

**LICENSING ACT 2003
APPLICATION TO VARY A PREMISES LICENCE
NELSONS HEAD 7 MERRYLAND ST IVES PE27 5ED
(Report by Head of Legal and Democratic Services)**

1. INTRODUCTION

- 1.1 To consider and determine this application for a variation to the premises licence for the Nelsons Head, taking into account the policy considerations detailed in paragraph 2 of the report and the representations detailed in paragraph 5.
- 1.2 Greene King Retailing Limited, the Premises Licence Holder is seeking to vary the licence as follows:

Activity	Existing Licence	Proposed Variation
Live Music (indoors)	Weds 20:00 – 23:00, Suns 14:00 – 20:00	Monday – Sunday 11:00 – 23:00
Recorded Music (indoors)	Mon – Sat 11:00 – 23:00, Sun 12:00 – 22:30	Monday - Sunday 11:00 – 23:00
Late Night Refreshment	Not currently Licensed	Thurs 23:00 – 23:30 Fri & Sat 23:00 – 00:00. 00:00 on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday, any other Bank Holidays, the Thursday before Good Friday and Sundays before Bank Holidays
Supply of Alcohol	Mon Tues Wed 11:00 – 23:00 Thurs 11:00 – 23:30 Fri & Sat – 11:00 – 00:00 Sun 11:00 – 23:00	Mon Tues Wed 08:00 – 23:00 Thurs 08:00 – 23:30 Fri & Sat – 08:00 – 00:00 Sun 08:00 – 23:00
Opening Hours	Mon Tues Wed 11:00 – 23:30 Thurs 11:00 – 00:00 Fri & Sat 11:00 – 00:30 Sun 11:00 – 23:30	Mon Tues Wed 08:00 – 23:30 Thurs 08:00 – 00:00 Fri & Sat 08:00 – 00:30 Sun 08:00 – 23:30

- 1.3 A copy of the application and plan are attached at Appendix A.

2. GENERAL DUTY/ POLICY CONSIDERATIONS

- 2.1 The Sub-Committee's is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

2.2 The licensing authority must also have regard to –

- (a) its statement of licensing policy, and
- (b) any statutory guidance issued under Section 182 of the Licensing Act 2003.

3. BACKGROUND

3.1 The Nelsons Head is a public house consisting of one bar, an outside patio area and garden. Prior to the Licensing Act 2003, the PH held a Justices' on licence and public entertainment licence. The licences were transferred and varied to a Premises Licence under grandfather rights in 2005.

3.2 This variation application is seeking the sale of alcohol and opening from 08:00 Monday to Sunday (previously 11:00), live and recorded music from 11:00 until 23:00 Monday to Sunday (previously live: Wed 20:00 until 23:00 and Sun 14:00 until 20:00, recorded: Mon-Sat 11:00 until 23:00, Sun 12:00 until 22:30) and late night refreshment from 23:00 until 23:30 on Thursdays and 23:00 until 00:00 on Fridays, Saturdays and specific stated non standard dates (new request). All other hours, licensable activities and conditions remain unchanged.

4. LICENSING OBJECTIVES ADDRESSED BY THE APPLICANT

4.1 The operating schedule submitted by the applicant in Part M of the application addresses the four licensing objectives. Paragraphs 8.34-8.41 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The applicant has proposed no additional steps in support of the licensing objectives for the variation. The existing conditions on the licence will continue to apply. Conditions attached to the premises licence should be appropriate, proportionate and justifiable in meeting the licensing objectives, be readily understood and enforceable.

4.2 Following negotiations between the applicant and Environmental Health, it was agreed by both parties that two conditions be added to the licence as follows:

- All windows and doors to be kept closed during any performance of live or recorded music inside the premises.
- Recorded and live music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

5. REPRESENTATIONS

5.1 During the period for the receipt of representations, successful negotiations took place between the applicant and Environmental Health and as a result, no representations were received from the Responsible Authorities.

5.2 One representation has been received by the licensing authority from other persons. The representation is attached in its entirety. Not all matters raised

within the representations may be relevant matters for consideration under the Licensing Act 2003.

- 5.3 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

6. ACTION BY THE LICENSING AUTHORITY

- 6.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

7. OPTIONS

- 7.1 Having regard to the representations and supporting documentation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such steps as it considers necessary for the promotion of the licensing objectives. The steps are to modify the conditions of the licence or to reject the whole or part of the application. Conditions are modified if they are altered, omitted or any new condition added (Licensing Act 2003 section 35(4)).

8. RECOMMENDATION

- 8.1 That Members determine the application on its individual merits.

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

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