



# AGENDA

For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 26 AUGUST 2005</b>
at
<b>1.30 PM</b>
<b><u>PLEASE NOTE START TIME</u></b>
in the
<b>COMMITTEE ROOM 1, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM</b>
<b>Duncan Kerr, Chief Executive</b>

Panel Members:	Councillor Pam Bosworth, Councillor Mrs Joyce Gaffigan, Councillor Reginald Howard, Councillor Stephen O'Hare, Councillor Alan Parkin, Councillor Mrs Angeline Percival, Councillor Mrs Margery Radley, Councillor Frank Turner (Vice-Chairman), Councillor Graham Wheat, Councillor Mrs Mary Wheat (Chairman) and Councillor Mike Williams
Committee Support Officer:	Malcolm Hall 01476 406118

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

1. **APOLOGIES.**
2. **DECLARATIONS OF INTEREST.**  
Members are asked to declare an interest in matters for consideration at the meeting.
3. **MINUTES OF MEETING HELD ON 19TH AUGUST 2005**  
(Enclosure)
4. **LICENSING ACT 2003 - APPLICATIONS FOR CONVERSION AND VARIATION TO A LICENCE:-**
  - a) **CORN EXCHANGE THEATRE COMPANY, BROAD STREET STAMFORD**  
Report ENV253 from the Head of Environmental Health and

Licensing

(Enclosure)

**b) GRANTHAM BOWLING LIMITED, DYSART ROAD,  
GRANTHAM**

Report ENV254 from the Head of Environmental Health and  
Licensing

(Enclosure)

**c) THE PERIWIG, 7 ALL SAINTS PLACE, STAMFORD**

Report ENV255 from the Head of Environmental Health and  
Licensing

(Enclosure)

**d) THE FIGHTING COCKS INN, 13 MARKET PLACE,  
CORBY GLEN, GRANTHAM**

Report ENV256 from the Head of Environmental Health and  
Licensing

(Enclosure)

**e) BLUE PIG, 9 VINE STREET, GRANTHAM**

Report ENV257 from the Head of Environmental Health and  
Licensing

(Enclosure)

**f) THE VINE, 19 CHURCH STREET, MARKET DEEPING**

Report ENV258 from the Head of Environmental Health and  
Licensing

(Enclosure)

***(THE APPENDICES TO REPORTS AT AGENDA ITEMS 4 (a), (b), (c), (d), (e) AND (f) ARE ATTACHED FOR COMMITTEE MEMBERS ONLY. IF ANY OTHER MEMBERS WISH TO SEE THE SUPPORTING INFORMATION ON EACH APPLICATION, PLEASE CONTACT THE HEAD OF ENVIRONMENTAL HEALTH AND LICENSING)***

5. Any other business which the Chairman, by reason of special circumstances, decides is urgent.



# MINUTES

## ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

FRIDAY 19<sup>TH</sup> AUGUST 2005

9.30 a.m.

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### COMMITTEE MEMBERS PRESENT

Councillor Howard  
Councillor Parkin  
Councillor Mrs Percival  
Councillor Mrs M Radley

Councillor Turner  
Councillor H G Wheat  
Councillor Mrs M E Wheat (in the Chair)  
Councillor M G Williams

### OFFICERS

Corporate Manager – Democratic and Legal Services  
Committee Support Officer  
Head of Environmental Health and Licensing  
Environmental Health Manager (Environment)  
Environmental Health Practitioner (Licensing)  
Scrutiny Officer  
Trainee Democratic Support Officer

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### 15. APOLOGIES

Apologies for absence were received from Councillors Mrs Bosworth and Mrs Gaffigan.

### 16. DECLARATIONS OF INTEREST

There were none declared.

### 17. MINUTES

The minutes of the meeting held on 5<sup>th</sup> August 2005 were confirmed as a correct record of decisions taken.

**18. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE MALT SHOVEL, WESTGATE, GRANTHAM**

*Decision: -*

*That the application in respect of The Malt Shovel, Westgate, Grantham, as submitted, be agreed subject to varied hours for the sale of alcohol as follows:-*

*10.00 to 00.00 - Monday to Saturday*

*12.00 to 00.00 - Sunday*

*and subject to thirty minutes drinking up time.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV252 in relation to an application for conversion and variation to a licence for The Malt Shovel, Westgate, Grantham. A full copy of the application was attached at appendix 1, together with a plan showing the location of the premises, and comments from Lincolnshire Police at appendix 2.

