

Committee: LICENSING COMMITTEE
Date: 26 August 2005
Agenda Item No: 2
Title: E T FOAKES MEMORIAL HALL STORTFORD ROAD
GREAT DUNMOW
Author: Murray Hardy (01799) 510598

Summary

- 1 This report sets out an application to convert the existing Music and Dancing Licence and simultaneously to vary the licence to include the supply of alcohol. Representations have been made to the Licensing Authority regarding the proposed variations, so therefore this application has been referred to the Committee for deliberation.

Background

- 2 The E T Foakes Memorial Hall is situated in Stortford Road, Great Dunmow and was originally constructed in 1934 with further extensions taking place in 1959 and 1994 respectively. The Hall is registered as a charity with the Charity Commissioners and is administered by a Committee of the Town Council.
- 3 Music and Dancing is currently permitted on the premises under the Local Government (Miscellaneous Provisions) Act 1982 and a licence for these functions was issued on 1 January 2005 by this Authority. The licence is valid for one year and has a condition attached which prevents entertainment taking place between 12 midnight and 12 noon unless permission is granted by this Council.
- 4 Where events have taken place which involves the sale of intoxicating liquor the Town Council have either obtained a licence under the Licensing (occasional Permissions) Act 1983 or sought the services of the holder of a valid Justices Licence to seek an occasional licence.
- 5 The type of event that has taken place on the premises include weddings, anniversaries, birthdays, charitable functions, discos and functions of a similar nature. Unless the function is being promoted by the Town Council, the premises are hired out to organisations or individuals for a standard fee and hirer is expected to comply with the standard conditions for hire.
- 6 This application is made by Mr O J Wilson on behalf of the E T Foakes Memorial Hall Trust who is seeking to replace the current Music and Dancing Licence and allow the supply of intoxicating liquor as set out in the new operating schedule.

- 7 The standard timings for the performance of a play would be every day of the week commencing at 2.00 pm and ending at 11.00 pm.
- 8 The standard timings for films would be Monday – Saturday commencing at 10.00 am and ending at 11.00 pm.
- 9 The standard timings for indoor sporting events would be every day of the week commencing at 10.00 am and ending at 11.00 pm.
- 10 The standard timings for live music would be Mondays to Saturdays commencing at 9.00 am and ending at 12 midnight and on Sundays commencing at 10.00 am and ending at 10.00 pm.
- 11 The standard timings for recorded music would be Mondays to Saturdays commencing at 9.00 am and ending at 12 midnight and on Sundays commencing at 10.00 am and ending at 10.00 pm.
- 12 The standard timings for the performance of dance would be Mondays to Saturdays commencing at 9.00 am and ending at 11.30 pm and on Sundays commencing at 10.00 am and ending at 10.00 pm.
- 13 The standard timings for the provision of facilities for making music and dancing would be Mondays to Saturdays commencing at 9.00 am and ending at 12 midnight and on Sundays commencing at 10.00 am and ending at 10.00 pm.
- 14 The standard timings for the supply of intoxicating liquor would be every day of the week commencing at 11.00 am and ending at 12 midnight.
- 15 The standard timings for the hours that the premises are to be open to the public would be every day from 8.00 am to 1.00 am.
- 16 The applicant is seeking by way of the non standard timing to be permitted to the following:-
 - (a) A maximum of four extensions per annum on a Friday for all licensable activities until 1.00 am.
- 17 Copies of this application have been served on all of the statutory bodies with no formal representations being made, however, the Child Protection Department from Essex County Council has since agreed with the applicant the inclusion of the following conditions:-
 - (a) The Town Council will maintain the existing proof of age controls in respect of plays and films and also improve such controls as detailed in the operating schedule.
 - (b) The Town Council will ensure that any material that is shown is suitable for the respective age groups.
 - (c) The Town Council will make suitable additions to the conditions of hire to ensure that the above is achieved.

