

Meeting: **Licensing Committee**

Date: **4 October 2005 14:00hrs**

APPLICATION FOR VARIATION OF PREMISES LICENCE: THE OLD FORGE

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1 PURPOSE

To determine the application to vary the premises licence for the Old Forge public house, London 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 Whitbread Group Plc 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 Old Forge is located in London Road, 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 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 00:30hrs, closing 30 minutes later;
- To permit live music and recorded music until 00:30hrs;
- Permit films and indoor sporting events until 00:30hrs.

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 FOF FACILITIES FOR MAKING MUSIC/DANCING/ANYTHING OF A SIMLAR DESCRIPTION/LATE NIGHT REFRESHMENT | | 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 – 00:30 | None | 10:00 – 00:30 | 10:00 – 00:00 | 10:00 – 00:30 | 10:00 – 00:00 | 10:00 – 01:00 |
| Tuesday | | | | | (By virtue of Supper Hours Certificate) | | | |
| Wednesday | | | | | | | | |
| Thursday | | | | | | | | |
| Friday | | | | | | | | |
| Saturday | | | | | | | | |
| Sunday | 12:00 – 22:30 | | | | 12:00 – 23:30 | | 12:00– 23:30 | |
| Non Standard Timings | For all licensable activities: Christmas Day 11:30 – 22:30 New Years Eve: 10:00 – New Years Day terminal hour (Closing 30 minutes after) | | | | | | | |

3.1 LICENSING OFFICER'S COMMENTS ON TABLE 1.

- 3.1.1 Non-Standard Timings: The applicant asks that if the standard hours and activities summarised in table 1 are NOT granted, the following are requested:

All licensable activities: 10:00hrs – 00:30hrs Friday/Saturday/Monday
10:00hrs – 00:30hrs of all Bank Holiday Sundays
10:00hrs – 00:30hrs Christmas Eve and Boxing Day

Closing at 01:00hrs on the above days

4 BACKGROUND INFORMATION

The following background information is known about these premises:

Previous licences held: Justices 'on' licence
Childrens' Certificate
Supper Hours Certificate

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 No further risks have been identified which need to be addressed. Under the present licensing regime, the premises are already able to open until 00:30.

Licensing Officer's Comments: Whilst it is correct that the premises may stay open for non-licensable activities at any time, they are currently restricted for the sale of alcohol to midnight Monday – Saturday and 23:30 Sunday.

5.2 THE PREVENTION PUBLIC NUISANCE

- 5.2.1 No further risks have been identified which need to be addressed.

Licensing Officer's Comments: The committee's attention is drawn to the Environmental Health and Interested Party representations. The application requests live and recorded music that the premises is not currently permitted to hold.

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 the premises is in close proximity to houses and they would be exposed to extra entertainment noise should the variation be granted.

Environmental Health recommends that the application to vary the licence with respect to live and recorded music be REFUSED until a detailed acoustic survey is carried out and any deficiencies remedied.

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

7 INTERESTED PARTIES

Representations have been received from the 22 interested parties below, and their representations are attached as appendices 4a - b. All live within 200 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 | Blair Close | No | Public Nuisance Crime and Disorder |
| 21 address | Turpins Rise | Yes Hanover Housing Association Hanover Residents Association | 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 4a – b | - Representations from Interested Parties |