Present at the meeting were representatives of the applicants, and the police, and the Chairman then outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants confirmed that they were aware of the procedure to be followed in determining the application.

The Head of Environmental Health and Licensing, in outlining his report, confirmed that following discussions between the applicants and the police, agreement had now been reached and the hours required would be reduced to twelve midnight throughout the week.

The police representative confirmed that discussions had taken place with the applicants particularly in relation to the use of CCTV and door staff, and agreement had now been reached, as mentioned, that licensing hours would be no longer than twelve midnight and therefore CCTV and door staff would not be required.

The applicant confirmed agreement to the police requirements.

It was then proposed and seconded that as there were now no objections, the application be agreed subject to the hours for the sale of alcohol being varied to a closure time of twelve midnight throughout the week, subject to thirty minutes drinking up time. On being put to the vote the proposition was agreed.

**19. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE SCOTGATE, STAMFORD**

*Decision:-*

*That the application in respect of The Scotgate, Stamford, as submitted, be agreed subject to varied hours for the sale of alcohol as follows: -*

*11.00 to 00.00 - Monday to Saturday*

*11.00 to 23.30 - Sunday*

*and subject to thirty minutes drinking up time, and subject also to the following conditions:-*

*1) That the existing CCTV system be maintained and any tapes be kept for a period of at least twenty-eight days.*

*2) That any music played at the premises finish at the close of alcohol sales.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV249 in relation to an application for conversion and variation to a licence for The Scotgate, Stamford. A full copy of the application was attached at appendix 1, together with a map of the premises. Attached at appendix 2 were fifty-three representations from interested parties. A letter from Lincolnshire Police in relation to the application was at appendix 3.

Present at the meeting were representatives of the applicants and the police, and the Chairman outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants confirmed that they were aware of the procedure to be followed at the meeting.

The Head of Environmental Health and Licensing then presented his report, drawing the attention of the Committee to a fundamental change in the variation of the hours of operation and various entertainment changes, as listed in detail in the report. He drew attention in particular to the letter from Lincolnshire Police, attached as appendix 3, and concluded by saying that the specific questions were in relation to the times of opening and whether these were appropriate for indoor and outdoor music. He also referred to the various letters of objection from local residents.

The police representative said that door staff and CCTV would be required if the application were to be approved up to 1am, but if the hours were amended, as had been agreed, then the objection would be withdrawn. It was recommended that CCTV be retained as existing and in the circumstances of the variation to the hours, door staff would not be required.

The applicants presented their case and confirmed that they were happy to comply with the police requirements. The specific point was made, in relation to objections received, that most of the matters raised by residents were outside the control of the applicants and did not comply with guidelines from the Department for Culture, Media and Sport (DCMS) in that they were not all attributable directly to the premises. No complaints had been received by Environmental Health Services since April 2000 and therefore conditions in relation to noise and nuisance were unnecessary. It was considered that the later opening hours would allow customers to leave gradually rather than being forced out at more unsocial hours.

Members then asked a variety of questions in relation to the use of recorded music both inside and outside, the hours of operation and the use of CCTV.

The Head of Environmental Health and Licensing, in summing up, recommended that the application be granted subject to the hours for the sale of alcohol as amended and subject to thirty minutes drinking up time. The applicant then summed up and the officers and applicant then left the room.

The Committee then discussed the application and all matters raised by the Head of Environmental Health and Licensing and the applicants, and took into account the significant number of representations from local residents. It was proposed and seconded that the application be agreed for the hours for the sale of alcohol subject to further variation and to any music played finishing at the close of alcohol sales. On being put to the vote this was agreed.

The applicants and officers then returned to the meeting and were advised of the decision, as noted above.

