

**Meeting:** Licensing Committee

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

**APPLICATION FOR VARIATION OF PREMISES LICENCE – TWIN FOXES**

Author – Emma Rose Ext.No. 2175  
Lead Officer – Chris Bidwell Ext.No. 8049  
Contact Officer – Emma Rose Ext.No. 2175

**1 PURPOSE**

To determine the application to vary the premises licence for the Twin Foxes, Rockingham Way.

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 Camelot Inns and Taverns 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 31 May 2005.

**2.2 Summary of application**

The Twin Foxes is located in Rockingham Way, 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 licences converted to a premises licence. The existing licences are a Justices On-Licence, which 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 also holds a public entertainments licence that permits public dancing, music and other similar entertainments Monday – Saturday from 12 midday to 23:00hrs.

The variation application is to:

- Increase the hours allowed for the sale and supply of alcohol until 23:30hrs Sunday to Thursday and 00:30hrs Friday and Saturday as standard, and until 01:00hrs on the Friday/Saturday/Sunday/Monday of all bank holidays and on a further 30 occasions at the applicant's discretion.
- Allow 30 minutes additional operating time, after the latest hour for licensable activities.
- Permit regulated entertainments comprising of: live music, recorded music including Karaoke, pub games in front of an audience, video entertainments, facilities for music and dancing and hot food/drink after 23:00hrs.

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

Day	Current permitted hours	Proposed Standard Opening hours	Non-standard hours
Monday	10:00hrs* – 23.20hrs (inc. 20mins drinking up time)	10:00hrs – 00:00hrs	(On Friday – Monday on Bank Holidays, plus 30 additional non specified days)
Tuesday	"	"	
Wednesday	"	"	
Sunday - Thursday	"	"	
Friday	"	10:00hrs – 01:00hrs	
Saturday	"	10:00hrs – 01:00hrs	
Sunday	12 noon – 22:50hrs	10:00hrs – 00:00hrs	

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 activity – Films, Indoor Sporting Events:

- 3.1.1 10.00 to 00.00 Sunday to Thursday, 10:00hrs to 01:00hrs Friday and Saturday.
- 3.1.2 To permit video entertainment on TV screens and amusement machines.
- 3.1.3 To permit pub games that attracts an audience, whether by advertisement or spontaneously.

**3.2 Licensable Activity, Live Music and Recorded Music and provisions of facilities for making music (stage area with microphone and amplifiers):**

- 3.2.1 12.00hrs to 00.00hrs Monday to Saturday, 12:00hrs to 23:00hrs Sunday.  
[current hours with the Public Entertainment Licence are restricted to 23:00hrs Monday – Saturday with no live music permitted on a Sunday.]
- 3.2.2 10:00hrs to 01:00hrs on bank holidays and other ‘Event Days’ for recorded music and facilities for making music, including Karaoke and other amplified voice.
- 3.2.3 Live music to cease at midnight under all circumstances.

**Licensing Officer Comments:** This means that Karaoke, DJ’s and other similar entertainments are requested until 01:00hrs, although the applicant asks for live music to cease at midnight.

**3.3 Licensable Activity, Provision of facilities for dancing:**

- 3.3.1 10:00hrs to 23:30hrs Sunday to Thursday, 10:00hrs to 00:30hrs Friday and Saturday.
- 3.3.2 10:00hrs to 01:00hrs on bank holidays and other ‘Event Days’.

**3.4 Licensable Activity, Late Night Refreshment:**

- 3.4.1 To permit the sale of hot food and/or drink 23:00hrs – 00:00hrs Sunday to Thursday, 23:00hrs – 01:00hrs Friday and Saturday.
- 3.4.2 10:00hrs to 01:00hrs on bank holidays and other ‘Event Days’.

**3.5 Licensable Activity, Supply of Alcohol:**

- 3.5.1 10:00hrs to 23:30hrs Sunday to Thursday, 10:00hrs to 00:30hrs Friday and Saturday.
- 3.5.2 10:00hrs to 01:00hrs Friday/Saturday/Sunday/Monday of bank holidays, Christmas Eve and Boxing Day plus 30 other ‘Event Days’.

