

Meeting: Licensing Committee

Date: 20 September 2005 10:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE – ALMOND TREE

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1 PURPOSE

To determine the application to vary the premises licence for the Almond Tree, Lonsdale 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 22 July 2005.

2.2 Summary of application

The Almond Tree is located in Lonsdale 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 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 to 12 midnight 7 days per week, plus a 30 minute wind down period so closing at 00:30hrs;
- To permit live music, karaoke and discos until 23:00hrs 7 days per week;
- To permit showing of films
- To permit indoor sporting events

Licensing Officer's Comment: The application form requests recorded music until 00:30hrs 7 days per week, and adds that karaoke/DJ performances will end 1 hr before last sale of alcohol. Recorded music in the form of incidental or background music (such as a jukebox played at normal levels) are not regulated entertainments, so it is recommended that the hours for recorded music are changed to 10:00hrs – 23:00hrs to avoid confusion.

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		FILMS/INDOOR SPORTS/RECORDED MUSIC & ANYTHING OF SIMILAR DESCRIPTION/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 Currently limited to 2 in a bar	10:00-23:00 No limit on number of performers	None	10:00 – 00:30 DJ's & karaoke end 1hr before last sale of alcohol	10:00 – 23:00	10:00 – midnight	10:00 – 23.20	10:00 – 00:30
Tuesday								
Wednesday								
Thursday								
Friday								
Saturday								
Sunday	12:00 – 22:30				12:00 – 22:30		12:00– 22:50	
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
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 should 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 and will attend meetings.
- 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.

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 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. The premises supervisor can ensure that music from the 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.
- 5.2.4 The manager and staff will encourage customers to leave quietly.

6 RESPONSIBLE AUTHORITIES

6.1 Environmental Health – see appendix 4

Environmental Health has made representations on the grounds of the Prevention of Public Nuisance.

Prevention of Public Nuisance: Environmental Health commented that in order to prevent public nuisance, 5 conditions should be attached to any licence granted. These are detailed in appendix 4.

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

7 INTERESTED PARTIES

2 letters of objection were received from interested parties; see table below:

Table 2 – summary of representations from Interested Parties.

Number of addresses	Street Name	Representative Body (Yes/No)	Relevance to which licensing objective/s
2 (both within 100m)	Lonsdale 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

- Appendix 1 - Copy of application
- Appendix 2 - Location map
- Appendix 3 - Premises Plan
- Appendix 4 - Environmental Health representation
- Appendix 5a - b - Representations from Interested Parties