*(The meeting adjourned from 10.10am to 10.42am)*

**20. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE HUNTINGTOWER ARMS, HARLAXTON ROAD, GRANTHAM**

*Decision:-*

*That the application for conversion and variation to a licence in respect of The Huntingtower Arms, Harlaxton Road, Grantham, as submitted, be agreed subject to the following hours for the sale of alcohol:-*

*11.00 to 00.00 - Monday to Thursday  
11.00 to 01.00 - Friday and Saturday  
12.00 to 23.30 – Sunday*

*and subject to thirty minutes drinking up time and also to the following conditions:-*

- 1) The maintenance of CCTV at the premises and to the retention of any tapes for a minimum of twenty-eight days.*
- 2) There shall be no admission or readmission to the premises after midnight on Friday and Saturday, when the premises are open to 1am.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV246 in relation to an application for conversion and variation to a licence for The Huntingtower Arms, Harlaxton Road, Grantham. A full copy of the application was attached at appendix 1, together with a map of the premises. Attached as appendix 2 were a number of representations/objections from local residents, and at appendix 3 was a letter from Lincolnshire Police in relation to the application.

Present at the meeting were representatives of the applicants, and the Chairman then outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants

confirmed that they were aware of the procedure to be followed in determining the application.

In introducing his report, the Head of Environmental Health and Licensing referred to representations which had been received from local residents and the police, particularly with regard to crime and disorder issues. He outlined the hours applied for and other requirements with regard to the application and reminded members that the times shown would have thirty minutes drinking up time added.

The applicants, in presenting their case, stressed that no incidents in relation to the premises had been reported by the police. In fact, the incidents reported were attributable to problems associated with the town centre. The premises were not a nightclub, but a public house for local residents only, with food provided and entertainment on the "two in a bar" basis. The police requirements in relation to CCTV and no admission/readmission after midnight were agreed and lobby entrances, windows and doors would remain closed at all times. It was intended to hold quarterly meetings with local residents to discuss any problems and reference was made to a neighbour who had indicated no problems over his seventeen years living adjacent to the premises. A petition in support was also referred to.

Members then asked a variety of questions in relation to the music situation, CCTV and readmission. The Corporate Manager asked for clarification that the police requirements regarding CCTV and admissions/readmissions had been agreed with the police and the applicants confirmed that this was the case.

In summing up, the Head of Environmental Health and Licensing recommended that the application could be granted for the hours applied for subject to the police requirements regarding CCTV and admission/readmission being met by the imposition of conditions.

The applicants, in summing up, said that they would do everything to minimise noise and disturbance directly associated with the premises and again confirmed that they would meet the police requirements.

The applicants and officers then left the room.

The Committee then discussed the application in detail and it was proposed and seconded that the application be agreed subject to the hours for the sale of alcohol as applied for and subject to the police requirements with regard to CCTV and admissions/readmissions. On being put to the vote this was agreed.

The applicants and officers then returned to the meeting and were advised of the decision, as noted above. In addition the Corporate Manager advised the applicants that the Committee were impressed with their commitment with regard to good relations with local residents, and they hoped that it would proceed as suggested.

**21. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE WALNUT TREE, 32 HORSEGATE, DEEPING ST JAMES**

*Decision:-*

*That the application for conversion and variation to a licence in respect of The Walnut Tree, 32 Horsegate, Deeping St James be granted for the following opening times for the sale of alcohol:-*

*11.00 to 23.00 - Monday to Wednesday*

*11.00 to 00.00 – Thursday to Saturday*

*11.00 to 22.30 – Sunday*

*and subject to thirty minutes drinking up time and also to the following conditions:-*

*1) That all doors and windows must be closed when karaoke/other entertainment is in operation.*

*2) That the outside drinking area is not to be used after 11pm.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV248 in relation to an application for conversion and variation to a licence for The Walnut Tree, 32 Horsegate, Deeping St James. A full copy of the application was attached at appendix 1 together with comments and representations from local residents at appendix 2.

Present at the meeting were representatives of the applicants and the Chairman outlined the procedure to be followed and introduced the committee members and officers present. The applicants confirmed receipt of the procedure to be followed in determining the application.

The Head of Environmental Health and Licensing then presented his report, drawing the attention of members to the proposed hours of operation, to the objections received and to the fact that there were no observations from the police.

