

Meeting: Licensing Committee

Date: 24 August 2005 18:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE – THE MAN IN THE MOON

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1 PURPOSE

To determine the application to vary the premises licence for the Man in the Moon, 271 Broadwater Crescent.

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 Lisa Jayne Minney 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 24 June 2005.

2.2 Summary of application

The Man in the Moon is located in Broadwater Crescent, 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 (incidental) 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 2hrs per day;
- To permit live music and all types of recorded music up until 30 minutes be

Licensing Officer's Comment: Live music and all types of recorded music could include discos, karaoke, and quiz nights with compere etc.

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		RECORDED MUSIC & ANYTHING OF SIMILAR DESCRIPTION		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			
Monday	10:00 – 23:00 Currently limited to 2 in a bar	11:00-23:00	None	11:00 – 23:00 includes discos, karaoke etc	10:00 – 23:00	11:00 – 23:00	10:00 – 23.20	11:00 – 23:30			
Tuesday											
Wednesday											
Thursday											
Friday		11:00 - midnight							11:00 - midnight	11:00 - midnight	11:00 – 00:30
Saturday											
Sunday	12:00 – 22:30	11:00-23:00	11:00 – 23:00	12:00 – 22:30	11:00 – 23:00	12:00– 22:50	11:00 – 23:30				
Non Standard Timings	Friday, Saturday, Sunday and Monday of Bank Holiday weekends, and on an unspecified number of event days, all times extended by 1 hour										

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 The type of entertainment proposed only reinstate those which were previously unregulated for a community public house.

Licensing Officer's Comments: This is not entirely correct, as the pub is not currently entitled to hold live music with more than 2 performers, karaoke, discos etc without a PEL. They will be permitted to do so if this variation is granted.

5.2 THE PREVENTION OF CRIME AND DISORDER

- 5.2.1 Providing for 30 minute wind down period to allow slower consumption of last drinks

5.3 PUBLIC SAFETY

The applicant identified no additional steps under this licensing objective.

5.4 THE PREVENTION PUBLIC NUISANCE

- 5.4.1 Occasional live music will end 30 minutes before closing time.

Licensing Officer's Comment: This may be up until 00:30 on Friday – Monday of all Bank Holidays, and on an unspecified number of 'Event Days'.

5.5 THE PROTECTION OF CHILDREN FROM HARM

The applicant identified no additional steps under this licensing objective.

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 include provision of secondary glazing and acoustic terminators to extract fans;
- 6.1.3 Installation of electronic noise control device;
- 6.1.4 Windows and doors to be kept closed when not in immediate use
- 6.1.5 No service of alcohol or food after existing licensing hours in the outside areas
- 6.1.6 No use of external loudspeakers
- 6.1.7 Car park only to be used for that purpose.

No representations have been received from the Police, Fire and Rescue Service, 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 application
- Appendix 2 - Location map
- Appendix 3 - Representation from Environmental Health