

Meeting: Licensing Committee

Date: 15 September 2005 10:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE – ROYAL OAK

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1 PURPOSE

To determine the application to vary the premises licence for the Royal Oak, Walkern 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 McMullen & Sons Ltd 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 July 2005.

2.2 Summary of application

The Royal Oak is located in Walkern Road, Stevenage (see appendix 2 for location map and appendix 3 for premises plan).

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 also holds a public entertainment licence (PEL), which permits them to hold public dancing, music and other entertainments of the like kind until 23:00hrs. The PEL conditions are converted onto the new premises licence, and are highlighted in this report where they appear in the applicant's operating schedule

The PEL restricts occupancy to a maximum of 130. As this is less than 200, the Committee should not attach further conditions relating to music noise to this licence should the variation be granted.

The variation application is to:

- Increase the hours for sale and supply of alcohol by up to 2hrs at the end of the evening with a 30 minute wind down period;
- To permit live and recorded music on a Sunday until 23:00hrs. (The current PEL does not permit these entertainments on a Sunday).
- To permit showing of films in the form of video entertainment on TV screens and amusement machines;
- To permit indoor sporting events in the form of pub games that may attract an audience.

Licensing Officer's Comment: Indoor sporting events of the type specified above are not currently licensable activities. Their inclusion on the variation application does not necessarily constitute a change in activity at the premises.

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 AND RECORDED MUSIC & ANYTHING OF SIMILAR DESCRIPTION		FILMS/INDOOR SPORTS//LATE NIGHT REFRESHMENT		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	10:00-23:00	None	10:00 – 00:30 (ends at closing time)	10:00 – 23:00	10:00 – midnight	10:00 – 23.20	10:00 – 00:30			
Tuesday											
Wednesday		(end 1hr before last sale of alcohol)									
Thursday											
Friday		10:00 - midnight							10:00 – 01:30	10:00 – 01:00	10:00 – 01:30
Saturday											
Sunday	12:00 – 22:30 limited to 2 in a bar	10:00-23:00	10:00 – 00:30	12:00 – 22:30	10:00 – midnight	12:00– 22:50	10:00 – 00:30				
Non Standard Timings	Opening hours: 10:00hrs new years Eve to 10:00 New Years Day (this essentially reinstates a grandfather right) 10:00hrs Xmas Eve to 01:30hrs Xmas Day										

4 BACKGROUND INFORMATION

The following background information is known about these premises:

Previous licences held: Justices 'on' licence
 Public Entertainments Licence

Current Convictions: None

Details of licence reviews: None

5 PROMOTION OF LICENSING OBJECTIVES

The representations received relate to the objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The operating schedule submitted by the applicant shows that those 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 THE PREVENTION OF CRIME AND DISORDER

5.1.1 Providing for 30 minute extension of opening hours after the end of the sale of alcohol with continued sale of non alcoholic refreshments will promote gradual and orderly dispersal of customers.

5.1.2 Disruptive customers, known drug users/dealers entering the premises will be refused service and will be asked to leave.

5.1.3 There will no serving of drunks.

5.1.4 The premises will always have a range of soft drinks on sale.

5.1.5 The premises licence holder will ensure all bar staff are trained in relation to the legislation relating to the sale of alcohol to drunken persons.

5.1.6 The pub will be a member of local Pubwatch scheme.

5.1.7 The DPS or his/her deputies will ensure that tables are cleared of glassware regularly and will monitor customers to ensure glasses/bottles are not taken from the premises.

Licensing Officer's Comments: A number of the residents have expressed concerns that currently glasses from the premises are left and/or broken on the footpath and residents boundary walls at the end of the evening.

5.1.8 If it is intended to employ door security at any time for any event they must comply with the Security Industry Authority (SIA) requirements.

Licensing Officer's Comments: This condition is a converted PEL condition

5.2 THE PREVENTION PUBLIC NUISANCE

- 5.2.1 No music will be played in or transmitted to the outside drinking area.
- 5.2.2 The patio/outside seating area will be closed to customers at 23:00hrs Sunday – Thursday and at midnight on Friday and Saturday.
- 5.2.3 The DPS and his/her staff will encourage customers to leave quietly.
Licensing Officer's Comments: More detail should be provided as to how the applicant will achieve this. Examples of conditions that would assist are
- 5.2.3.1 Clearly legible signs should be placed at the exit of the premises reminding residents to respect the neighbours and leave quietly.
- 5.2.3.2 The DPS/Manager will book taxis for patrons on request. Any taxis called to the premises are requested to telephone the pub on arrival rather than sound their horns.
- Another the common complaint of the residents both in their objections and subsequent telephone calls to Licensing, is that a lot of disturbance is currently coming from patrons leaving the pub and that they take some time to dissipate.
- 5.2.4 During Public Entertainments, both the front entrance and car park elevation entrance inner lobby door shall remain closed but unlocked and usable as a fire escape.
Licensing Officer's Comments: This condition is a converted PEL condition
- 5.2.5 During Public Entertainments, both the external exit/entrance doors to the front entrance and car park elevation entrances shall be allowed to return to the fully closed position when not being used.
Licensing Officer's Comments: This condition is a converted PEL condition
- 5.2.6 The sound limiting device shall be set to control the sound level so that any noise resulting from amplified Public Entertainments, is inaudible at any point beyond the boundary of the premises known as: 'The Royal Oak Public House', 24 Walkern Road, Stevenage.
Licensing Officer's Comments: This condition is a converted PEL condition
- 5.2.7 During Public Entertainments the management of the premises shall ensure that the windows in the lounge bar area remain closed, ventilation is to be provided via the extract ventilation system.
Licensing Officer's Comments: This condition is a converted PEL condition
- 5.2.8 The premises supervisor shall monitor the volume of music emanating from the premises and adjust the volume of any music to ensure that any amplified sound from the licensed premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.
Licensing Officer's Comments: This condition is a converted PEL condition

6 RESPONSIBLE AUTHORITIES

No representations were received from responsible authorities.

7 INTERESTED PARTIES

Representations have been received from the interested parties below, and their representations are attached as appendices 4a – 4n. All of the interested parties live within 75 metres of the premises.

Table 2 – summary of interested party representations.

Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective/s
14 Addresses	Walkern 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, in particular 14.2 – Prevention of Crime and Disorder, and 14.4 – Prevention of Nuisance

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 - Premises Plan
- Appendices 4a - n - Representations from Interested Parties