

# REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

**REPORT OF: COMMUNITY SAFETY & LICENSING MANAGER**

**REPORT NO: CSL/006**

**DATE: 27 April 2012**

<b>TITLE:</b>	Application for the variation of a premises licence - Pear Tree, Broad Street, Stamford	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter Engagement and Corporate Services Portfolio holder	
<b>CONTACT OFFICER:</b>	Pam Robinson <a href="mailto:p.robinson@southkesteven.gov.uk">p.robinson@southkesteven.gov.uk</a> Tel: 01476 406138	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and referred to in paragraph (7) below	Full impact assessment Required:
<b>Equality and Diversity</b>	N/A	N/A
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Statement of Licensing Policy 6 January 2011	

## 1. RECOMMENDATIONS

1.1 That the Licensing Committee consider this application (appendix 1) for variation of a premises licence at a premises known as, The Pear Tree, Broad Street, Stamford and the views of the representations made by the police, a responsible authority and interested parties, bearing in mind the four licensing objectives:

The Prevention of Crime and Disorder  
Public Safety  
The Prevention of Public Nuisance  
The Protection of children from harm.

1.2 Where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made representations agree that a hearing is unnecessary

- 1.3 The committee may have regard to the representations and if it considers it appropriate for the promotion of the Licensing objectives;
- (a) Modify the conditions of the licence,
  - (b) Reject the whole or part of the application.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new conditions are added.

- 1.4 The licensing authority should give appropriate weight to;
- (a) The steps that are appropriate to promote the licensing objectives
  - (b) The representations (including supporting information) presented by the parties
  - (c) The guidance issued under section 182 of the licensing Act 2003
  - (d) South Kesteven district Council's Licensing policy

## **2. PURPOSE OF THE REPORT/DECISION REQUIRED**

- 2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a variation of the premise licence under Section 34 of the Licensing Act 2003
- 2.2 The decision required is to establish whether any action is required to promote the four licensing objectives set out in section 1.1 of this report.
- 2.3 If it is felt appropriate to take action, the options listed in section 1.3 are open to the committee.

## **3. DETAILS OF REPORT**

- 3.1 On 5 March 2012, the Licensing Section received an application to vary the hours and conditions on the current premises licence for The Pear Tree, Broad Street, Stamford.
- 3.2 The variation was requested to amend a condition on the licence that states:
- 'No drinking vessel of any description shall be removed from the licensed area, save for disposal by a member of staff or the licensee's own personal use'.
- 3.3 The reason for the request for the variation is because the applicant has been issued with a pavement licence by Lincolnshire County Council and therefore he requires the condition to be amended so that he is able to take advantage of this. The times for the pavement licence are:
- 1100 – 2000 hrs daily.
- 3.4 The applicant also used the opportunity when applying for the variation, to apply for an extension in hours for recorded music, dancing, late night refreshment, sale of alcohol and closing hours.

3.5 The current licensable hours and activities are:

<b>Films:</b> 1000 to 0000 Sunday to Thursday 0800 to 0100 Fridays 1000 to 0100 Saturday	<b>Live music – indoors</b> 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 to 0200 Saturday
<b>Recorded music – Indoors</b> 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 to 0200 Saturday	<b>Dancing – Indoors</b> 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 to 0200 Saturday
<b>Late night refreshment – Indoors</b> 2300 to 0100 Sunday to Thursday 2300 to 0200 Friday & Saturday	<b>Sale of alcohol</b> 1000 to 0100 Sunday to Thursday 0800 to 0200 Friday 1000 – 0200 Saturday  New Year's Eve 1000 to 0230 the following day
<b>Opening hours</b> 1000 to 0130 Sunday to Thursday 0800 to 0230 Friday 1000 to 0230 Saturday	<b>There shall be no admissions/re-admissions to the premises after 2300</b>

3.6 The police made representations against what was applied for and a meeting was held between the applicant and the police on 8 March 2012 in order to see if they could come to some agreement.

3.7 Licensing received an email on 8 March 2012 from both the applicant and the police detailing the agreed changes to the application and these are attached at appendix 2.

3.8 The variations applied for and agreed by both parties are:

<b>Recorded music – indoors</b> 1000 to 0100 Sunday to Thursday 0800 to 0245 Friday 1000 to 0245 Saturday	<b>Dancing – Indoors</b> 1000 to 0100 Sunday to Thursday 0800 to 0245 Friday 1000 to 0245 Saturday
<b>Late night refreshment – Indoors</b> 1000 to 0100 Sunday to Thursday 0800 to 0245 Fridays 1000 to 0245 Saturdays	<b>Alcohol – indoors</b> 1000 to 0100 Sunday to Thursday 0800 to 0245 Fridays 1000 to 0245 Saturdays
<b>Opening hours</b> 1000 to 0100 Sunday to Thursday 0800 to 0315 Friday 1000 to 0315 Saturday  <b>There shall be no admission/re-admission to the premises after 0145</b>	<b>Variation to condition regarding drinking vessels to read:</b> Drinking vessels to be allowed inside the barriered area at the front of the premises as per the terms of the Café Licence between 1100 and 2000 hrs daily. Access to this area is from inside the premises only.

- 3.9 On 30 March 2012 two representations were received from interested parties. They both relate to public nuisance in that they allege they are already being disturbed by noise from the premises. Appendix three refers.
- 3.10 One of the interested parties also requests that, where the applicant has stated that all doors and windows will remain shut during performances of live music, this is extended to include recorded music and the like.
- 3.11 Environmental Protection has received no complaints regarding noise or disturbance from these premises by nearby residents.

#### **4. OTHER OPTIONS CONSIDERED**

N/A

#### **5. RESOURCE IMPLICATIONS**

N/A

#### **6. RISK AND MITIGATION**

N/A

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

N/A

#### **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s.17 of the Crime and Disorder Act 1998

#### **9. COMMENTS OF FINANCIAL SERVICES**

- 9.1 There are no specific financial comments to make in respect of this report

#### **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

This is an application to vary a premises licence under S34 of the Licensing Act 2003. The Committee should consider whether the proposed variation is likely to impact on the promotion of the licensing objectives which are set out at paragraph 1.1 above. In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representations (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Council's own statement of licensing policy.

**11. COMMENTS OF OTHER RELEVANT SERVICES**

N/A

**12. APPENDICES:**

1. Application.
2. Emails from police and applicant.
3. Representations from interested parties.
4. Map of area.