

COMMITTEE	LICENSING AND SAFETY COMMITTEE
DATE	28 FEBRUARY 2003
TITLE OF REPORT	APPLICATION FOR VARIATION OF HOURS ON EXISTING PUBLIC ENTERTAINMENT LICENCE THE CRICKETERS, HIGH STREET ,RAINHAM
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 a variation of hours of the existing public entertainment licence in respect of the Cricketers public house, 88 High Street , Rainham.

2. PROCEDURE

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

3. DECISION ISSUES

- 3.1 The committee has delegated powers to determine this matter

4. RECOMMENDATION

- 4.1 That the application for a variation of hours on the existing public entertainment licence in respect of the Cricketers public house be considered and determined by the committee.

5. BACKGROUND

- 5.1 Currently the Cricketers public house, High Street, Rainham has an existing public entertainment licence with hours of operation from noon to 11pm Mondays to Saturdays and noon to 10.30pm on Sundays. This licence has been in force since 8 February 2001. A copy of the licence is attached at Appendix B. The committee is asked to note that in connection with the annual renewal of this licence that the fire brigade has recently agreed an increase in maximum occupancy to 360 in the main bar areas following a refurbishment and extension to the premises. A plan of the premises will be displayed at the meeting.
- 5.2 An application dated 26 November 2002 for the variation of the existing public entertainment licence has been received by the council. This variation application seeks to extend the existing operating hours on Thursdays until midnight and on Fridays and Saturdays until 01.00am

the following morning. A copy of the application and location plan is attached at Appendix C.

- 5.3 The applicant has complied with the application procedures including giving public notice as outlined in the Medway Council (Public Entertainment) Regulations 1998 and the application has been processed in the usual manner by way of internal and external consultation. The results of this consultation are detailed within this report.
- 5.4 This application for variation of the existing public entertainment licence is brought before the committee in the light of the comments expressed by the public, consultees and Council officers in the report and the potential for increasing problems of late night disturbance and anti-social behaviour in the area should an extension of hours be approved.

6. **COMMENTS OF THE LICENSING CO-ORDINATOR**

- 6.1 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.”
- 6.2 If the extended hours of operation applied for were granted, the risk of increased noise nuisance, disturbance and anti-social behaviour from customers dispersing from the premises onto adjoining streets later than the current hours (i.e.; 11pm closing time) must be taken into consideration as a key factor on this application.
- 6.3 Following receipt of the variation application, monitoring of the current public entertainment licence has taken place with regard to assessing current late night disturbance and anti social behaviour from customers leaving the premises. The following observation report is submitted for consideration by the committee:-

Date	Time	Observations
Friday 20 December 2002	11pm-midnight	Noisy dispersal-intoxicated customers dispersing on foot to the car park at the rear and towards High Street and Station Road, Rainham
Saturday 21 December 2002	11pm-12.15am	As for 20/12/02-some customers seen heading towards residential properties at Gatekeepers Chase towards rear of premises
Saturday 28 December 2002	11.15pm-midnight	Noisy dispersal-much shouting and swearing. One customer urinating at side of the Cricketers. Two customers exited the premises and one vomited in the car park to the rear of the premises
Friday 24 January 2003	11pm-12.15am	Very slow dispersal from premises, much shouting and swearing. Approximately 6 customers dispersing noisily towards Church Mews. One of the 6 was clearly intoxicated and being carried by his friends.
Saturday 1 February 2003	11.15pm-midnight	Slightly quieter dispersal than previously but one customer urinating in the adjacent graveyard and one customer vomiting on the pathway leading to Gate Keepers Chase.
Friday 7 February 2003	11.15pm-11.45pm	Very noisy dispersal and general anti-social behaviour.

6.4 It is also worth noting that on each of the above monitoring sessions, the licensing co-ordinator also stood in Gate Keepers Chase, Church Mews and Orchard Street. Dispersal noise and disturbance from the

public house could be clearly heard at all times. Door supervisors appeared to be on duty at the premises on each occasion.

