

**Committee:** Licensing  
**Date:** 17 November 2005  
**Agenda Item No:** 2  
**Title:** The Three Colts - Stansted  
**Author:** Murray Hardy (01799) 510598

### Summary

1 This report sets out an application to vary the existing licence that has granted under grandfather rights pre 6 August 2005. Representations have been made to the variation in the operating schedule therefore this application has been referred to the Committee.

2 The Three Colts is situated in Cambridge Road, Stansted and has been granted a conversion of their current licence in accordance with The Licensing Act 2003. This entitles them to all of the benefits and times that were issued under their previous Justices On Licence. This did include the sale of intoxicating liquor between the following permitted hours:

Monday - Saturday	11.00am – 11.00pm.
Sunday	12 midday – 10.30pm

3 The applicants are Newlord Ltd who are acting on behalf of the current licensee, Kevin Coy. They are seeking a variation to the licence that will be issued from 24 November 2005.

4 The operating schedule indicates that they have applied for the following licensable activities.

a) Live music which would consist of groups, duos and solo artists using amplified or non amplified music for inside the premises only.

Monday -Thursday	3.00pm – 11.00pm
Friday - Sunday	3.00pm – 12midnight

For the non-standard timings then an additional hour is sought at night for all of the Saints Days, Good Friday, Easter Saturday and Sunday, Christmas Eve, Boxing Day and on a Saturday and Sunday which precedes a Bank Holiday.

b) For recorded music that is described as being ancillary to the sale of food and drink, the times sought are

Monday - Thursday	12.00 midday – 11.30pm.
Friday - Saturday	12.00 midday – 2.00am
Sunday	12.00 midday – 1.00am

For the non standard timings permission is being sought to mirror that as indicated at paragraph (a) above.

- c) For the provision of facilities making music for indoors only, the times sought are

Monday - Thursday	3.00pm– 11.00pm.
Friday - Sunday	3.00pm – 12 midnight

For the non standard timings permission is being sought to mirror that as indicated at paragraph (a) above.

- d) For the supply of alcohol both on and off the premises the hours sought are

Monday – Tuesday	10.00am – 11.30pm
Wednesday	10.00am – 12 midnight
Thursday	10.00am – 11.30pm
Friday – Sunday	10.00am -- 2.00am

For the non standard timings permission is being sought to mirror that as indicated at paragraph (a) above.

- e) The hours that the premises are to remain open are

Monday – Tuesday	10.00am – 12.00 midnight
Wednesday	10.00am – 12.30am
Friday – Sunday	10.00am – 2.30am

For the non standard timings permission is being sought to mirror the hours that are permitted by the Regulatory Reform (Special Occasions Licensing) Order 2002.

- 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.

- No sales of alcohol to any person who appears to be drunk.
- No disorderly conduct allowed on 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.

- No more than 150 persons on the premises at any one time.
- Fire exit routes to be kept clear at all times.

- 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.

- Windows and doors to be kept closed when music playing

- To communicate with local residents regarding any complaints
  - Notices to be displayed asking customers to leave the premises quietly.
- 10 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the protection of children from harm.
- Empty glasses collected regularly at all times in the garden area.
  - No children are permitted on the premises after 7.00 pm.
  - Other than amusement with prizes there will be no provision of any adult entertainment or services or activities which may give rise to concern for children.
  - All children must be accompanied by an adult.
- 11 Copies of this application have been served on the statutory bodies with representations being received from the Principal Environmental Health Officer. These are based on the licensing objective regarding the prevention of a public nuisance.
- 12 Representations have been received from interested parties based on the licensing objective that relates to the prevention of crime and disorder and the prevention of a public nuisance. It is feared that anti-social behaviour may be the result if the current licensing hours are extended and that excessive noise would result from the live or recorded music coming from the premises.
- 13 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 14 The decision that 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
- 15 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 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 Page 3

- 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 Principal  
                                 Environmental Health Officer  
                                 Plan of Premises  
                                 Location of Premises  
                                 Letters from interested parties