

**Meeting:**                    **Licensing Committee**

**Date:**                      **25 July 2006 14:00hrs**

**APPLICATION FOR VARIATION OF PREMISES LICENCE: THE PEARTREE**

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**1        PURPOSE**

To determine the application to vary the premises licence for The Peartree public house, Valley Way.

**2        SUMMARY OF APPLICATION**

**2.1      Type of Licence applied for**

An application was received from Camelot Inns & Taverns Ltd to vary a premises licence under section 34 of the Licensing Act 2003 (see appendix 1). The Licensing Authority accepted the application on 2 August 2005.

**2.2      Summary of application**

The Peartree is located in Valley Way, Stevenage (see appendix 2 for premises plan and appendix 3 for location map).

The premises is a Public House with a Premises Licence. That Premises Licence was a conversion of the Justices Licence and gave no permission for entertainments.

The variation application is to:

- Increase the hours for sale and supply of alcohol by:
  - Until 23:30hrs Sunday – Thursday (closing half an hour later)
  - Until midnight Friday – Saturday (closing half an hour later)
  - An additional 30 minutes on the Friday, Saturday and Sunday of Bank Holiday weekends, Christmas Eve and Boxing Day (closing half an hour later);
- To permit regulated entertainment until 23:30hrs Sunday – Thursday, midnight Friday and Saturday, on New Years Eve/New Years Day until 01:00hrs;

- Regulated entertainment consists of
  - Film
  - Live music
  - Recorded music
  - Anything of a similar description
  - Entertainment facilities for making music
  - Entertainment facilities for dancing;
- Permit late night refreshment in line with opening hours;

### 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/PROVISION FOF FACILITIES FOR MAKING MUSIC/DANCING		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	Live Music = None	midday – 23:30		midday – 23:30	10:00 – 23:00	10:00 – 23:30	10:00 – 23.20	10:00 – midnight inc. late night refreshment from 23:00 until close
Tuesday								
Wednesday								
Thursday								
Friday	Recorded Music = 24hrs as grandfather right on conversion	midday – midnight	None	midday – midnight		10:00 – midnight		10:00 – 00:30 inc. late night refreshment from 23:00 until close
Saturday								
Sunday				midday – 23:30		midday – 23:30	midday – 22:30	10:00 – 23:30
Non Standard Timings	New Years Eve/New Years Day regulated entertainment until 01:00 New Years Eve/New Years Day sale of alcohol from 10:00 NYE until 23:30 NYD Additional 30 minutes Friday/Saturday/Sunday Bank Holiday weekend plus Christmas Eve and Boxing Day for sale of alcohol							

## 4 BACKGROUND INFORMATION

The following background information is known about these premises:

Previous licences held	Justices 'on' licence Premises Licence (currently held)
Current Convictions	None
Details of licence reviews	None
Temporary Event Notices (given this calendar year)	8 all TENs given extended hours for sale of alcohol and added regulated entertainment
Number of complaints received since November 24 <sup>th</sup> 2005 (Licensing and/or Environmental Health)	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 Since acquiring these premises in December 2005 no issues relevant to prevention of crime and disorder have been raised. Our manager will attend bar watch meetings and seek to be involved with local police giving assistance as required.

### 5.2 THE PREVENTION PUBLIC NUISANCE

- 5.2.1 The manager is responsible for going outside the pub at 30 minute intervals during live music/karaoke etc to ensure no noise is audible beyond the boundary of the pub.
- 5.2.2 Action should be taken as urgently as possible to reduce any excessive noise levels.
- 5.2.3 Live music/karaoke etc shall finish by 23:00hrs Monday – Thursday and midnight Fridays and Saturdays.

**Licensing Officer's Comments:** except for New Years Eve/Day, when the end time is 01:00hrs.

- 5.2.4 All windows and doors shall remain closed (doors returning to close position) at all times when musical entertainments are taking place.

- 5.2.5 Jukebox music must not be audible outside the pub at any time.
- 5.2.6 Signs requesting people to leave quietly and respect neighbours will be positioned by main exit. The manager is to use their best endeavours to obtain the cooperation of their patrons in this respect.
- 5.2.7 The fire escape doors in the Public Bar of the pub shall be kept closed and not used for any other purpose than a means of escape. They must not be held open or used to supplement the ventilation of the bar.
- 5.2.8 There must be no service or consumption of any drinks on the front terrace or rear beer garden at any time after 22:30hrs.
- 5.2.9 There must be no external disposal of trade waste between 23:00hrs and 07:30hrs.
- 5.2.10 When entertainments are taking place the level of noise emitted from the premises shall not be sufficient to cause a statutory nuisance. After 23:00hrs noise emitted from the premises shall be inaudible at any residential premises.

## 6 RESPONSIBLE AUTHORITIES

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

## 7 INTERESTED PARTIES

Representations expressing concerns about the application were received via a petition. The 11 addresses below were included on that petition, and their representations are attached as appendix 3. All live within 100 metres of the premises.

Table 2 – summary of Interested Party representations.

1 Petition representing 11 Addresses detailed below			
Number	Street Name	Representative Body (Yes/No)	Relevance to which licensing objective/s
11 addresses	Valley Way	No	Public Nuisance Crime and Disorder

In addition a petition was received from interested parties in positive support of the application. This is attached as appendix 4. The Committee is advised that the petition was of 47 addresses, but only one could be counted as relevant under the Act. This was because the last 2 pages of the petition had no explanation of what the petitioners were signing for, and only one address on the first page was in the vicinity of the premises.

Table 3 – summary of interested party positive representations

1 Petition representing 1 Addresses detailed below			
Number	Street Name	Representative Body (Yes/No)	Relevance to which licensing objective/s
1 address	Valley 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	- Plan of premises
Appendix 3	- Location map
Appendix 4	- Representations from Interested Parties
Appendix 5	- Positive representation from Interested Parties