

Meeting: Licensing Committee

Date: 30 September 2005 14:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE – ST NICHOLAS

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1 PURPOSE

To determine the application to vary the premises licence for the St Nicholas public house, Canterbury 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 Greene King Brewing and Retailing 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 6th August 2005.

2.2 Summary of application

The St Nicholas is located in Canterbury Way, Stevenage (see appendix 2 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 (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 currently holds a public entertainment licence (PEL), that permits public dancing, music and entertainments of a like kind Monday – Saturday 19:00hrs – 23:00hrs.

The variation application is to:

- Increase the hours for sale and supply of alcohol by 1 hour at the end of the evening on Friday and Saturday only, plus a 30 minute wind down period;
- To permit live and recorded music until 23:00hrs 7 days a week;
- To permit an extra hour for all activities on a number of specified dates including the Christmas period and bank holidays;
- To permit late night refreshment in line with the hours for sale/supply of alcohol;

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/ANYTHING SIMILAR/FACILITIES FOR DANCING		RECORDED MUSIC		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	19:00 – 23:00	18:00 – 23:00 (no limit on number of performers)	19:00 – 23:00	11:00 – 23:00	10:00 – 23:00	11:00 – 23:00 (no change)	10:00 – 23:20	11:00 – 23:30
Tuesday								
Wednesday								
Thursday								
Friday								
Saturday								
Sunday	12:00 – 22:30 (2 in a bar only)		None		12:00 – 22:30	11:00 – 23:00	12:00– 22:50	10:00 – 23:30
Non Standard Timings	Xmas Eve, Xmas Day, Boxing Day, New Years Day, Sat/Sun/Mon of all Bank Holidays and any other publicly declared holiday, Easter weekend, St. George's Day, St. Patrick's Day = one extra hour for all activities							

4 BACKGROUND INFORMATION

The following background information is known about these premises:

Previous licences held: Justices 'on' licence
 Public Entertainment Licence (PEL)

The PEL has the following conditions, which are converted onto the premises licence regardless of the variation application:

1. Maximum number of persons at any one time is 100.
Licensing Officer's Comments: Please note that by virtue of this converted maximum occupancy of less than 200, the Committee should not attach conditions relating to music noise to the premises licence. Please also note that none of the representations made relate to music nuisance;
2. Self closer on the main front door to ensure not held open;
3. Karaoke and live music only permitted in raised lounge area;
4. Fire door in lounge remains closed;
5. Sound limiting device to be set so noise is inaudible at boundary of residential premises;
6. All amplified equipment must be connected to sound limiter;
7. Customers not permitted to remove any bottles, glasses or foodstuffs for consumption or disposal outside the premises;
8. The CCTV system must be used according to SBC regulations.

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 Additional training for all house managers on dealing with illegal activities and aggressive customers.
- 5.1.2 Sensible drinking policy and training in place.
- 5.1.3 Joining Pubwatch will permit the DPS to have up to the minute information based on local issues and National support, this will then forge better communications with Police.

- 5.1.4 Additional training on communicating with customers when service is refused for drunkenness.

5.2 THE PREVENTION PUBLIC NUISANCE

- 5.2.1 To join Pubwatch (if scheme exists).
- 5.2.2 No external dinking after 23:00hrs.
- 5.2.3 Please leave quietly signs.
- 5.2.4 Delivery and collection times not to be changed.

Licensing Officer's Comments: The applicant should advise what those times are currently, so that this can be monitored once the premises licence comes into force should the variation be granted.

- 5.2.5 Regulated entertainment (excluding recorded music) to end at 23:00hrs.
- 5.2.6 Sensible drinking policy and training in place.
- 5.2.7 Additional training on communicating with customers when service is refused for drunkenness
- 5.2.8 No external regulated entertainment.
- 5.2.9 External background music to be turned off at 21:00;
- 5.2.10 All windows and external doors to be kept shut during live performance save for customer access and egress.

6 RESPONSIBLE AUTHORITIES

6.1 Police – see appendix 3

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

Prevention of Crime and Disorder

Since January there have been 26 incidents requiring Police attention at this premises, 19 relating to disorder. In 2004 there were 38 incidents, 25 relating to disorder.

The Police are concerned that if the hours for supply of alcohol are significantly extended it could lead to increased incidents of disorder both inside and outside the premises.

Prevention of Public Nuisance

The Police are concerned that as this premises is bordered by residential premises, there are concerns that residents in the area would be affected by an increase in the number of incidents of disorder as patrons are more likely to become intoxicated if these hours are granted.

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

7 INTERESTED PARTIES

Representations have been received from the 35 addresses below. They are all within 100 metres of the premises; their representations are attached as appendices 4a - b.

Table 2 – summary of Interested Party representations.

Number	Street Name	Representative Body (Yes/No)	Relevance to which licensing objective/s
1 address	Canterbury Way	No	Crime and Disorder
Petition representing 34 Addresses detailed below			
34 addresses	Truro Court Canterbury Way	No	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

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| Appendix 1 | - Copy of application |
| Appendix 2 | - Location map |
| Appendix 3 | - Representation from Police |
| Appendix 4a - b | - Representation from Interested Parties |