

Meeting: Licensing Committee

Date: 23 August 2005 10:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE – THE DUN COW

Author – Emma Rose Ext.No. 2175
Lead Officer – Richard Evans Ext.No. 2271
Contact Officer – Emma Rose Ext.No. 2175

1 PURPOSE

To determine the application to vary the premises licence for the Dun Cow, 32 Letchmore Road.

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 Fiona Anne Baker and Vincent Howard Baker 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 27 June 2005.

2.2 Summary of application

The Dun Cow is located in Letchmore Road, Stevenage (see appendix 2 for location map).

The premises is a Public House and the applicants are entitled to have the existing Justices On-licence converted to a premises licence. This 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 hold a public entertainment licence (PEL), but is permitted by virtue of the Justice's Licence to hold 'two in a bar' live music entertainments. Discos and karaoke are not currently permitted.

The variation application is to:

- Increase the hours for sale and supply of alcohol by up to 3 ½ hrs per day;
- To permit live music, all types of recorded music including DJ, Karaoke, jukebox, pub games in front of an audience (not currently licensable), video entertainment, TV screens, game machines, performance of dance and facilities for music and dancing;
- To permit indoor sporting events;
- To increase the hours for late night refreshment to mirror those requested for supply of alcohol.

Licensing Officer's Comment: of these licensable activities, the pub is not currently permitted to hold karaoke and discos. Indoor sporting events comprising darts pool and snooker are requested; these are not currently licensable activities and they may be taking place throughout current opening times.

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. The table below summarises differences where they increase activities and/or hours:

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

Day of the Week	LICENSABLE ACTIVITY												
	LIVE MUSIC		FACILITIES FOR DANCING/MAKING MUSIC, PERFORMANCE OF DANCE		SUPPLY OF ALCHOL & LATE NIGHT REFRESHMENT		OPENING 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	10:00-23:00	None	10:00 – 23:00	10:00 – 23:00	10:00 – 23:00	10:00 – 23.20	10:00 – 01:00 (+ 1hr 40)					
Tuesday													
Wednesday													
Thursday													
Friday									Currently limited to 2 in a bar	No limit on number of performers	Karaoke and Disco permitted	10:00 – 02:00 (+ 3hrs)	10:00 – 03:00 (+ 3hrs 40)
Saturday													
Sunday									12:00 – 22:30			12:00 – 22:30	10:00 – 00:00 (+ 3½ hrs)
Non Standard Timings	Until 12 midnight for all regulated entertainments on Sundays preceding bank holidays, Christmas Eve, Boxing Day, St Patrick's Day, St Georges Day, St David's Day. Until 01:00 hrs New Year's Eve												
	Sale of alcohol extended until 02:00hrs on the above days except new years Eve (Grandfather Rights) + 1hr 'drinking up'												

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 Non-alcoholic beverages including drinking water to be available at all times the premises are open to the public for the sale and supply of alcohol.

5.2 THE PREVENTION OF CRIME AND DISORDER

- 5.2.1 Premises to be a member of Pub Watch scheme
- 5.2.2 Passport or driving licence with photograph to be requested from persons appearing to be under the age of 18 attempting to purchase alcohol
- 5.2.3 No happy hours/irresponsible drinks promotions

5.3 PUBLIC SAFETY

The applicant identified no additional steps under this licensing objective.

5.4 THE PREVENTION PUBLIC NUISANCE

- 5.4.1 Patrons to be requested to leave the premises quietly.
- 5.4.2 Signs to be displayed to that effect.
- 5.4.3 No live music after 23:00hrs (other than those days specifically mentioned).

Licensing Officer's Comment: This may be up until midnight on 5 specified days plus Sundays preceding bank holidays, and until 01:00hrs on New Years Eve.

5.5 THE PROTECTION OF CHILDREN FROM HARM

- 5.5.1 Passport or driving licence with photograph to be requested from persons appearing to be under the age of 18 attempting to purchase alcohol
- 5.5.2 No children to be present on the premises after 21:00hrs.
- 5.5.3 No children to be allowed access to the bar and signs will be displayed to that effect.

6 RESPONSIBLE AUTHORITIES

6.1 Environmental Health – see appendix 3

Environmental Health has made representations on the grounds of the prevention of public Nuisance.

Prevention of Public Nuisance: There is a history of noise complaints relating to music from this premises. Environmental Health have made recommendations including:

6.1.1 Preparation and implementation of a Noise Management Plan;

6.1.2 Structural works to the eastern elevation of the premises;

6.1.3 Control of the door accessing the garden;

6.1.4 Garden to be closed at 23:00 hrs

6.2 Police – see appendix 4

The Police have made representations on the grounds of prevention of crime and disorder and public nuisance.

Prevention of Crime and Disorder: The primary concern is that if the hours for alcohol sales are extended, it could lead to increased incidents of crime and disorder not only in and around the premises but also within nearby residential areas.

Prevention of Public Nuisance: The premises is bordered by residential properties and there are concerns about additional disorder if the hours for supply of alcohol are extended, as patrons are more likely to become intoxicated.

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

7 INTERESTED PARTIES

Representations have been received from the interested parties below, and their representations are attached as appendices 5a - e.

Number	Street Name	Representative Body (Yes/No)	Relevance to which licensing objective/s
4 Addresses (All within 100 metres of the premises)	Alleyns Road	No	Public Nuisance Crime and Disorder
1 Address (within 200 metres of the premises)	Letchmore Road	No	Public Nuisance Crime and Disorder

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

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| Appendix 1 | - Copy of application |
| Appendix 2 | - Location map |
| Appendix 3 | - Representation from Environmental Health |
| Appendix 4 | - Representation from the Police |
| Appendices 5a – 5e | - Representations from Interested Parties |