The applicants then presented the case for approval of the application, stressing that most of the objections received related to incidents which had taken place before they took over ownership of the property. The application was only for one hour extra in the evening and there were no objections from the police or Environmental Health Services. It was confirmed that the applicants would agree to conditions to alleviate concerns in respect of closing windows and doors; the outside area not to be used after 11pm and that they would ensure that the outside of the premises was kept free of litter.

Members then asked a question in respect of the operation of karaoke and other entertainment and the hours of operation.

The committee then heard representations from:-

Mrs E Ward – 45 Horsegate, Deeping St James

Mr A W Sharp – 47a Horsegate, Deeping St James

in relation to their objection to the application.

In summing up his report, the Head of Environmental Health and Licensing reminded members that the issue of car parking, which had been raised by objectors, could not be considered as part of the application.

The applicants summed up their case, and asked the Committee to grant the application. It was pointed out that there were other authorities in place to deal with most of the matters which had been raised by the objectors.

Prior to the applicants and officers leaving the room, the Corporate Manager clarified suggested conditions in relation to karaoke, when windows and doors would be closed; the hours of operation and the outside drinking area not to be used after 11pm. In relation to a suggestion concerning the installation of a noise-limiting device, the applicants said that in their view this could not be imposed, but, however, they would confirm a previous agreement to close windows and doors and to put up notices in relation to excessive noise.

The applicants and officers then left the room.

During the ensuing discussion on the application, members expressed views in relation to the proposed operation of karaoke and in order to clarify the situation, the applicant, officers and objectors returned to the meeting to clarify the situation.

The Corporate Manager asked for clarification on specifically whether the karaoke proposal was a separate part of the application. In response, the Head of Environmental Health and Licensing confirmed that it was a variation to the application.

The applicants, officers and objectors then again left the meeting.

The Committee then discussed the application in the light of the information received in relation to karaoke and it was proposed and seconded that the application be agreed as applied for, subject to the conditions mentioned, but with an explanation that the licence was reviewable in the light of any problems which might arise. On being put to the vote, the proposal was agreed.

The applicants, officers and objectors then returned to the meeting and were advised of the decision, as noted above. The Corporate Manager advised of the Committee's concern in relation to karaoke/entertainment and that the Committee had some sympathy with local residents. He pointed out that the licence was reviewable at any time and that objectors could contact Environmental Health and Licensing or the police. In conclusion, it was hoped that the applicants would take the concerns on board and operate with minimum effect of local residents.

**22. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE THREE GABLES, SIGNAL ROAD, GRANTHAM**

*Decision: -*

*That the application in respect of The Three Gables, Signal Road, Grantham, be agreed as submitted for the following hours for the sale of alcohol: -*

*11.00 to 23.00 – Sunday to Wednesday*

*11.00 to 00.00 – Thursday*

*11.00 to 01.00 – Friday and Saturday*

*and subject to thirty minutes drinking up time.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV244 in relation to an application for conversion and variation to a licence for The Three Gables, Signal Road, Grantham. A full copy of the application was attached as appendix 1 and objections from local residents were attached as appendix 2.

Present at the meeting were representatives of the applicants and the Chairman outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants confirmed that they had received a copy of the procedure to be followed in considering the application and the Corporate Manager advised the objector, who was present at the meeting, of the procedure to be followed.

The Head of Environmental Health and Licensing then presented his report and outlined the hours of operation proposed.

The applicants presented their case and stressed the fact that no representations had been received from any responsible authorities and only three representations had been received from local residents. There was no history of incidents at the premises and they were not currently causing any complaints. Reference was again made to DCMS guidance in relation to consideration of licensing applications and it was stressed by the applicants that in their view it was unnecessary to put further conditions on the licence. If there were any problems apparent, the licence could be reviewed.

The Head of Environmental Health and Licensing then read representations which had been received from the objector who was present at the meeting and which had unfortunately not been circulated with the agenda.

The Committee then considered representations from

Mrs M McGuinness – 12 Signal Road, Grantham

who said that the main concern of residents was the effect of later opening, particularly on children living nearby. She said that there had been problems in the past with karaoke and other entertainment, particularly at weekends, although she appreciated that the premises needed to consider matters from a business point of view, the hours proposed were too long.

The Head of Environmental Health and Licensing said that the current application did not include any reference to music as part of the licence.

