

REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Mark Jones, Service Manager, Community Safety & Licensing

REPORT NO: CSL 033

DATE: 2 August 2013

TITLE:	Review of a Premises Licence, William Cecil Hotel, 36-38 High Street St Martins, Stamford.	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith Healthy Environment Portfolio Holder	
CONTACT OFFICER:	Pam Robinson, Senior Licensing Officer 01476 406138 p.robinson@southesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below N/A	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Statement of Licensing Policy 6 January 2011. http://www.southkesteven.gov.uk/index.aspx?articleid=2955 Guidance issued under Section 182 of the Licensing Act 2003. http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary	

1. RECOMMENDATIONS

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee (“the Committee”) consider the application for a review of the premises licence relating to a premises known as The William Cecil Hotel, High Street St Martins, Stamford and determine either to:
- a. modify the conditions of the licence;
 - b. exclude a licensable activity from the licence;
 - c. remove the designated premises supervisor;
 - d. suspend the licence for a period not exceeding 3 months; or
 - e. revoke the licence.

If the Committee decides that none of the above steps are necessary then it need take no action.

2. PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a review of the premise licence under Section 51 of the Licensing Act 2003 (‘the Act’).
- 2.2 Where a relevant application for a review is received, the Licensing Authority must hold a hearing to determine the application. The options available to the Committee are as detailed at item 1 of this report.

The guidance issued under Section 182 of the Act is:

“In deciding which of these powers to invoke, it is expected that licensing authorities should, so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.”
(Paragraph 11.20 at page 78 of the Guidance Issued under S182 of the Act.)

- 2.3 The Committee should therefore take a stepped approach to the problem and the Committee should assess the evidence to seek to understand the cause of the problem and focus their powers accordingly.

3. DETAILS OF REPORT

- 3.1 Environmental Protection, one of the Responsible Authorities under the Licensing Act 2003, submitted an application on 10 June 2013 to review the premises licence for the William Cecil Hotel, Stamford. (Appendix 1)
- 3.2 The grounds for review are under the licensing objective of:
- Public Nuisance
- 3.3 At a hearing held on 17 March 2006, conditions were placed on the licence that noise levels for the marquee should not exceed 85 decibels and that the licence holder shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.

Written records of the assessments will be kept and include the time and date of the checks, the person making them and the results, including any remedial action. Please see appendix 2 for the minutes of that hearing.

3.4 The William Cecil Hotel (formerly Lady Anne's Hotel) is situated on the outskirts of town on the Southside of Stamford. The premise holds a licence for the following activities:

- Live music
- Recorded music
- Performance of dance
- Making music
- Dancing
- Late night refreshment
- Sale of alcohol

3.5 The times for the licensable activities are: (Please see appendix 3 for full details of the licence.)

Live Music, Recorded Music and Sale of Alcohol

Cecil, Greco, Warrior and Exeter areas:

1100 – 2400 Sunday to Wednesday
1100 – 0100 Thursday to Saturday

Seasonal variations: An ending time of 0100 for the whole month of December and for the period 1st to 15th January.

Marquee:

1100 – 2400 Sunday to Saturday

Seasonal variations: None

Performance of dance:

1100 – 2300 Monday to Sunday

Making music, and dancing

Cecil, Greco, Warrior and Exeter areas:

1700 – 2400 Sunday to Wednesday
1700 – 0100 Thursday to Saturday

Seasonal variations: An ending time of 0100 for the whole month of December and for the period 1st to 15th January.

Marquee

1700 – 2400 Sunday to Saturday

Seasonal variations: None

Late Night Refreshment

Cecil, Greco, Warrior and Exeter areas:

2300 – 0030 Sunday to Wednesday

2300 – 0130 Thursday to Saturday

Seasonal variations: An ending time of 0100 for the whole month of December and for the period 1st to 15th January

Marquee

2300 – 2400 Sunday to Saturday

Seasonal variations: None

- 3.6 Since August 2011, Environmental Protection has received 15 complaints of loud music and noise from the guests at functions within the marquee.
- 3.6.1 The marquee is a permanent structure but did not have planning permission. A retrospective planning application was requested by the authority's Planning Department.
- 3.6.2 The main complainants are the students of the adjacent boarding school however, local residents have also complained.
- 3.6.3 Investigations by Environmental Protection have revealed the music from the marquee was loud and intrusive and a noise abatement notice was served on 11 October 2011.
- 3.6.4 In response to the noise complaints, the William Cecil installed a directional sound system in the marquee on 3 January 2012. The system was inspected by Environmental Protection and a noise limit was agreed. Sound tests proved that the music played through this system would not breach the abatement notice.
- 3.6.5 Six months later, further noise complaints coming from the marquee were received and further monitoring identified that the music and guests attending events in the marquee were both loud and intrusive.
- 3.6.6 On 5 November 2012 a meeting was held with The William Cecil management, Planning Officers and Environmental Protection to discuss the outstanding planning permission and the noise nuisance identified from recent monitoring. A recording of an event held on 6 October 2012 can be played for the Committee if they so wish.
- 3.6.7 Because the last abatement notice was served more than 12 months previously, a further noise abatement notice was served on the William Cecil on 9 November 2012. Environmental Protection recommended that the marquee should not be granted planning permission for events incorporating music and late night entertainment.

- 3.6.8 Further on-site monitoring on 24 November and a joint monitoring exercise with the William Cecil noise consultant on 4 January 2013, identified that music from the marquee was acceptable but the noise from guests was loud and intrusive.
- 3.6.9 Planning permission was finally refused but an appeal against this refusal has been lodged on 1 May 2013.
- 3.6.10 Since the refusal of planning permission, noise complaints have been received on six further occasions.
- 3.6.11 Please refer to appendix one for the full details of the review and testimonies from boarders.

4. OTHER OPTIONS CONSIDERED

There are no other options available.

5. RESOURCE IMPLICATIONS

There are no resource implications associated with this report

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls

7. ISSUES ARISING FROM IMPACT ANALYSIS

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 implications associated with this report however in the event of an applicant making an appeal against a decision which was then subsequently upheld, the council may occur additional legal costs

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Act provides a procedure whereby a premises licence can be reviewed at any time on the application of an interested party or a responsible authority. On receipt of an application for review of a licence, the Council are obliged to hold a hearing to consider the application within 28 days of receipt of the application.

The Committee should consider the Guidance issued under S182 of the Act and the Council's own statement of licensing policy when considering if the application merits evidence that the licensing objectives are being undermined or not.

The licensing objectives are:

- Prevention of Crime & Disorder
- Public Safety
- Public Nuisance
- Protection of Children from harm

Any decision taken by the Committee should be reasonable and proportionate and must be appropriate for the promotion of the licensing objectives. The decision of the committee should be no more than a proportionate response to the concerns raised.

11. COMMENTS OF OTHER RELEVANT SERVICES

Justin Johnson, Principal Planning Officer of the Council has submitted a background of the history regarding planning permission of the marquee and this can be read in full at appendix 4.

12. APPENDICES:

1. Application for review of premises licence.
2. Minutes of hearing held on 17 March 2006.
3. Copy of premises licence.
4. Comments of Planning