

8 REVISED POLICY FOR VARIATIONS OF PUBLIC ENTERTAINMENT LICENSES

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

County-wide

Purpose

1. to consider requiring a public notice to be advertised in local newspapers to inform local residents of an application for a variation of an Annual Public Entertainment Licence opening hours beyond the current policy.

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

3. The Act allows the Local Authority to charge a reasonable fee for a Public Entertainment's Licence.

Background

4. Herefordshire Council's Licensing Section is currently receiving a number of variation applications to extend the licence hours beyond the current policy

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

5. The increase in variations are due to the impending Liquor Licensing regime in that the current licensing hours will be issued as grandfather rights under the new legislation. Any variations to extended hours may require an operational plan when the new law comes into force.
6. To provide local residents with the opportunity to make comments on the proposed extended hours, it is proposed the Council issues a public notice in the local newspapers outlining the applicant's variation of hours.
7. With the current fee of £120.00 to submit a variation this would not cover the costs of advertising the public notice.

For Committee to consider

- a) To make council policy, the requirement to advertise to local residents in the local newspaper the requested opening hours of an application to vary an Annual Public Entertainment Licence, where the hours are beyond the current licensing policy.
- b) To require the applicant to pay the cost of such advertising.
- c) Come to some other conclusion.