In summing up, the Head of Environmental Health and Licensing suggested that the application could be agreed for the varied hours as applied for, noting that there was no entertainment proposed, and subject of course to thirty minutes drinking up time.

The applicant summed up and again referred members to the DCMS guidance in relation to the consideration of applications.

The applicant, officers and objector then left the room.

The Committee then discussed the application and it was proposed, seconded and agreed that it be approved in the terms made, subject to mention being made in the decision of the co-operation with local residents.

The applicant, officers and objector then returned to the meeting and were advised of the decision, as noted above. The Corporate Manager again pointed out that should there be problems, the licence was reviewable and the applicants should bear this in mind in operating the premises to minimise disturbance to local residents.

## **23. CLOSE OF MEETING**

The meeting closed at 12.37pm.

<h2 style="margin: 0;">REPORT TO ALCOHOL &amp; ENTERTAINMENT LICENSING COMMITTEE</h2>
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**REPORT OF: HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

**REPORT NO. ENV253**

**DATE: 26 AUGUST 2005**

<b>TITLE:</b>	LICENSING ACT 2003 APPLICATION FOR TRANSFER AND VARIATION TO A LICENCE – CORN EXCHANGE THEATRE COMPANY, BROAD STREET, STAMFORD
<b>FORWARD PLAN ITEM:</b>	NOT APPLICABLE
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	NOT APPLICABLE
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	NOT APPLICABLE

<b>COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	COUNCILLOR P MARTIN-MAYHEW (COMMUNITY SAFETY)
<b>CORPORATE PRIORITY:</b>	LICENCING CATEGORY 'Y'
<b>CRIME AND DISORDER IMPLICATIONS:</b>	SEE REPORT DETAILS
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	NOT APPLICABLE
<b>BACKGROUND PAPERS:</b>	STATEMENT OF LICENCING POLICY

## **1. INTRODUCTION**

The application is for the conversion of an existing Public Entertainment Licence at a PublicTheatre House and to vary the operating hours as well as adding new licensable activities. The application and map are attached as Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of alcohol from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing Public Entertainment Licence into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Public Entertainment Licence, the applicant needs to follow a set procedure which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the matter will be determined by the Alcohol and Entertainment Licensing Committee.

The Premises Licence, once granted, lies dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the Public Entertainment Licence is no longer valid.

The Corn Exchange Theatre currently holds a Public Entertainment Licence for the public performance of plays, public dancing or music or similar entertainment and indoor sports event to which the public are invited as spectators. They have applied for a variation in operating hours and also to include new licensable activities. There has been one letter of representation from an interested party, a local resident. The letter is attached as Appendix 2.

## **2. RECOMMENDATIONS**

That the Committee determines, with regard to the licensing objectives, the application concerning the variations that have been requested.

## **3. DETAILS OF REPORT**

### Conversion of Existing Public Entertainment Licence under Transitional Arrangements

The applicant currently holds a Public Entertainment Licence, for public performance of plays, public dancing and music or like entertainment and indoor sporting events between the hours of:

12 .00 to 0:00	Monday to Saturday
09:00 to 0:00	Sunday

The Public Entertainment Licence is issued, subject to the standard terms and conditions and the following additional conditions:

*Standard Condition No 5 (Permitted Hours)* – The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of noon and midnight Monday – Saturday only.

*Standard Condition No 5 (Events held on Sundays)* – The premises shall not be kept or used for public music or dancing or public entertainment of a like kind between the hours of 9.00 am and midnight.

*Standard Condition No 7 (Maximum Occupancy Figure)* – The Fire Officer has prescribed the following maximum occupancy figures: Ground Floor – 300 persons, 1<sup>st</sup> Floor balcony – 124 persons.

*Standard Condition Nos 17-19* – The licence is issued subject to the additional requirements contained in the letter from the Fire Officer dated 7/03/01.

*Licensing Act 1964, Section 199 (Sale of Alcohol)* – The sale of intoxicating liquor shall not take place unless a licence has been obtained from the Licensing Justices.

*Standard Condition No 34 (Stewarding)* - During the holding of discos for young persons, the two door stewards must be registered with the South Kesteven Doorwatch Scheme and stewards inside would be organised by the Committee as agreed with Lincolnshire Police and Environmental Health on 13 April 2004.