**Licensing Officer Comment:** There is a discrepancy between the summary of the variation on page 8 of the application form (sale of alcohol on bank holidays etc until 00:30hrs) and page 22 of the form (supply of alcohol to 01:00hrs on bank holidays etc). The applicant is invited to confirm the hours that are requested.

**3.6 Hours premises are open to the public:**

- 3.6.1 10.00 to 00.00 Sunday to Thursday, 10:00hrs to 01:00hrs Friday and Saturday. Also 01:00hrs closing on ‘Event Days’ and bank holiday Friday/Saturday/Sunday/Monday.

**Licensing Officer Comment:** This means no ‘wind down’ period has been applied for on ‘Event Days’ and bank holidays, as sale/supply of alcohol coincides with closing time (see also 3.5.2 above).

**4 BACKGROUND INFORMATION**

The following background information is known about these premises:

Previous licences held: Justices 'on' licence, Public Entertainments Licence, permit for the provision of amusement gaming machines

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 The types of regulated entertainments proposed reinstate pub entertainments that were previously unregulated.

**Licensing Officer Comments:** For example, the applicant refers to indoor sports entertainments such as pool, darts etc that may draw an audience.

### 5.2 The prevention of crime and disorder

- 5.2.1 Providing a 30 minute extension of opening hours after the end of alcohol sales.

**Licensing Officer Comments:** This is not the case with regard to 'Event Days' and bank holidays; the applicant has stated that both sale/supply and closing time on those events is 01:00hrs.

- 5.2.2 Not less than five working days written notice will be provided to the Police when 'Event Days' planned.

**Licensing Officer Comments:** The Police have previously required a condition in relation to 'Event Days' where only specific named International Events are included, with a 21 day written notice to Police and Licensing Officer. However, the Committee is reminded that the Police are objecting to this variation in its entirety and not solely the unspecified days.

### 5.3 Public safety

- 5.3.1 Function bookings will be limited to 200 persons.

### 5.4 The prevention public nuisance

- 5.4.1 Live music will end at midnight.
- 5.4.2 Recorded music will end at 00:30hrs.
- 5.4.3 All windows will be kept closed after 22:00hrs.

**Licensing Officer Comments:** As this premises is limited to a maximum of 200 persons, any conditions relating to the provision of live music or dancing (other than those consistent with the operating schedule offered by the applicant) will be suspended except where they relate to public safety or the prevention of crime and

disorder. This means that the Licensing Authority is unable to add conditions relating to Public Nuisance from 'music entertainment' at this stage.

## 5.5 The protection of children from harm

5.5.1 No unusual risks of harm to children have been identified. The restrictions set out in the Licensing Act 2003 will apply.

## 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

The Police object to the variation in its entirety, on the basis of the licensing objective the Prevention of Crime and Disorder. On the 22<sup>nd</sup> June the Police reported that between January and June 2005 there had been 25 calls to the Twin Foxes. This compares with 27 calls January to December 2004. The majority of calls in both cases were to disturbances/fights.

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

## 7 INTERESTED PARTIES

Representations have been received from the interested parties below, and their representations are attached as appendix 4.

Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective/s
4 Addresses	Rockingham Way	No	Public Nuisance Crime and Disorder
1 Address	Rowland Road	No	Public Nuisance Crime and Disorder
<b>Petition of 96 signatures representing 74 addresses, detailed below:</b>			
2 Addresses	The Lindens	No	Public Nuisance Crime and Disorder
11 Addresses	Whormerly Road	No	Public Nuisance Crime and Disorder
5 Addresses	Lyndell	No	Public Nuisance Crime and Disorder
11 Addresses	Rowland Road	No	Public Nuisance Crime and Disorder
3 Addresses	Denton Road	No	Public Nuisance Crime and Disorder
3 Addresses	Wildwood	No	Public Nuisance Crime and Disorder
7 Addresses	Walden End	No	Public Nuisance Crime and Disorder
7 Addresses	The Spur	No	Public Nuisance Crime and Disorder
25 Addresses	Rockingham Way	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 variation application

Appendix 2 - location map

Appendix 3 – representations from responsible authorities

Appendix 4 – representations from interested parties