

Committee: Licensing
Date: 7 February 2006
Agenda Item No: 2
Title: The Feathers Public House – Stansted Mountfitchet
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Summary

- 1 This report sets out an application to vary the current premises licence in respect of the above. Representations have been made to this application so therefore this matter has been referred to this Committee for deliberation.
- 2 The Feathers Public House is situated on Cambridge Road, Stansted Mountfitchet near to the junction with Chapel Hill and can be described as being in both a business and residential area of the village.
- 3 On 4 July 2005 the Licensing Authority granted a new premises licence in accordance with the Licensing Act 2003 following an application for a conversion of their existing Justices' Licence and a variation. The current licence permits regulated entertainment and for the sale of alcohol by retail for both on and off the premises.
- 4 The hours granted for these activities were:
 - (a) Performance of live music (indoors only)

Monday – Wednesday	11.00 am – 11.00 pm
Thursday – Saturday	11.00 am – 12.00 midnight
Sunday	12 noon – 10.30 pm
 - (b) Playing of recorded music (indoors only)

Monday – Wednesday	11.00 am – 11.00 pm
Thursday – Saturday	11.00 am – 12.00 midnight
Sunday	12 noon – 10.30 pm
 - (c) Provision of facilities for entertainment of a similar description to that for making music and dancing (Indoors only).

Monday – Wednesday	11.00 am – 11.00 pm
Thursday – Saturday	11.00 am – 12.00 midnight
Sunday	12 noon – 10.30 pm
 - (d) For the sale of alcohol by retail for consumption both on and off the premises:

Monday – Wednesday	11.00 am – 11.00 pm
Thursday – Saturday	11.00 am – 12.00 midnight
Sunday	12 noon – 10.30 pm

(e) The opening hours for the premises

Monday – Wednesday	11.00 am – 11.30 pm
Thursday – Saturday	11.00 am – 12.30 am
Sunday	12 noon – 11.00 pm

- 5 For the non standard timings which are those that relate to Christmas Eve, Boxing Day, Maundy Thursday, the Easter period, May and August Bank Holidays, then one further hour is permitted on all of the above activities.
- 6 When the licence was converted and varied the mandatory conditions regarding the supply of alcohol were included and they are:
- No supply of alcohol at a time when there is no designated premises supervisor or
 - At a time when the designated premises supervisor does not hold a personal licence or that licence is suspended.
- 7 In addition the condition from the under previous legislation which prevented persons under 14 being in a bar of a licensed premises was included under the new licensing regime.
- 9 The applicants for this variation have submitted a new operating schedule which seeks to increase the hours for the current licensable activities. They also seek to extend the hours that the premises are open to the public.
- 10 The revised Operating Schedule now seeks the following:
- (a) Performance of Live Music (Indoors only).
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|---------------------|---------------------------|
| Monday – Wednesday | 11.00 am – 12.00 midnight |
| Thursday – Saturday | 11.00 am – 1.00 am |
| Sunday | 12 noon – 11.30 pm |
- (b) Recorded Music (Indoors only)
- | | |
|---------------------|---------------------------|
| Monday – Wednesday | 11.00 am – 12.00 midnight |
| Thursday – Saturday | 11.00 am – 1.00 am |
| Sunday | 12 noon – 11.30 pm |
- (c) Provision of facilities for entertainment of a similar description to that for making music and dancing (indoors only).
- | | |
|---------------------|---------------------------|
| Monday – Wednesday | 11.00 am – 12.00 midnight |
| Thursday – Saturday | 11.00 am – 1.00 am |
| Sunday | 12 noon – 11.30 pm |

- (d) For the sale of alcohol by retail for consumption both on and off the premises

Monday – Wednesday	11.00 am – 12.00 midnight
Thursday – Saturday	11.00 am – 1.00 am
Sunday	12 noon – 11.30 pm

- (e) The opening hours for the premises

Monday – Wednesday	11.00 am – 12.30 am
Thursday – Saturday	11.00 am – 1.30 am
Sunday	12 noon – 12.00 midnight

- 11 For the non standard timings which are those defined in paragraph 5 of this report then one further hour is sought on all of the activities which is the subject of this variation.
- 12 The operating schedule indicates that there will be no changes to the conditions imposed on granting the licence on 4 July 2005, which are shown on the current licence.
- 13 Copies of this application have been served on the statutory bodies with no representations being received.
- 14 Representations have been received from interested parties based on the licensing objectives that relate to the prevention of crime and disorder and the prevention of a public nuisance. It is feared that additional noise may be created together with the potential for a disturbance if the current licensing hours are extended.
- 15 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
- 16 The decision that the Committee can make for this application is to:
- Grant the application
 - Modify the application by inserting conditions
 - Remove a licensable activity from the application
 - Reject the application

- 17 When determining an application then due regard should be given to the Council's Licensing policy and the Secretary of State's Guidance.
- 18 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 represent the Authority at Court.

Background Papers: Operating Schedule
Representations from the Interested Parties
Plan of premises
Location of premises
Current premises licence