

## **7 PUBLIC ENTERTAINMENTS LICENSING VARIATION TO EXTEND THE OPENING HOURS BEYOND THE HOURS SET BY COUNCIL POLICY FOR KING CHARLES II, 13 BROAD STREET, ROSS ON WYE**

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**Report By: Head of Environmental Health and Trading Standards**

#### **Wards Affected:**

Ross on Wye West

#### **Purpose**

1. To consider an application to vary opening hours for an Annual Public Entertainment Licence that requires a finishing time later than the current policies of 23:30.

#### **Legislation – Local Government (Miscellaneous Provisions) Act 1982**

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- (a) Securing the safety of everyone present
- (b) Securing adequate access to the premises in emergencies
- (c) Ensuring adequate sanitary arrangements in the premises and
- (d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- (a) Make the variation specified in the application
- (b) Make such variations as they think fit, including subject to the four categories above.
- (c) Impose terms, conditions or other restrictions other than those specified or

- (d) Refuse the application

## Regulations/Conditions

3. Amongst the various Conditions and Regulation there are specific ones that related to finishing times for events.

Condition 4.1 of the Standard Conditions for Licensing of Premises for Public Entertainment

Premises licensed for public entertainment shall only be opened and used for any of the said purposes on such days and during such hours as the Licensing authority specifies in the schedule to the licence conditions.

The Regulations (standard conditions) of the Council specify the opening times of entertainment establishments as follows

11.00 until 2330 (Monday to Saturday)	In respect of premises that have the benefit of a liquor licence under the Licensing Act 1964
1100 until 2230 (Sundays)	For MUSICAL entertainment only in respect of all types of premises

## Background

4. On the 8<sup>th</sup> April 2003 the Regulatory Committee heard an application from King Charles II to extend their opening hours to 0100 Monday to Sunday. Local residents and businesses made a number of objections. After considering this application the Regulatory Committee granted an opening time of 1200 (midnight) for Friday and Saturdays.
5. On the 29 July the Regulatory Committee heard another application to increase the opening hours to 1 am on Thursday, Friday, Saturday nights and 12.30 on Sunday nights. This decision was deferred for further consultation.

## The Application for Deviation from Policy

6. Andrew Gooding and Paul Neades of King Charles II, Broad Street, Ross on Wye request a variation of the licence conditions to extend the Annual licence opening entertainment hours from:-

Current closing hours	Requested closing hours
Thursdays 11pm	1am
Friday 12pm	1am
Saturdays 12pm	1am
Sundays 10:30pm	12:30am

## Issues

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Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

7. A consultation letter was sent to all the local residents and businesses who had previously made comments and a public notice was placed in the Ross Gazette. Five responses were received from the letters, (appendix 1) and no responses from the Ross Gazette public notice.
8. The Police were consulted and had no objections to the variation of hours.
9. The Fire brigade were consulted and stated:-  
  
The occupier should be reminded that it is their responsibility to ensure that the means of escape, the emergency lighting, fire alarm and fire fighting equipment be maintained in good working order at all times and appropriate records kept.  
  
As a guide it is considered that the maximum number of persons allowed in the premises should be 180.  
  
There should be at least 3 stewards or attendants, who should be instructed as to their duties and available whilst members of the public are on the premises.
10. Environmental Health were consulted and carried out nighttime visits to monitor the noise levels coming from the King Charles II, the findings had not been received at the time this report went to print.

## Options

11.
  - To grant the extended hours
  - To grant the extended hours and impose conditions
  - To refuse the extended hours, or
  - Come to some other conclusion