

PUBLIC ENTERTAINMENT LICENSING APPLICATION TO VARY THE CHRISTMAS EVE 2003 OPENING HOURS FOR TIME, 100 COMMERCIAL ROAD, HEREFORD. BEYOND THE HOURS SET BY COUNCIL STANDARD CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Report By: Head of Environmental Health And Trading Standards

Wards Affected:

Hereford Central Ward

Purpose

1. To consider an application to vary opening hours of Time, 100 Commercial Road, Hereford on Christmas Eve 2003 from the current licensing Standard Conditions of midnight Christmas eve to 2:00am Christmas morning 2003

Background

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

Conditions

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

Condition 4.2 of the Standard Conditions for Licensing of Premises for Public Entertainment.

- 4.2 Premises licences for Public Entertainment shall not be opened and used, for any of the said purposes, from midnight on Christmas Eve to midnight on Christmas Day.

The application for deviation from policy

4. Jeremy Wilkinson, Debra Wilkinson and Neville Leese of Time nightclub, 100 Commercial Road, Hereford request a variation of the licence condition to extend the opening entertainment hours from Midnight to 0200.

History

5. last year the Regulatory Committee considered extending the Public Entertainment Licensing opening hours for Christmas Eve from midnight to 01:00am on Christmas morning, Wednesday 25th December 2002.

The Regulatory Committee resolved that the Head of Environmental Health and Trading Standards be authorised to vary the hours of Public Entertainment Licenses to permit a closing time of 01:00 on Christmas day 2002, subject to any planning conditions which existed in respect of the opening hours of such premises. The Council would review this decision in the future

6. An application to extend the opening hours for Christmas Eve was heard by the Council from Time and a licence to permit entertainment until 01:00am Christmas morning was issued. The Head of Environmental Health and Trading Standards issued a licence permitting time to remain open until 01:00am Christmas morning Wednesday 25th December 2002.

Issues

7. The police have been consulted and state:

There are no objections to the application to vary the Public Entertainment Licence for 24th December 2003. The reasoning behind this is that in previous years the Magistrates have granted extensions, and they have not caused any problems. As you are aware all the pubs are open until 23:45 and those clubs that open are only open until 23:59. This does not give any dispersal time between the clubs and pubs. From a police point of view we want and require this dispersal time between the clubs and pubs.

8. The Fire brigade have been consulted and have no objections
9. Environmental Health have been consulted and make the following comments:

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

Although there are no recorded complaints about disturbance to neighbours, I would express concerns about this application as there are residential premises directly opposite to this club and would suggest that the hours are restricted to those allowed in previous years

Special Hours Certificate

10. Hereford Magistrates has received an application and issued a liquor licence for extended hours up to 02:00am on Christmas morning, Thursday 25th December 2003.

Options

10. It is for the Regulatory Committee to decide

Grant the extended hours

Grant the extended hours and impose conditions

To refuse the extended hours

To come to some other conclusion