

COMMITTEE	LICENSING AND SAFETY COMMITTEE
DATE	19 JULY 2002
TITLE OF REPORT	APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE, ROYAL FUNCTION ROOMS, 12 STAR HILL, ROCHESTER
RESPONSIBLE OFFICER	Chris Webb, Licensing co-ordinator

1. INTRODUCTION

- 1.1 The purpose of this report is to ask the licensing and safety committee to determine the application for the renewal of the existing public entertainment licence in respect of the Royal Function Rooms, 12 Star Hill, Rochester.

2. PROCEDURE

- 2.1 The previously agreed procedure for the hearing is attached at Appendix A.

3. RECOMMENDATION

- 3.1 That the application be considered and determined by the committee.

4. BACKGROUND

- 4.1 The premises currently holds a public entertainment licence for music, singing and dancing, allowing hours of operation 11.00am-2.00am Monday –Saturday (inclusive) and noon to 10.30pm on Sundays (music and singing only). A copy of the licence, and location plan is attached at Appendix B. A copy of the premises plan will be on display at the meeting. The premises has held a public entertainment licence continuously since 4 November 1999.
- 4.2 An application dated 8 November 2001 for the renewal of the public entertainment licence which expired on 22 November 2001 in respect of the Royal Function Rooms has been received by the Council. A copy of the application is attached at Appendix C. The Committee will note that the licensee wishes to renew the licence on the basis of the current operating hours.
- 4.3 Subsequently an application was received to transfer the licence into the names of Andrew and Mary Barnes. This transfer application has been agreed under officer delegated powers.

- 4.4 The applicant has complied with the application procedures as outlined in the Medway Council (Public Entertainment) Regulations 1998, and the application has been processed in the usual manner by way of external and internal consultation. The results of this consultation are detailed within this report.
- 4.5 The application for the renewal of the public entertainment licence is brought before the committee in the light of the concerns expressed by Council officers and local residents with regard to music noise escape from the premises and late night disturbance when customers are dispersing.

5. COMMENTS OF THE LICENSING CO-ORDINATOR

- 5.1 The committee's attention is drawn to the meeting of the Community and Environment Services Committee on 9 February 1998 who, in considering public entertainment licensing policy, were mindful of the need to promote the health, safety and welfare of people visiting or involved in licensed public entertainment in the council's area and wherever practical, to minimise the impacts to the immediate neighbourhood of entertainment and entertainment venues. The committee therefore agreed the following policy aim:-

"To promote public safety and welfare in places of public entertainment and to minimise the impact of licensable public entertainments to the local community wherever licensing controls permit and in accordance with licensing legislation and Central Government guidance."

- 5.2 The premises has held a public entertainment licence continuously since 4 November 1999. The Council has previously renewed the licence annually as no problems were identified. However, in February this year the Council began to receive complaints from residents regarding excessive music noise from the premises and late night disturbance on dispersal. Appropriate investigations were then commenced into the complaints. The committee's attention is therefore drawn to paragraph 6 which refers to objections received and the comments of the Council's environmental protection team.
- 5.3 In the circumstances, the Committee need to balance the impact of the current operating hours of the Royal Function Rooms on local residents against the business needs of the licensee.

6. OBJECTIONS AND CONSULTEES COMMENTS

- 6.1 The Council has received 6 letters of objection from local residents together with a petition signed by 17 residents of Gravel Walk which are attached at Appendix D. for the committee's consideration. The committee will note that the objections relate to unacceptable levels of music noise from the premises when entertainment is in progress and

disturbance resulting from the function rooms when customers are leaving in the early hours of the morning. For the committee's information at Appendix E is a plan showing the application site and the residential properties from whom objections have been received.

6.2 The Council's environmental protection team comment that:

Condition 17 of the Medway Council (Public Entertainment) Regulations 1998 relates to the control of noise. The condition states that noise should not cause undue disturbance from either the premises or by persons arriving and leaving the premises. Complaints of music noise causing disturbance until 02.00 hours have been received intermittently since February this year. After dialogue with the current licence holder, a noise abatement notice was served on 31st May. Subsequent visits and noise monitoring have established that music noise continues to cause disturbance in the locality for the duration of music events on a regular basis, thereby contravening condition 17. Recent monitoring has indicated that disturbance, particularly bass beat, is ongoing and could amount to a statutory nuisance. Monitoring is continuing in this regard.

6.3 The police have commented as follows:-

Introduction

Police endeavour to balance between business progression, public safety and residents rights to a peaceful life.

The Management of the Premises

The day to day running of these premises is operated by managers and not the licensees and therefore, I cannot comment as to their operational experience. It is not evident that door supervisors are employed at these premises.

These premises do not have any disorder problems in relation to calls received for police assistance.

Complaints

Since the premises opened, police have received one complaint regarding noise levels at the premises.

Dispersal Concerns

Dispersal of persons leaving licensed premises has become a serious concern over the last years. It is apparent from other late night venues that there is a persisting problem in getting persons to leave an area quietly.

Star Hill Rochester is a very busy road. This location has 2 licensed premises, a late night takeaway (attracts a number of persons dispersing from Rochester High Street) and is the main route for the bus service.

Conclusion

Police have no objection in principle to the premises holding a public entertainment licence.”

7. SUPPORTING STATEMENT BY APPLICANT

- 7.1 A supporting statement has been received from the applicant which is attached at Appendix F for the committee’s consideration. Copies of the photographs referred to on page 5 of the statement are appended as the last document to Appendix F. The originals will be on display at the meeting.

8. LEGAL IMPLICATIONS

- 8.1 The Local Government (Miscellaneous Provisions) Act 1982 requires all public entertainments to be licensed by the local authority and compliance with the terms of that licence which may be granted subject to conditions.

Conditions relating to matters such as hours of operation, noise levels, fire precautions, sanitation and conditions imposed to avoid nuisance to the occupiers of nearby properties are lawful.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The committee’s attention is drawn to the assessment detailed at Appendix G

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications from Medway Council concerning this matter at present. However, should any appeal be lodged, there may be costs associated with this process. Legal advice will be given to Members as appropriate at the meeting.

11. CONCLUSION

- 11.1 The committee is asked to consider and determine the application for the renewal of the public entertainment licence in respect of the Royal Function Rooms.

12. BACKGROUND PAPERS

1. Local Government (Miscellaneous Provisions) Act 1982
2. Application documents on file
3. Current licence (see Appendix B to report)
4. Application for licence renewal (see Appendix C to report).
5. Letters of objection (see Appendix D to report)
6. Supporting statement from applicant (see Appendix F to report)

Available from Chris Webb, licensing co-ordinator
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Licensing and Safety Committee 19 July 2002
List of Appendices

Appendix A Procedure at hearing
Appendix B Copy of existing licence
Appendix C Renewal Application
Appendix D 6 letters of objection from residents
Appendix E Site plan
Appendix F Copies of photographs referred to on page 5 of the report
Appendix G Human Rights Assessment

Copies of the above appendices are available for inspection in the council office – contact Barbara Bates ext 2013