#### Application for Variation requiring Committee Determination

The applicants have applied for a variation in their permitted hours for the existing licensable activities as follows:

##### Plays

09:00 to 01:00 Monday to Sunday

##### Indoor sporting events

09:00 to 01:00 Monday to Sunday

##### Boxing or wrestling entertainment

09:00 to 01:00 Monday to Sunday

##### Live music

09:00 to 01:30 Monday to Sunday

##### Recorded music

09:00 to 01:30 Monday to Sunday

##### Performances of dance

09:00 to 01:30 Monday to Sunday

Provision of facilities for making music  
09:00 to 01:00 Monday to Sunday

Provision of facilities for dancing  
09:00 to 01:00 Monday to Sunday

Provision of facilities for like entertainment  
09:00 to 01:00 Monday to Sunday

The applicants have applied to add new activities as follows:

Films  
09:00 to 01:00 Monday to Sunday

Late night refreshment  
12:00 to 01:00 Monday to Sunday

Supply of alcohol  
12:00 to 01:00 Monday to Sunday

In order to accommodate the above extension of operating hours, and additional activity, the premises opening times will be:

09:00 to 01:30 Monday to Sunday

The four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, have been addressed in the application.

The application has been advertised and the statutory consultees consulted.

The Council has received a letter of representation from C J Harvey of 15 All Saints Place, Stamford. She objects to the proposed extension of operating hours. She argues that the change will only promote noise pollution and anti-social behaviour. Her objection touches on both public nuisance and crime and disorder.

#### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

None

#### **5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES**

Not applicable

**6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)**

As the application has been properly made during the transition period the existing licence must be converted to a new Premises Licence subject to all the current conditions and restrictions and any 'embedded conditions'.

In this application, the applicant also wishes to simultaneously vary the licence. As relevant representations have been received concerning the variations, members are required to determine the application regarding the variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

**8. CONCLUSION**

The application is for the variation of licence conditions to extend operating hours and to add new activities to public theatre house. There is a letter of representation from an interested party. She argues that extending the hours for the applicant will have a negative impact on some of the licensing objectives.

**9. CONTACT OFFICER**

Peter Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 E-mail: peter.harrison@southkesteven.gov.uk

APPENDIX 1



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
South Kesteven District Council LA079421 2000

**Corn Exchange Theatre Company  
Broad Street, Stamford**

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF:           **HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

REPORT NO.         **ENV254**

DATE:                 **26 AUGUST 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – GRANTHAM BOWLING LTD, DYSART ROAD, GRANTHAM
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR P MARTIN-MAYHEW (COMMUNITY SAFETY)
CORPORATE PRIORITY:	LICENCING CATEGORY 'Y'
CRIME AND DISORDER IMPLICATIONS:	SEE REPORT DETAILS
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NOT APPLICABLE
BACKGROUND PAPERS:	STATEMENT OF LICENCING POLICY

## **1. INTRODUCTION**

The application is for the conversion of an existing Justices' Licence at a public house and to vary (extend) the opening hours and operating hours, and licensing activities. The application is attached as Appendix 1, together with a map of the premises.

The Licensing Act 2003 transfers responsibility for the licensing of public houses from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing Justices' Licences into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Justices Licence, the applicant needs to follow a set procedure which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the matter will be determined by the Alcohol and Entertainment Licensing Committee.

The Premises Licence, once granted, lies dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Grantham Bowling Ltd currently holds a Justice's Licence for the retail sale on and off the premises and Public Entertainment Licence for public dancing, music or any other public entertainment of a like kind. Drinking up time is currently twenty minutes. They have applied for a variation in opening hours and operating hours and to add additional licensing activities, namely films and indoor sporting events. The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, other than the permitted hours for the sale of alcohol. Furthermore to remove all conditions attached to the Public Entertainment Licence (except relating to occupancy).

The Police have notified the Council that they have discussed the proposals with the applicant and have reached an agreement with the applicant's agent regarding sale of alcohol hours and the opening hours. This is attached as Appendix 2. Furthermore that some specified days are removed. The applicant was contacted and he has verbally confirmed his agreement to this arrangement. Therefore, in line with Section 18(6) (b) and Section 18(7)(b), this representation is no longer a relevant representation. The agreed amended hours are not shown on the application form at Appendix 1.

