

Committee: Licensing
Date: 27 September 2005
Agenda Item No: 6
Title: Down Hall Hotel, Hatfield Heath
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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 Down Hall Hotel is situated in its own grounds in the parish of Hatfield Heath and currently as a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises.
- 3 The applicants are Veladail Hotel Limited who own the premises and are acting on behalf of Michael Sloan and Mark James Dowson who currently hold the Justices On Licence. In addition the premises have a Residential and Restaurant Licence that allows the sale of intoxicating liquor of all descriptions by retail for consumption on the premises. Furthermore a Children's Certificate has been issued by Harlow Magistrates Court for the Reception Lounge until 9pm each night where persons under 14 may be permitted when accompanied by an adult. This area allows for the consumption of intoxicating liquor and other beverages when meals are provided.
- 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.

- 5 The combined Residential and Restaurant License allows for the sale of intoxicating liquor outside normal permitted hours provided that the premises are bona fide used for reward in respect of board and lodging and in addition substantial meals are provided which intoxicating liquor is ancillary.

- 6 On 1 January 2005 the premises was granted a full Music and Dancing Licence for public entertainment provided that no entertainment takes place between the hours of 12 midnight and 12 midday unless permission is granted by this Council. This licence permits not more than 350 persons to attend any single event. The applicants are seeking to remove the current conditions on this licence and replace them with activities as indicated in the Operating Schedule.
- 7 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.
- 8 The applicants have applied for a licence in respect of the following
- a) Plays for both inside and outside the premises
Mondays – Sundays 9am – 2am

This facility may only be used on an odd occasion if requested by a prospective client.
 - b) Films for both inside and outside the premises

This facility may only be used on an odd occasion if requested by a prospective client.
 - c) Indoor sporting events
Mondays – Sundays 9am – 4am

This facility may only be used on an odd occasion if requested by a prospective client.
 - d) Live music of all descriptions for both inside and outside the premises
Mondays – Sundays 11am – 2am
 - e) Recorded music for both inside and outside the premises
Mondays – Sundays for 24 hours
 - f) Performance of dance for both inside and outside the premises
Mondays – Sundays 9am – 2am

This facility may only be used on an odd occasion if requested by a prospective client.
 - g) Anything of a similar description to that falling in (d), (e) or (f) above for both inside and outside the premises

Mondays – Sundays for 24 hours

This facility may only be used on an odd occasion if requested by a prospective client.

- h) The provision of facilities for making music for both inside and outside the premises

Mondays – Sundays 11am – 2am

- i) The provision of facilities for dancing for both inside and outside the premises

Mondays – Sundays 11am – 2am

- j) The provision of facilities for entertainment of a similar description to that following within (h) or (i) above for both inside and outside the premises

Mondays – Sundays 11am – 2am

- k) Late night refreshment for both inside and outside the premises

Mondays – Sundays 24 hours

This is to cover for room service in addition to the restaurant service at any time of the day or night.

- l) The supply of alcohol for both on and off the premises

Mondays – Sundays for 24 hours

For the non-standard timings the bars will normally close at 1am but the extra hours will allow for 24 hour room service and any additional functions that the premises may hold

- m) The hours the premises are open to the public

Mondays – Sundays for 24 hours

- 9 Copies of this application have been served on the statutory bodies which have attracted representations from the Principle Environmental Health Officer. After an agreement between both parties, the applicants have agreed for the following conditions to be inserted on any licence that may be granted.

- 1. No live or recorded music or amplified speech shall be played or replayed via external speakers to the hotel grounds (including temporary structures such as marquees and tents) other than for events of which prior notice has been given to the Licensing Authority.

2. No other licensable activities shall be carried on within the grounds of the hotel between 23.00 hours and 07.00 hours for the following day
 3. Amplified sound from the Licensed Premises shall be controlled to avoid any nuisance to neighbouring residents.
 4. When events take place in the hotel grounds in temporary structures such as marquees and tents, notices shall be displayed within such temporary structures to remind persons attending such events to leave the hotel grounds quietly and to avoid any nuisance to neighbouring residents.
- 10 Representations have been received from an interested party based on the licensing objective relating to public nuisance. These relate to excessive noise that may result from events taking place at the premises if the current restrictions were removed.
- 11 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
- Close circuit television and management always in attendance
- 12 The applicant in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding public safety
- Appropriate risk assessments in place
- 13 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
- Controls in place to monitor sound emissions
- 14 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 would normally be accompanied by an adult
 - No person under 18 years of age to be served with alcohol
- 15 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

16 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

17 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
 Representations from the Principle
 Environmental Health Officer
 Location of Premises
 Plan of Premises
 Letter from interested party
 Current Music and Dancing Licence
 conditions
 Agreed conditions with the Principle
 Environmental Health Officer