

**Meeting:** Licensing Committee

**Date:** 6 July 2005, 18:00hrs

**APPLICATION FOR VARIATION OF PREMISES LICENCE – EMPERORS HEAD**

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**1 PURPOSE**

To determine the application to vary the premises licence for the Emperors Head, Emperors Gate.

**2 SUMMARY OF APPLICATION**

**2.1 Type of Licence applied for**

An application was received from Poppleston Allen Solicitors on behalf of Mitchells and Butlers Leisure Retail 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 May 2005.

**2.2 Summary of application**

The Emperors Head is located in Emperors Gate, Stevenage and is detailed in a location map (See appendix 2)

The premises is a Public House and they are entitled to have the existing Justices On-Licence converted to a premises licence. The existing licence 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 variation application is to:

- Increase the hours allowed for the sale and supply of alcohol, hot drink and/or food;
- Allow 30 minutes additional operating time, after the latest hour for licensable activities;
- Allow additional regulated entertainments including the showing of music video, sport and entertainment programmes, indoor events and live music.

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

Day	Current permitted hours	Proposed Standard hours	Non-standard hours (27 days per year)
Monday	10am* – 11.20pm (inc. 20mins drinking up time)	10am – 00:30am	10am – 1:30am
Tuesday	“	“	(On Friday – Monday on both May and August Bank Holidays, plus Saint’s days, Valentines and Burns nights, Halloween, Boxing Day, 27/28/30 December)
Wednesday	“	“	
Thursday	“	“	
Friday	“	“	
Saturday	“	“	
Sunday	12 noon – 10:50pm	“	
Good Friday	12 noon – 10:50pm	10am – 1:30am	
Christmas Day	12 noon – 3:20pm and 7pm – 10:50pm	10am – 00.30am	
Applicant also requests unspecified number of International Event days where they could open at any time, giving 10 days notice to the Police.			

\*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 and are as follows:

#### 3.1 Licensable activities – Films, Late Night Refreshment, Supply of alcohol, Indoor Sporting Events, Live Music:

- 3.1.1 10.00 to 00.00 Monday to Sunday
- 3.1.2 To permit amplified music video, sport, entertainment programmes and any entertainment of a like kind (nothing of an adult nature)
- 3.1.3 To permit indoor sporting events that may include darts, dominoes, pool, snooker that may attract an audience;
- 3.1.4 To permit live music; amplified or un-amplified including artists singing, karaoke and DJ’s;
- 3.1.5 To allow the sale of hot drink or food sold in conjunction with the supply of alcohol if required.
- 3.1.6 To extend the hours for the supply of alcohol to midnight as standard.
- 3.1.7 To allow an additional hour on a number of specified days (27 in total).
- 3.1.8 In the event of any recognised International event falling outside the above hours, to allow licensable activities to commence 1hr before the start of the event and one hour after the end, giving the Police 10 days notice.

### **3.2 Hours premises are open to the public:**

3.2.1 10.00 to 00.30 Monday to Sunday.

3.2.2 To allow an additional 30 minutes after all hours relating to licensable activities on a number of specified days (27 in total).

3.2.3 In the event of any recognised International event falling outside the above hours, to allow licensable activities to commence 1hr before the start of the event and one hour after the end, giving the Police 10 days notice.

## **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:

### **5.1 General – all four licensing objectives**

5.1.1 Managers are employed by Mitchells and Butlers and operate under direction and procedures of the company

### **5.2 The Prevention of Crime and Disorder**

5.2.1 The applicant undertakes to monitor the need for door supervisors and in so doing takes into account any advice given by the Police.

**Licensing Officer Comments:** It is unclear how this could be enforced.

5.2.2 The pub manager is required to actively participate in and support the local Pubwatch scheme.

5.2.3 Text and/or radio pagers, where already used, will be used for any additional hours.

**Licensing Officer Comments:** This point needs clarification; we do not know whether text/radio pagers are in use currently at the Emperors Head.

5.2.4 Toughened glass is currently in use and will continue to be used for any additional hours.

5.2.5 Existing CCTV system will continue to operate during the additional hours.

**Licensing Officer Comments:** Additional information should be obtained on the existing CCTV system, including the technical specification and coverage.

5.2.6 There will be no promotions that encourage illegal, irresponsible or immoderate consumption.

### **5.3 Public Safety**

Existing policies will be extended to cover the increase in opening hours; the applicant advises that no additional steps required (see appendix 5).

### **5.4 The Prevention of Public Nuisance**

5.4.1 The applicant advises that the grant of an additional hour will in itself promote the licensing objectives

5.4.2 Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

**Licensing Officer Comments:** More detail should be obtained on those steps that the applicant proposes; the Committee's attention is drawn to the Environmental Health representation at appendix 3.

5.4.3 Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with Mitchells and Butlers Role in the Community Guidelines.

**Licensing Officer Comments:** It is unclear how this could be enforced.

### **5.5 The Protection of Children From Harm**

5.5.1 No adult entertainment is permitted at these premises

5.5.2 Children under 16 remain the responsibility for the accompanying adult when using the premises

5.5.3 Staff are not permitted to be in sole supervision of children

## **6 RESPONSIBLE AUTHORITIES**

Representations have been received from responsible authorities relating to this application, and are attached as appendix 3.

**6.1 Police – see appendix 3**

**6.2 Environmental Health – see appendix 3**

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

## 7 INTERESTED PARTIES

5 representations were received from the interested parties below; all are within 100 metres of the premises and their representations are attached as appendix 4.

Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective/s
3 Addresses	The Pastures	No	Public Nuisance Crime and Disorder (1)
1 Address	Augustus Gate	No	Public Nuisance
1 Address	Alexander Gate	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.

## 9 ASSOCIATED PAPERS

The Committee's attention is drawn to the following associated papers that are attached:

Mitchells and Butlers – A guide to our policies (appendix 5)

## 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 variation application

Appendix 2 - location map

Appendix 3 – representations from responsible authorities

Appendix 4 – representations from interested parties

Appendix 5 - Mitchells and Butlers – A guide to our policies