

LICENSING SUB – COMMITTEE

8 November 2005.

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Application to Vary the Premises Licence for:

**The Dog and Crook
18 Church Lane
Brambridge**

Part A. Report *Buff*

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Part A.**1. Application**

Applicant: Kevin Dawkins

Premises: The Dog and Crook

Conversion of the Existing Licence

The conversion of the existing licence was granted under delegated powers on 24 October 2004.

The current permitted hours are;

Monday to Saturday	1000 to 2300
Sunday and Good Friday	1200 to 2230
Christmas Day	1200 to 1500 1900 to 2230
New Year's Eve	1000 to 2300 1 January

The premises also has the benefit of a Supper Hour certificate which allows the sale of alcohol for an additional hour after General Permitted Hours, and during the closed period on Christmas Day, for persons taking a table meal.

The premises do not hold a Public Entertainment Licence.

Application for Variation.

The application is for variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003, to extend the hours when the premises are open to the public, for the sale of alcohol, late night refreshment and regulated entertainment.

Notice of the application was displayed outside of the premises for a period of 28 days until 18 October 2005, and advertised in the Hampshire Chronicle on 30 September 2005.

The hours sought for the Licensable Activities and opening times are set out in the application at Appendix 1.

Designated Premises Supervisor

Kevin Dawkins

Steps to promote the Licensing Objectives

Please see Section Q Appendix 1

Notice of Hearing

Notices of the hearing were sent to all Parties on 19 October 2005.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application and make the following representations:

Director of Communities

The representations from the Director of Communities raise concern about the Public Nuisance objective. He also makes recommendations that the applicant should consider regarding Public Safety.

(Appendix 2.1)

Hampshire Constabulary

The Police representation concerns the proposal for 30 “event days” when the licence holder could extend hours at his discretion.

(Appendix 2.2)

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Director of Development

No representations received.

Head of Safety Standards

No representations received.

3. Interested Parties

1. Mr E Young
2. CP & AC James
3. Mrs M Scappaticci
4. Mr & Mrs K D'Alton – Harrison
5. Mr & Mrs A Marsh

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

1. Grant the application as per the application, or
2. Modify the conditions of the licence by alteration or addition, or
3. Reject the whole or part of the application.

Decisions made under 2 or 3 above must actually be necessary to promote the Licensing Objectives.

Terminal hours.

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations of the Police and the interested parties.

(Licensing Policy 1.6, 2.11, 2.17)

Public Safety

The Sub-Committee should consider any necessary conditions relating to public safety having regard to the operating schedule and the Council's Licensing Policy. It is suggested that any of the recommendations of the Director of Communities which are not included as conditions in the Premises licence should be added as informatives in any event.

(Licensing Policy B3, B4)

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise pollution from the premises and persons leaving the premises having regard to the observations of the Director of Communities and the Interested Parties.

(Licensing Policy Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Operating Schedule and the Council's licensing policy.

(Licensing Policy D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

5. Conditions

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule and the representations:

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:
 - (i) **Sunday to Saturday** **1000 to 0130**
 - (ii) **New Year' Eve** **1000 to 0130 2 January**
2. The hours the premises may be used for the sale of alcohol shall be:
 - (i) **Sunday to Saturday** **1000 to 0100**
 - (ii) **New Year' Eve** **1000 to 0100 2 January**
3. The hours the premises may be used for regulated entertainment shall be:
 - 3.1 Films, Indoor Sporting Events, Recorded Music
 - (i) **Sunday to Saturday** **2300 to 0130**
 - 3.2 Live Music
 - (i) **Monday to Thursday** **1200 to 2300**
 - (ii) **Friday and Saturday** **1200 to 0000**
 - (iii) **Sunday** **1200 to 2200**
 - 3.3 Other Entertainment (Amplified Voice)
 - (i) **Sunday to Saturday** **1000 to 0000**

4. The hours the premises may be used the provision of late night refreshment shall be:
 - (i) **Sunday to Saturday** **2300 to 0130**
5. ***The above hours may be extended on up to 12 occasions per calendar year subject to the Licensee serving at least ten working days' notice on the Police and the licensing authority. If the Police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.***

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. All staff shall be trained in the requirements of the Licensing Act 2003 as part of their induction.

Public Safety

1. The maximum number of persons permitted on the premises for function bookings shall not exceed 100.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall be kept closed, except for access and egress, whilst the premises are in use for the purposes of regulated entertainment.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

1. The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

6. Other Considerations**Corporate Strategy (Relevance To:)**

This report covers issues which affect the Community safety, Economic Prosperity, and Cultural and Leisure Opportunities of the Corporate Strategy.

Resource Implications

None

Appendices

1. Application by Kevin Dawkins
2. Representations by Responsible Authorities
3. Representations by Interested Parties
4. Map of premises location.