

Committee: Licensing
Date: 12 July 2005
Agenda Item No: 2
Title: The Black Lion Public House High Roding
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Summary

- 1 This report sets out an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence. Representations have been made to the Licensing Authority regarding the proposed operating schedule and therefore this application has been referred to the Committee for deliberation.

Background

- 2 The Black Lion situated in The Street in the small village of High Roding. It operates as a Public House serving food and alcohol throughout the public areas. Private entertainment may be provided within these areas. (Private entertainment is entertainment, which is not public entertainment but is provided for gain. The Council does not currently control such entertainment in premises with Justices Licences by virtue of the adoption of the Private Places of Entertainment (Licensing) Act 1967 by the Council.)
- 3 At the side and rear of the premises there is a car park for patrons of the premises and this area adjoins the garden area where the consumption of food and alcohol can take place in the open air.
- 4 The Street High Roding is situated in a residential area.

Application

- 5 The application has been made by T D Ridley and Sons and is for a conversion with simultaneous variation. The existing Justices Licence allows for the sale of all intoxicating liquor of all descriptions by retail both on and off the premises within the standard hours of the Licensing Act 1964.
- 6 Recorded music may be played throughout the premises without limitations and private entertainment for gain may be provided in the premises without limitation. The premises currently hold events under the 2 in a bar rule which will be abolished under the 2003 Act.

- 7 The variations applied for relate to the extension of hours for the sale of alcohol, the inclusion of late night refreshment and the addition of various forms of regulated entertainment outlined below. The only representations received relate to the provision of the regulated entertainment only.
- 8 The applicant requests the following regulated entertainment be included in a licence
- a. film exhibitions to take place indoors (TV screens and video entertainment) are from 11:00hrs to 00:30hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:30hrs on Sundays. When hours for the sale of alcohol are extended on Bank holidays these hours are also extended.
 - b. indoor sporting events (pub games that attract an audience between 11:00hrs to 00:00hrs Monday to Thursdays, 11:00hrs to 00:30hrs Fridays and Saturday's and 12:00hrs to 00:00hrs on Sundays.
 - c. Live music indoors from 11:00hrs to 23:30hrs Monday to Thursdays, 11:00hrs to 00:00hrs Fridays and Saturdays, 12:00hrs to 23:30hrs on Sundays, limited to a maximum of 30 events per annum and a record maintained for inspection at the premises. New years eve will start as shown and finish at 01:00hrs New Years Day.
 - d. Recorded music (indoors) from 11:00hrs to 23:30hrs Monday to Thursdays, 11:00hrs to 00:00hrs Fridays and Saturdays, 12:00hrs to 23:30hrs on Sundays. This includes Karaoke with or without a DJ. New Years Eve to start as shown and finish at 01:00hrs New Years Day.
 - e. For events of a similar description including Quiz nights, performance with voice amplification and comedians the hours will be 11:00hrs to 00:00hrs Monday to Thursdays, 11:00hrs to 00:30hrs Fridays and Saturdays, and 12:00hrs to 00:00hrs in Sunday. Hours also to be extended to match bank holidays.
 - f. Provision of facilities for making music (microphone with amplifier) hours are 11:00hrs to 00:00hrs Mondays to Thursdays, 11:00hrs to 00:30hrs Fridays and Saturdays 12:00hrs to 00:00hrs on Sundays with hours extended on bank holidays.
- 9 The hours that the premises would be open to the public would be 11:00hrs to 00:30hrs Mondays to Thursdays, 11:00hrs to 01:00hrs Fridays and Saturdays and 12:00hrs to 00:30hrs Sunday. Bank holiday extension until 02:00hrs with the consumption in the garden to cease at 23:00hrs.
- 10 Representations have been received from Essex Fire and Rescue Service on the grounds of public safety. They are concerned that the applicant's operating schedule fails to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety in the case of fire and is relevant to individual premises, in relation to the proposed entertainment.
- 11 The applicant in its operating schedule has indicated that it will take the following steps to promote the public safety licensing objectives:
- Fire risk assessment in place
 - Details of local taxi services available for customers and staff

- Glasses collected regularly during opening hours
- Risk assessments undertaken to identify overcrowding
- First aid kit maintained on premises for customer and staff use

12 A representation has been received from an interested party on the grounds on noise nuisance. The representative lives adjacent to the public house and is concerned about the entertainment noise and general disturbance until 01:00hrs especially in the summer when the doors and windows will be open for fresh air.

13 Representations were also received from Georgina Parkin on the grounds of child protection. They were concerned that the applicant's operating schedule failed to demonstrate that suitable and sufficient measures have been identified for children regarding adult TV and amusement machines. Discussions with the applicant and Mrs Parkin have taken place and the applicant has agreed to the inclusion of the following activity restrictions "In the event of any adult content on TV and amusement machines children will be excluded from that area". This condition now satisfies representations, and so should be included on any licence that is granted.

14 In carrying out their statutory function the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, i.e.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance and
- The protection of children from harm

In determining an application then due regard should be given to the Council's Policy regarding licensing, and the Guidance issued by the Secretary of State.

15 The decision which the Committee can make for this application is to

- Grant the application
- Modify the application by inserting conditions
- Remove the licensable activity from the licence
- Reject the application

16 If the Committee in its discretion wishes to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objectives relative to the representations received only. The Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application for the licence be determined.

- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to give evidence at Court on behalf of the authority.

Background Papers:

Representation from Essex Fire and Rescue Service
Representation from Mrs G Parkin – Child Protection
Representation from Ms G Owen – Interested Party
Application from applicant.
Plan of premises.