

Committee: Licensing Committee
Date: 17 January 2007
Agenda Item No: 2
Title: Restaurant 1893 – 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. A representation has been made to this application and therefore this matter has been referred to this Committee for deliberation.
- 2 Restaurant 1893 is situated in Lower Street in Stansted Mountfitchet at the junction with Grove Hill and can be described as being both a business and residential area of the village.
- 3 On 1st December 2005 the Licensing Authority granted a premises licence in accordance with the Licensing Act 2003 for Restaurant 1893. This licence permits the playing of recorded music (indoors only) and the sale of alcohol by retail on the premises only.
- 4 The hours granted for both of these activities were:-

Monday to Saturday	12 midday - 4 pm
Monday to Saturday	6.30pm – 12 midnight
Sunday	12 midday – 4pm
- 5 The hours that the premises are permitted to be open are identical to those in the above paragraph.
- 6 The applicant has submitted a new operating schedule which seeks to increase the hours permitted for the current licensable activities. He also seeks to extend the hours that the premises are open to the public.
- 7 The new operating Schedule now seeks the following
 - (a) The playing of recorded music (indoors only).

Monday – Wednesday	12 midday to 12 midnight
Thursday – Saturday	12 midday to 1 am
Sunday	12 midday to 12 midnight
 - (b) Supply of Alcohol (on the premises only)

Monday – Wednesday	12 midday to 12 midnight
Thursday – Saturday	12 midday - 1 am
Sunday	12 midday - 12 midnight

(c) The hours the premises are open to the public.

Monday –Wednesday	12 midday – 12.30 am
Thursday – Saturday	12 midday – 1.30 am
Sunday	12 midday – 12.30 am

8 The operating schedule indicates the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder.

- To check and be vigilant to ensure that no illegal activities are taking place.

9 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding public safety.

- Emergency lighting, fire fighting equipment and fire alarm system installed.

10 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance.

- Customers leaving will be told to leave quietly and to avoid causing a disturbance.

11 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the protection of children from harm.

- Persons under 18 are not served alcohol.
- Identification with a photograph is required where there is any doubt about age.

12 Copies of this application have been served on the statutory bodies with no representations being received.

13 A representation has been received from an interested party 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.

14 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

15 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

16 When determining an application then due regard should be give to the Council's Licensing policy and the Secretary of State's Guidance.

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 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 Party
 Plan of premises
 Location of premises
 Current premises licence