Another issue to be considered is that extensions from existing hours of 11pm to 1am tend to then give public houses a night club image, thus attracting customers into the premises after 11pm with even later dispersal resulting. The committee will also note that when operating to its maximum capacity (likely to be Fridays and Saturdays), the premises now has the potential to hold a maximum of 360 people (paragraph 5.1 of the report refers). This represents a large volume of customers who currently disperse between 11-11.30pm. The extension of hours requested therefore has the potential for large numbers of customers moving onto surrounding streets after midnight on Thursdays and 1am on Fridays and Saturdays.

In the light of the above observations, the licensing co-ordinator is concerned that any extension to the current hours on the public entertainment has real potential for extending disturbance and anti-social behaviour from customers leaving the premises to even later hours. In view of the location of residential properties in relation to the public house, noise nuisance would disturb residents living nearby.

7. OBJECTIONS AND CONSULTEES COMMENTS

- 7.1 The council has currently received 16 letters of objection from local residents to the variation of hours application, which are attached for the committee's consideration at Appendix D. The objections can be summarised as follows:-
- (a) Unacceptable levels of noise, both from music levels from the premises and at dispersal time occurs currently. This would cause even more disturbance to residents if later hours were granted;
 - (b) Adjoining residential roads are currently used by the Cricketers customers. They would return to their vehicles even later if an extension of hours was granted;
 - (c) There is a high level of anti-social behaviour and disturbance from customers leaving the premises;
 - (d) If the variation was granted, the premises would effectively become a "nightclub" on those evenings;
 - (e) There would be even more problems with litter, vandalism and broken bottles in the area; and
 - (f) As the management at this premises have not taken current complaints from local residents into account, how do they propose to manage if later hours are agreed?

A plan showing the location of the objections in relation to the Cricketers is attached at Appendix E.

- 7.2 Any further representations received will be reported and circulated at the committee meeting.

- 7.3 The Council's environmental protection team comment that complaints of music noise from the premises were received in October and December 2002. There have been no further complaints but there is clearly the potential for the venue to give rise to disturbance. In the circumstances, the team could not support the proposed extension to operate beyond 11pm. For the variation application to be considered further, the applicant must demonstrate that compliance with condition 17 (noise) of the Council's public entertainment licence conditions could be achieved in respect of the extended hours requested.
- 7.4 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

Licensees Michael O'Leary and Kevin Milligan have been running these since 1998. These premises operate in a busy area in Rainham Town Centre. During licensing visits to the premises, trade has been extremely busy.

Complaints

Since the application to vary the public entertainment licence, police have received one complaint regarding under age drinking in the premises. This is currently being investigated and the premises monitored.

Dispersal Concerns

As with all town centres, one of the main problems is the dispersal of patrons at the end of the evening, too many people, several of whom are drunk attempting to hail taxis and purchase food from the few fast food outlets.

Noise levels of persons dispersing is a residents nightmare, persons shouting good night and cars starting and leaving the area, are all some of the complaints, that the police and council receive in relation to late night venues.

Staggered times have proven helpful in relation to dispersal. Opposite these premises is another public house with a late licence. The hours requested are similar to those across the road, therefore, with both premises dispersing at the same time, it may increase further calls for crime and disorder.

This area is becoming more sensitive with some serious assaults taking place in and around these premises.

Conclusion

Whilst, the Police have no objection to the premises holding a Public Entertainment Licence, we are concerned as to the late hours extension applied for”.

8. SUBMISSION BY APPLICANT

The applicant’s solicitor will present his client’s case in support of this variation application at the meeting.

9. HUMAN RIGHTS IMPLICATIONS

9.1 The committee’s attention is drawn to the assessment at Appendix F

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications for 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. LEGAL IMPLICATIONS

11.1 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.

12. CONCLUSION

12.1 The committee is asked to consider and determine the application for a variation of hours on the existing public entertainment licence in respect of the Cricketers public house.

13. 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 variation (see Appendix C to report)
5. Letters of objection (see Appendix D to report)

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