

Committee: Licensing Committee
Date: 20 September 2005
Agenda Item No: 2
Title: The Dog and Duck Public House, Stansted
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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; therefore this application has been referred to the Committee for deliberation.

Background

- 2 The Dog and Duck Public House is situated in Lower Street, Stansted, close to the junction with School Lane and currently has a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises.
- 3 The applicants are Greene King Retailing Ltd who own the premises and are acting on behalf of Stephen James Hopkins who currently holds the Justices On Licence.
- 4 The existing Justices Licence permits the sale of intoxicating liquor between the following permitted hours:

Mondays – Saturdays	11.00 am – 11.00 pm.
Sundays	12 midday – 10.30 pm.

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 a 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 the sale of alcohol and to include licensable activities which have not been previously licensed.
- 6 The applicants have applied for a licence in respect of the following activities:

- (a) Live music which will consist of karaoke, solos, duos, small bands on unspecified days and times but up to a maximum of 12 events per annum. For the non standard timings live music is sought for special events, celebrations, calendar nights and theme nights up to 10.00 pm outdoors and 11.30 pm indoors.
- (b) Recorded music which would take the form of a discotheque for indoors only then the application mirrors the non-standard timings as indicated in paragraph (a) above.
- (c) The hours sought for the supply of alcohol both on and off the premises are

Mondays – Thursdays	11.00 am – 12 midnight
Fridays – Saturdays	11.00 am – 1.00 am
Sundays	11.00 am – 11.30 pm.

For the non-standard timings which include Christmas Eve, Christmas Day, Boxing Day, New Year’s Day, Easter Saturday and all other Bank Holidays, the hours sought are 11.00 am to 1.00 am. In addition, where major events of a national or international importance take place then the times sought are 11.00 am to 1.00 am. This also includes events of a sporting nature.

- (d) The hours the premises would remain open to the public are

Mondays – Thursdays	11.00 am – 12.30 am
Fridays – Saturdays	11.00 am – 1.30 am
Sundays	11.00 am – 12 midnight

7 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder.

- Responsible management of the premises
- Proof of identity scheme
- Liaison with other local licencees
- Monitoring customer behaviour when leaving the premises

8 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding public safety:

- Training and supervision of staff regarding safety issues.
- Litter and glass patrols
- Testing and certification of all safety equipment
- Provision of taxi numbers for customers

9 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance: Page 2

- Monitoring volume levels outside the premises
 - Effective ventilation systems to prevent nuisance from odours
 - Regular visits to all parts of the premises
 - Effective methods of dealing with litter and refuse
- 10 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of children from harm.
- No access for children to use the gaming or cigarette machines
 - Children not permitted to the area where alcohol is dispersed
- 11 Copies of this application have been served on the statutory bodies which have attracted representations from the Principal Environmental Health Officer. The Licensing Authority have also received representations from interested parties. These are based on the licensing objective for the prevention of public nuisance and mainly concern noise being emitted from the premises late at night. The premises are situated in a mainly residential area.
- 12 The Principal Environmental Health Officer is seeking the following conditions to be inserted on any licence that may be granted and they are based on the objective relating to the prevention of a public nuisance.
- (a) Conditions are available to control closing of external windows and doors
 - (b) Prevention of music being relayed to outside areas by use of speakers
 - (c) Preventing live or amplified music from being played in the open air
 - (d) Prohibiting the use of the beer garden after a certain time
 - (e) Requirement for a person to monitor outside noise sensitive properties and adjust volume if necessary.
 - (f) The use of an inaudibility clause.
- 13 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
- 14 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.

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 licensee
- Reject the application

16 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 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: Operating Schedule from applicant
 Plan of Premises
 Location of Premises
 Letters from interested parties
 Suggested conditions from Principal Environmental
 Health Officer