

**LICENSING ACT 2003
APPLICATION TO VARY A NEW PREMISES LICENCE
THE TAP ROOM, 23 BRIDGE STREET, ST IVES, PE27 5EH
(Report by Head of Community)**

1. INTRODUCTION

1.1 To consider and determine this application for a variation to the existing premises licence HDC/PRE00401 for The Tap Room, 23 Bridge Street, St Ives, PE27 5EH taking into account the policy considerations detailed in paragraph 2 of the report and the representations detailed in paragraph 5.

1.2 Mr Neil Greatorex & Mrs Lianne Greatorex the premises licence holders are seeking to amend their existing premises licence to extend the permitted hours detailed below:

Provision of Recorded Music (Indoors)

Thurs – Sat 08:00 to 02:00 the following morning (currently 01:00)

Supply of alcohol (on the premises) (currently on & off the premises)

Thurs – Sat 08:00 to 02:00 the following morning (currently 01:00)

The application also includes seasonal variations to allow the these activities to take place on Christmas Eve, New Years' Eve, and on the Sunday immediately preceding a Bank Holiday Monday 08:00 to 02:00 the following morning (currently 01:00)

Hours premises are open to the public

Thurs – Sat 08:00 to 02:30 the following morning (currently 01:30)

The application also includes seasonal variations to allow the premises to be open to the public on Christmas Eve, New Years' Eve, and on the Sunday immediately preceding a Bank Holiday Monday 08:00 to 02:30 the following morning (currently 01:30)

All other activities and times to remain as currently permitted by the Premises Licence.

1.3 A copy of the application is attached as Appendix A.

1.4 A copy of the existing premises licence and plan is attached as Appendix B

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 Premises Licence was first issued in 2005 when the Justices Licence was converted to a Premises Licence and varied to extend the hours. This application went before committee on 25th August 2005, where it was granted with additional conditions, as shown in Annex 3 of the existing premises licence.

3.2 The Licence then was varied in 2015 to include the rear garden and external bar area within the licenced area. At this time no changes were made to times or activities. The application did not receive any representations and was granted as applied for.

4. LICENSING OBJECTIVES ADDRESSED BY THE APPLICANT

4.1 This application does not propose to remove any of the conditions currently imposed on the premises licence. The operating schedule submitted by the applicant in Section 16 of the application addresses the four licensing objectives. Paragraphs 8.38-8.46 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The applicant has proposed additional measures in support of the licensing objectives, including the use of a Challenge 25 policy, and staff training which includes drug and alcohol awareness and conflict management. Proposals made are normally translated directly into conditions that will be attached to the premises licence. In addition, following discussions with Environmental Health, the applicant has agreed to include the additional conditions (below) on the operating schedule. This correspondence can be seen at Appendix C

- All windows and doors to be kept closed during any performance of recorded music inside the premises.
- The music noise level (MNL), measured as a 15 minute L(A)eq, 1 metre from the façade of noise sensitive properties, or within noise sensitive rooms with doors and windows open in a typical manner for ventilation, shall not exceed the representative background level L₉₀ (without entertainment noise). And, The L₁₀ of the entertainment noise measured over 15 minute period 1 metre from the façade of noise sensitive properties, or within noise sensitive rooms with windows open in a typical manner for ventilation, shall not exceed the representative background noise level L₉₀ (without entertainment noise), in any third octave band between 40 Hz and 160Hz.
- For events continuing after 23:00, the 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, no representations were received from the Responsible Authorities. Six representations were received by the licensing authority from 'other persons'. The representations have been attached in their entirety as Appendix D. Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.
- 5.2 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 to promote 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 appropriate 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.

Contact Officer: Sarah Mardon, Licensing Officer
☎ 01480 387075