

Meeting: Licensing Committee

Date: 3 October 2005 14:00hrs

APPLICATION FOR VARIATION OF PREMISES LICENCE: THE MARCH HARE

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1 PURPOSE

To determine the application to vary the premises licence for the March Hare public house, Burwell 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 David Frederick Densley 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 3 August 2005.

2.2 Summary of application

The March Hare is located in Burwell Road, Stevenage (see appendix 2 for location map). It is within a Designated Area ('alcohol free zone') where it is an offence to refuse to surrender containers of alcohol in a public area, when asked by a Police Officer. The March Hare has external drinking areas.

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 midnight on Friday and Saturday, closing 30 minutes later;
- To permit live music and recorded music including duos, trios, disco and Karaoke in line with the hours for sale and supply of alcohol;
- Permit 30 discretionary Event Days per year when hours are extended for all licensable activities until midnight;
- Permit films and indoor sporting events in line with hours for the sale and 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 AND RECORDED MUSIC		FILMS/INDOOR SPORTING EVENTS/PROVISION FOR FACILITIES FOR MAKING MUSIC/DANCING/ANYTHING OF A SIMILAR DESCRIPTION		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	10:00 – 23:00 Live music = duo or trio only	None	10:00 – 23:00	10:00 – 23:00	10:00 – 23:00	10:00 – 23:20	10:00 – 23:30					
Tuesday													
Wednesday													
Thursday													
Friday									10:00 – midnight	10:00 – midnight	10:00 – midnight	10:00 – midnight	10:00 – 00:30
Saturday													
Sunday	12:00 – 22:30	12:00 – 23:00		12:00 – 23:00	12:00 – 22:30	12:00 – 23:00	12:00 – 22:50	12:00 – 23:30					
Non Standard Timings	All licensable activities: <ol style="list-style-type: none"> 1) 10:00 – midnight on 30 'special event days' after 5 days notice to Police 2) To extend by half hour Bank Holiday Saturday, Sunday and Monday (inc. opening hours) 												

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, Public Safety 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 wind down period will promote this objective, as the last drink will be consumed less quickly and the facilities at the public house will be available.

Licensing Officer's Comments: On the extended hours requested for 30 'Event Days', the applicant has NOT requested an additional half hour 'wind down' period.

- 5.1.2 At least five days written notice will be provided to the Police when event days are planned.

Licensing Officer's Comments: The applicant proposes to give 5 days written notice to the Police if required. There is no undertaking to notify the Licensing Authority. The TEN system should be used for events falling outside standard hours.

5.2 PUBLIC SAFETY

- 5.2.1 Total attendance at events or entertainment will be limited to 200. No other risk of crowding has been identified by risk assessment.

Licensing Officer's Comments: The Fire Authority has stated in their representation that the premises is only suitable for a maximum occupancy of 50 persons due to the exit width of the doors at the front of the building.

The Committee is reminded that by virtue of a maximum occupancy of less than 200, conditions relating to music noise should not be attached to this licence should it be granted UNLESS offered by the applicant as part of the operating schedule.

5.3 THE PREVENTION PUBLIC NUISANCE

5.3.1 All doors will be kept closed after 22:30.

Licensing Officer's Comments: The committee's attention is drawn to the Environmental Health and Fire Authority representations. The Fire Authority has advised the applicant that for reasons of public safety, the main entrance outer doors MUST be kept in the open position and the inner doors modified to allow safe exit in emergency. Environmental Health advises that this situation will allow unacceptable breakout of music noise that will cause nuisance to residents.

5.3.2 Live music will be at the end of the premises as far as possible from the doors.

6 RESPONSIBLE AUTHORITIES

6.1 Environmental Health – see appendix 3

Environmental Health have made representations relating to the prevention of public nuisance. They state that there is a long history of noise complaints and unlicensed entertainments relating to this premises. In addition, the applicant has ignored advice and a caution issued by the Noise Patrol.

Environmental Health recommends that taking into consideration the history and maximum occupancy for the premises, it is necessary to REFUSE the variation in relation to live and recorded music.

6.2 Fire Authority – see appendix 4

The Fire Authority have made representations relating to public safety.

Their representation highlights 10 failings relating to fire precautions, including inadequate means of escape, no maintenance of fire extinguishers since 2002 (it should be subject to annual test), failure to train staff and insufficient emergency lighting.

Remedial action is detailed in the representation at appendix 4; in particular it should be noted that the maximum occupancy of the premises AT ANY TIME has been set at 50 persons whilst the current arrangements for emergency exits remain. Should the Committee grant any aspect of this variation application, this maximum occupancy should be set.

6.3 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

There is a history of customers from the March Hare drinking outside the premises within the Designated Area ('alcohol free zone'). In addition, in the 12 months ending 30 April 2005 there were 75 incidents either at the pub or immediately outside, and since April a further 8. There have been 16 crimes committed either at or immediately outside the pub in the 12-month period ending 20 April 2005.

The Police are concerned that if the hours for supply of alcohol are extended beyond the current permitted hours it would increase the number of incidents and crimes in this predominantly residential street.

No representations have been received from the Trading Standards, Child Protection or Planning.

7 INTERESTED PARTIES

Representations have been received from the 7 interested parties below, and their representations are attached as appendices 6a - g. All live within 70 metres of the premises.

Table 2 – summary of Interested Party representations.

Number	Street Name	Representative Body (Yes/No)	Relevance to which licensing objective/s
1 address	Burwell Road	No	Public Nuisance Crime and Disorder
6 address	Shephall 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 application
- Appendix 2 - Location map
- Appendix 3 - Environmental Health representation
- Appendix 4 - Fire Authority representation
- Appendix 5 - Police representation
- Appendix 6a – g - Representations from Interested Parties