- 18 Following the requirement to display a notice on the premises and publish details in a local newspaper, representations have been received from interested parties concerning the licensing objective which relates to the prevention of a public nuisance. These have been received from local residents who live in the neighbourhood based on the grounds for the potential of excessive noise being caused late at night.
- 19 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, ie:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 20 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance. Members may wish to insert conditions as indicated in the Applicant's Risk Assessment Form especially those that relate to:-
- (a) Unsociable behaviour
 - (b) Misuse of the facilities
- 21 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 licensee
 - Reject the application

RECOMMENDED that

- 1 The application is 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: Operating Schedule from applicant
Plan of premises
Letters from objectors
Location of premises
Risk Assessment Form

Committee: LICENSING COMMITTEE
Date: 26 August 2005
Agenda Item No: 3
Title: THE DUKES HEAD HIGH STREET HATFIELD BROAD OAK
Author: Murray Hardy (01799) 510598

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 therefore this application has been referred to the Committee for deliberation.

Background

- 2 The Dukes Head is in High Street Hatfield Broad Oak at the junction of Broad Street and currently has a Justices License to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises.
- 3 The applicants are Brian Francis Gilbertson and Marilyn Ann Gilbertson who have held the current licence since 2 August 2002.
- 4 The existing Justices Licence permits the sale of intoxicating liquor between the following permitted hours:
Mondays – Saturdays 11am to 11pm
Sundays 12 midday to 10.30pm
These restrictions do not prohibit the consumption of alcohol on the premises during the first 20 minutes after the normal closing time. Recorded music may be played throughout the premises without limitation.
- 5 The applicants are applying for a conversion with simultaneous variation. They are seeking to remove the restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 so as to extend the hours for sale of alcohol and to include licensable activities which have not been licensed.
- 6 The applicants have applied for a licence for the following activities during the following hours:-
 - a. films consisting of video entertainment on television screens and amusement machines and indoor sporting events whether by way of any advertisement or spontaneously:

Mondays	10am to 12 midnight
Tuesdays – Thursdays	10am to 12.30am
Fridays – Saturdays	10am to 1.30am
Sundays	10am to 12.30am

An extra hour is sought on Sunday and Monday bank holidays.

- b. live music which will consist of live acoustic or amplified music confined to inside the premises every day of the week from 10am to 11pm.
- c. playing of recorded music consisting of a juke box or karaoke which can involve audience participation will be confined to inside the premises. The hours that are sought for this function are:

Sundays – Thursdays 10am to 12 midnight

Fridays – Saturdays 10am to 1am

An extra hour is sought on Sunday and Monday bank holidays.

- d. For functions that are similar to live or recorded music or the performance of dance the applicants are seeking authority for every day of the week from 10am to 11pm. This could take the form of quiz evenings with or without a compere or the performance of a comedian.
- e. In addition the applicants are applying for the provision of late night refreshment for which they have not held a license previously. This would take the form of providing hot drinks and snacks 30 minutes after ceasing the supply of alcohol. The hours sought are:

Sundays – Thursdays 11pm to 12.30am

Fridays – Saturdays 11pm to 1.30am

An extra hour is sought on Sunday and Monday bank holidays.

- f. The hours sought for the supply of alcohol both on and off the premises are:

Sundays – Thursdays 10am to 12 midnight

Fridays – Saturdays 10am to 1am

For the non standard timings an extra hour is being sought on Sundays and Mondays to 1am when they fall on a Bank Holiday and in addition to 30 other occasions throughout the year at the applicants discretion between the hours of 10am and 1am.

- g. The hours the premises would remain open to the public are:

Sundays – Thursdays 10am to 12.30am

Fridays – Saturdays 10am to 1.30am

This would allow an extra 30 minutes after the termination for the sale of alcohol for what is described by the applicants as a “wind down” period. The premises would not remain open after 1.30am on any day of the year.

- 7 Copies of this application have been served on the statutory bodies which have attracted representations from the Principle Environmental Health Officer. The representations are based on the grounds that a public nuisance may be caused by noise being emitted from the premises.

- 8 The applicant in their operating schedule have indicated that it will take the following steps to promote the prevention of public nuisance licensing objective by indicating that all live music will terminate at 11pm and that all windows will be closed after 10.30pm to minimise any nuisance that could be caused.
- 9 In carrying out its 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
 - The protection of children from harm
- 10 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 11 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
- 12 If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application for the licence is determined
- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to give evidence on behalf of the authority.

Background papers: Representations from Mr R Dorney Environmental Health Officer
 Operating Schedule from applicant
 Plan of Premises
 Location of Premises