and controlled by the Borough Council, not the applicant. If this is confirmed, it would not be possible for the condition to be attached as it would be outside the control of the licence holder.

5.2.4 The vast majority of the customers are local

Licensing Officer Comments: The applicant is invited to explain how this promotes the licensing objective 'Prevention of Crime and Disorder'.

5.3 PUBLIC SAFETY

5.3.1 Smoke detectors are fitted in both bars and all exits have illuminated exit signs.

5.4 THE PREVENTION PUBLIC NUISANCE

5.4.1 The property is of brick construction, which will assist in a reduction of any noise from the public house at peak trading.

5.4.2 Both entrances/exits have small hallways (lobbies) that would act as a noise blanket for potential noise generated as customers are entering or leaving the property.

5.4.3 The two separate exits allow a managed customer departure and would minimise any resulting noise.

5.5 THE PROTECTION OF CHILDREN FROM HARM

5.5.1 Unaccompanied children are not permitted.

5.5.2 The Amusement with Prizes (AWP 'fruit machines') and cigarette machine are in full view of the bar servery.

6 RESPONSIBLE AUTHORITIES

6.1 Environmental Health – see appendix 4

Environmental Health has made representations on Public Safety, and Public Nuisance.

Public Safety: Environmental Health has received complaints of broken glass and bottles outside the premises and empty glasses left on the windowsills.

Prevention of Public Nuisance: There is a history of noise complaints and unlicensed entertainments at the premises. On inspection in relation to this application, and Environmental Health Officer (EHO) had to serve a prohibition notice to protect members of the public from exposure to the moving blade of a ventilation fan. The premises was found to be in a poor state of repair generally, and the EHO is of the opinion that the physical structure of the building is inadequate to prevent the emission of entertainment noise.

Environmental Health recommends that the request for longer hours and live music is refused until an acoustic survey and associated works are carried out.

Licensing Officer Comments: If the variation were refused, the pub could continue to trade as they do now because the conversion would be granted.

No representations have been received from the Fire and Rescue Service, Police, Planning, Trading Standards or Child Protection.

7 INTERESTED PARTIES

No representations have been received from interested parties

8 POLICY CONSIDERATIONS

The following sections of the licensing authority's statement of licensing policy apply to this application:

- a) 10. Licensing Hours
- b) 13. License Conditions
- c) 14. Licensing Objectives

The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

BACKGROUND DOCUMENTS

Licensing Act 2003

Stevenage Borough Council, Statement of Licensing Policy

National Guidance issued under section 182 of the Licensing Act 2003

APPENDICES

Appendix 1 – copy of variation application

Appendix 2 - location map

Appendix 3 – Plan of the premises

Appendix 4 – representation from environmental health