

Committee: LICENSING
Date: 27 September 2005
Agenda Item No: 5
Title: THE OLD BELL HOTEL PINES HILL 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 Old Bell Hotel is situated in Pines Hill, Stansted and currently has a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises. In addition the premises has a Supper Hour Certificate which allows the sale of intoxicating liquor after the end of permitted hours provided it is ancillary to a substantial table meal. This allows consumption of intoxicating liquor until one hour after the normal closing time with a 30 minute drinking up period.
- 3 The applicants are Keith Linsell and Ian Alexander Goodall who currently hold the Justices Licence in conjunction with Catherine Elizabeth Boaden. The owners of the premises are Classical Properties Ltd.
- 4 The existing Justices Licence permits the sale of intoxicating liquor between the following hours:-

Monday – Saturdays	11.00 am to 11.00 pm
Sundays	12 midday to 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.

- 5 Private entertainment may be provided throughout the premises without limitation. The Council does not currently control such entertainment in premises with a Justices Licence by virtue of the adoption of the Private Places of Entertainment (Licensing) Act 1967.
- 6 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 the sale of alcohol and to include other forms of licensable activities.

7 The applicants have applied for a licence in respect of the following at the times stated:-

- (a) Live music described as being amplified for both inside and outside the premises. The hours sought are:-
- (b) For recorded music described as background music or a discothèque then the hours sought are:-
- (c) For the performance of dance which will take place indoors only then the hours sought are:-

Sundays – Thursdays 5.00 pm to 12 midnight
Fridays – Saturdays 5.00 pm to 2.00 am

For the non-standard timings then the application is for the whole of December until 2.00 am each night.

- (d) For anything of a similar description to live music, recorded music and performance of dance both inside and outside the premises the hours sought are:-

Sundays – Thursdays 5.00 pm to 12 midnight
Fridays – Saturdays 5.00 pm to 2.00 am

This form of entertainment would comprise of cabaret nights in the restaurant involving comedians and magicians.

- (e) For the provision of facilities for making music consisting of live bands both inside and outside the premises then hours sought are:-

Sundays – Thursdays 5.00 pm to 12 midnight
Fridays – Saturdays 5.00 pm to 2.00 am

- (f) For the provision of facilities for dancing both inside and outside the premises the hours sought are:-

Sundays – Thursdays 5.00 pm to 12 midnight
Fridays – Saturdays 5.00 pm to 2.00 am

For the non-standard timings then the application is for most of December until 2.00 am.

- (g) For the supply of alcohol for consumption either on the premises then the hours sought are:-

Sundays – Thursdays 7.00 am – 12 midnight
Fridays – Saturdays 7.00 am – 3.00 am

For the non-standard timings the application is for the whole of December to be extended to 2.00 am and on Christmas and New Years Eve to 3.00 am

- 8 Copies of this application have been served on the statutory bodies which have attracted no representations. Representations have been received from interested parties on the grounds that a public nuisance may be caused by noise being emitted from the premises, with crime and disorder resulting in the premises remaining open longer.
- 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 crime and disorder
 - 24 hour CCTV
 - 24 hour cover in the form of a night porter
- 10 The applicant in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding public safety
 - Regular staff fire training
 - Daily checks fire doors are closed
 - Fire risk assessment
 - Emergency lighting tested regularly
 - Weekly fire alarm tests
 - Health and safety assessment
- 11 The applicant in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance
 - No loitering signs displayed in car park
 - Notices will be displayed asking customers to respect the neighbours when leaving the premises.
 - The closing of windows and doors at 11pm to limit noise
- 12 The applicant in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the protection of children from harm
 - Children are only permitted if accompanied by an adult
 - No children allowed on premises when special events take place
 - Children not permitted to play on gambling machine
- 13 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

14 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

15 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 be 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
 Location of Premises
 Plan of Premises
 Letters from interested parties