

**PUBLIC ENTERTAINMENT LICENSING VARIATION TO
EXTEND THE OPENING HOURS BEYOND THE HOURS SET
BY COUNCIL STANDARD CONDITIONS FOR HOPE AND
ANCHOR, ROPE WALK, ROSS ON WYE HR9 7BU**

**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 standard conditions of 23:30.

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. Ben Nelsey of the Hope and Anchor, Rope Walk, Ross on Wye requests a variation of the licence conditions to extend the Annual Public Entertainment Licence opening entertainment hours from 23:30pm to 02:00am on Thursday's, Friday's, Saturday's and bank Holidays

Issues

5. The police have been consulted and made the following comments:

I have concerns about the PEL application and would make formal objections to any liquor licensing application to obtain a section 77 late night liquor licence, which they would need.

The Hope and Anchor and conservatory are the same premise. The conservatory is like a large garage that has been converted into a function room. They have two separate liquor licences, with the same licensee. The Hope and Anchor is a pub, with a food trade etc and would not qualify for a late liquor licence.

The conservatory is used as a function room at this time is hired out for private parties, they have had 12 functions this year and have applications in for 4 more which will be granted. Because they are private function they do not need the PEL and because they qualify for Special orders of Exemptions (Extensions) they can have the extensions. I have no records or evidence of disorder associated with these extensions or with the pub in general. Yes they have the odd problem but in general the premise is well run.

If they are granted a late PEL they will have to apply to the magistrates for a Sec 77 late night liquor licence. This is the same as the night clubs have and that the King Charles II in Broad St has.

I have some concerns about two aspects of the PEL, one is the noise that will be made when people leave the premise late at night. The applications to open until 0200 with a maximum of 190 people. When they leave they will either drive or if they intend to use taxi etc they will have to walk back into town, via the steps to Wye St, This is directly past residential properties. Whilst I have no evidence of excess noise it is likely that it will happen. Unlike say the king Charles which at least empties on to

the main shopping and through road. Yes there are residential properties in Broad St, but I would suggest it is not the same.

My second concern is again noise related. If this is granted it will mean music and other entertainment in the premise. It has large patio type window and single glazing and no noise control measures in place. I don't know what the noise levels will be but, I see no measures in place to control or restrict the noise levels. The premise has been subject of noise complaints to the police in August this year. These are my concerns over the PEL, but are areas best left to your expertise.

The liquor licence

If this PEL is granted it will be followed by the liquor licence application to get the liquor licence the court must be satisfied that the provision of alcohols ancillary to music entertainment and food. So they must have the music late into the night i.e. until 0200. I don't know if they have a kitchen in the conservatory, I don't think so and this area would be another on which I would object. The other thing they would need to be show that the premise is STRUCTURALLY ADAPTED AND BONA FIDA USED OR INTENDED TO BE USED FOR THE PURPOSE OF PROVIDING FOR PERSONS RESORTING TO THE PREMISES MUSIC DANCING AND SUBSTANTIAL REFRESHMENT TO WHICH THE PROVISION OF ALCOHOL IS ANCILLARY. They are in my view not structurally adapted. they have single glazing, no cctv they only have a dance floor and bar. I would have to check but I don't think they have a dj booth.

I would also argue they are not bona fid used for because they have none of the control measure in place. The king Charles which is the obvious comparison had all that in place and had a customer base that was using the premise for exactly that. When you visited there people were eating dancing etc thus qualifying. This is just a private function room, for which he wants a late licence.

6. The Fire brigade have been consulted and have no objections
7. Environmental Health have been consulted and are awaiting the report:
8. A public notice was printed in the Ross gazette awaiting responses

Special conditions

9. Herefordshire Council Environmental Health and Trading Standards Licensing section add special conditions to the standard conditions for night-clubs and like premises, see Appendix 1.

These conditions are based on recommendations from the Police, Fire Brigade and Environmental Health.

Case Law

10. Lidster V Owen [1983] 1 W.L.R. 516 – considerations which are external to the premises as well as those internal to the premises can be taken into account.

Options

It is for the Regulatory Committee to decide

To grant the extended hours

To grant the extended hours and impose conditions

To refuse the extended hours

To come to some other conclusion

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