

**Meeting:** Licensing Committee

**Date:** 26 September 2005 14:00hrs

**APPLICATION FOR VARIATION OF PREMISES LICENCE – THE RISING SUN**

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**1 PURPOSE**

To determine the application to vary the premises licence for the Rising Sun, 35 Julian's 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 Alan Richard Palmer 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 6 August 2005.

**2.2 Summary of application**

The Rising Sun is located in Julian's Road, Stevenage (see appendix 2a-b for premises plan and appendix 3 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 1½ hrs per day at the end of the evening each day of the week, closing 30 minutes later at 01:00hrs;
- To permit the sale of hot food/drink until 00:30hrs each day of the week;
- To permit live music, all types of recorded music including DJ, Karaoke, jukebox until midnight each day of the week;
- To permit the showing of films;

**Licensing Officer's Comment:** of these licensable activities, the pub is not currently permitted to hold karaoke, discos or to show films.

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		FILMS (VIDEO ENTERTAINMENT)		SUPPLY OF ALCOHOL		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	19:00- midnight No limit on number of performers  (from 10:00 – midnight for quiz compere, comedians etc)	None	11:00 – 00:30	10:00 – 23:00	11:00 – 00:30	10:00 – 23.20	11:00 – 01:00
Tuesday								
Wednesday								
Thursday								
Friday								
Saturday								
Sunday	12:00 – 22:30				12:00 – 22:30		12:00– 22:50	
Non Standard Timings	All licensable activities: 11:00 – 01:30 Xmas Eve, Xmas Day, New Years Day, Good Friday, Easter Saturday, Easter Sunday, all Bank Holiday Weekends 11:00 – 01:30 on 24 other occasions per annum at licensee’s discretion with 10 working days notice to Police Closing 30 minutes after: at 02:00hrs							

## 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 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 a 30 minute extension of opening hours after the end of the sale of alcohol will promote this objective as the last drink will be consumed less quickly with access to pub toilet facilities.

5.1.2 Not less than ten working days notice to be given to the Police when 'Event Days' are planned.

**Licensing Officer's Comment:** On 'Event Days' the applicant proposes to allow sale of alcohol from 11:00 – 01:30 with closing time 30 minutes later, 24 times per year at his discretion. Whilst the applicant proposes to give notice to the Police, there is no undertaking to give notice to the licensing authority. The TEN system should be used for this purpose.

5.1.3 Regular liaison with the Police.

**Licensing Officer's Comment:** The applicant is invited to confirm whether this would be achieved by membership of the Stevenage Pubwatch scheme and attending the associated meetings.

5.1.4 Proof of age verification to be used

**Licensing Officer's Comment:** the applicant is invited to confirm whether this will be in the form of photo-id such as driving licence/passport.

5.1.5 Zero tolerance policy on the supply or use of drugs.

### 5.2 THE PREVENTION PUBLIC NUISANCE

5.2.1 Regular noise checks during performance of regulated entertainment.

**Licensing Officer's Comment:** Environmental Health have recommended conditions that include more robust conditions with respect to entertainment noise.

5.2.2 Customer notices re: leaving the premises quietly.

5.2.3 Outside areas kept clean and tidy and bins emptied regularly.

5.2.4 No drinks to be taken off site apart from off-sales.

## 6 RESPONSIBLE AUTHORITIES

### 6.1 Environmental Health – see appendix 4

Environmental Health have made representations relating to the prevention of public nuisance. They state that there is a history of noise complaints relating to this premises, and that there is a concern that the increase in hours and the provision of live music is likely to cause a nuisance to local residents.

5 conditions have been proposed by Environmental Health in order to prevent public nuisance, and these are within the representation attached as appendix 4.

### 6.2 Police – see appendix 5

The Police have made representations relating to the prevention of crime and disorder and public nuisance.

#### Prevention of Crime and Disorder

In 2005 there have been 7 incidents relating to the premises that have required police attention, 5 of these involving alcohol related disorder; in the whole of 2004 there was one incident. The Police are concerned that if the hours for supply of alcohol are significantly extended it could lead to increased incidents of crime and disorder.

#### Prevention of Public Nuisance

The Police are concerned that this premises is bordered by residential premises, and there are genuine concerns about additional disorder as patrons are more likely to become intoxicated if the hours for supply of alcohol are increased.

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

## 7 INTERESTED PARTIES

Representations have been received from the interested parties below, and their representations are attached as appendices 6a – 6j. A total of 10 addresses have made representations; they are all within 120 metres of the premises.

Table 2 – summary of representations from Interested Parties.

Number	Street Name	Representative Body (Yes/No)	Relevance to which licensing objective/s
6 addresses	Essex Road	No	Public Nuisance Crime and Disorder
1 address	Orchard Road	No	Public Nuisance Crime and Disorder
1 address	Julian's Road	No	Public Nuisance Crime and Disorder
2 addresses	Julian's Close	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 2a - b   | - Premises plans                           |
| Appendix 3        | - Location map                             |
| Appendix 4        | - Representation from Environmental Health |
| Appendix 5        | - Representation from the Police           |
| Appendices 6a - j | - Representations from Interested Parties  |