

**LICENSING ACT 2003
APPLICATION TO VARY A PREMISES LICENCE
THE PRIORY, 7-9 MARKET SQUARE, ST NEOTS, PE19 2AR
(Report by the Head of Community)**

1. INTRODUCTION

- 1.1 To consider and determine this application for a variation to the premises licence for The Priory, taking into account the policy considerations detailed in paragraph 2 of the report and the representations detailed in paragraph 5.
- 1.2 John Gaunt & Partners, solicitors acting for Marston's PLC the Premises Licence Holder is seeking to vary the licence as follows:

Films, Sporting events, Live music, Recorded Music, Performance of Dance (indoors) Supply of alcohol (on and off the premises)

Mon – Wed	10:00 to 00:00
Thur	10:00 to 02:00
Fri & Sat	10:00 to 03:00 (previously 02:00)
Sun	11:00 to 00:00

Late night refreshment (indoors)

Sun – Wed	23:00 to 00:00
Thur	23:00 to 02:00
Fri & Sat	23:00 to 03:00 (previously 02:00)

Hours the premises are open to the public

Mon – Wed	10:00 to 00:30
Thur	10:00 to 02:30
Fri & Sat	10:00 to 03:30 (previously 02:30)
Sun	11:00 to 00:30

- 1.3 A copy of the application is 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 Priory is a public house consisting of one main bar. Prior to the Licensing Act 2003, the PH held a Justices' on licence, a special hour's certificate 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 to extend the hours of licensable activities by one hour on Fridays and Saturdays to 03:00 with closure of the premises 30 minutes thereafter at 03:30. One additional condition is proposed. All other hours, licensable activities, conditions and the layout of the premises 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 8.33-8.41 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The existing conditions on the licence will continue to apply. In addition, the applicant proposes the addition of a further condition as an additional step for the variation in support of the licensing objectives.

"There shall be no entry or re-entry to the licensed premises after 01:30 save for those frequenting the designated smoking area"

Conditions attached to the premises licence should be appropriate, proportionate and justifiable in meeting the licensing objectives, be readily understood and enforceable.

5. REPRESENTATIONS

- 5.1 During the period for the receipt of representations, two representations have been received, one from Environmental Health, a Responsible Authority and one from a resident of Priory Lane.
- 5.2 At the time of writing the report, mediation was taking place between the applicant and Environmental Health. Environmental Health, who has made representation under the licensing objective of public nuisance relating to noise, is requesting that:

"should the licence be granted, then within one month of that date, a noise limiting device of a type approved by the Head of Community shall be fitted at the premises. All disco and music amplification equipment used in the premises must only be connected to power sockets controlled by the noise limiting device. The noise limiter shall be set and maintained at a level determined by the Council's Community Health Team. No changes to the operation of the noise limiter shall take place without the approval of the Head of Community"

- 5.3 The representations have been attached in their entirety at Appendix B. Not all matters raised within 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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