## **2. RECOMMENDATIONS**

That, if the applicant confirms the agreement with the Police, the Committee agree that a hearing is not necessary.

### 3. DETAILS OF REPORT

#### Conversion of Existing Justices' Licence under Transitional Arrangements

The public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises between the hours of:

##### On sales

11:00 to 23:00	Weekdays
12:00 to 22:30	Sundays
12:00 to 22:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 23:00	New Year's Eve
12:00 to 22:30	New Year's Eve (when on Sunday)

In addition, for New Year's Eve – Licensee can remain open from the end of permitted hours until the start of permitted hours on the following Day.

##### Off sales

08:00 to 23:00	Weekdays
10:00 to 22:30	Sundays
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
08:00 to 22:30	Good Friday

The applicant holds a current Public Entertainment Licence for public dancing, music or any other entertainment of a like kind. The Public Entertainment Licence is issued subject to the standard terms and conditions and the following additional conditions:

*Standard Condition No 5 (Permitted Hours)* – The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 11.00 am and 11.00 pm, Monday to Saturday.

*Standard Condition No 5 (Events held on Sundays)* – The premises shall not be kept or used for public music or dancing or public entertainment of a like kind except between the hours of 11.00 am and 10.30 pm.

*Standard Condition No 7 (Maximum Occupancy Figure)* – The Fire Officer has prescribed the following maximum occupancy figures: Bar – 75 persons, Bowling Alley – 75 persons, Restaurant and Games Area – 100 persons. Total: 250 persons – whole premises.

#### Application for Variation requiring Committee Determination

The applicant has applied for a variation in their operating hours to supply alcohol as follows:

09:00 to 01:00	Sunday to Wednesday
09:00 to 02:00	Thursday to Saturday

In addition, an extension to 02:00 on the following days:

Sunday and Monday of all Bank Holiday Weekends

New Years Eve and New Years Day

Christmas Eve and Boxing Day

Burns Night

Australia Day

Shrove Tuesday

Chinese New Year

St Valentines Day

St David Day

Mothering Sunday

Comic Relief Day

St Patricks Day

St Georges Day

May Day

Fathers Day

American Independence Day

Halloween Day

Guy Fawkes Day/Night

St Andrews Day and

Children in Need Day

The same hours to apply also for the provision of regulated entertainment, provision of entertainment facilities.

The times when the public house is open will be between :

09:00 to 01:30	Sunday to Wednesday
09:00 to 02:30	Thursday to Saturday

These hours also apply to the provision of late night refreshment.

The applicant has additionally requested to remain open for 24 hours a day on New Years Eve.

The four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, have been addressed in the application.

The police have negotiated with the applicants agent, revised sale of alcohol hours as follows:

09:00 to 00:00	Sunday to Wednesday
09:00 to 01:00	Thursday to Saturday

As a result the opening hours will be:

09:00 to 00:30	Sunday to Wednesday
09:00 to 01:30	Thursday to Saturday

In addition the following specified days have been removed from the variation application:

Burns Night  
Australia Day  
Shrove Tuesday  
Chinese New Year  
St Valentines Day  
St David Day  
Mothering Sunday  
Comic Relief Day  
St Patricks Day  
St Georges Day  
May Day  
Fathers Day  
American Independence Day  
Halloween Day  
Guy Fawkes Day/Night  
St Andrews Day and  
Children in Need Day

At the time of writing, the Applicant's agent has not submitted a letter to confirm the agreement.

If the applicant does confirm:

As the applicant has confirmed his agreement to this arrangement, in line with Section 18(6) (b) and Section 18(7) (b), this representation is no longer a relevant representation.

**4. OTHER OPTIONS CONSIDERED AND ASSESSED**

None

**5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES**

Not applicable

**6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)**

Where a hearing may be unnecessary

Where all parties, who are required to do so for these purposes, have returned a notice which states that they consider a hearing to be unnecessary, the Panel shall convene a meeting, which shall not require notice to be given to the parties.

If the Panel agrees that a hearing is unnecessary, then

- (a) The Panel may then proceed to determine the matter on the basis of the relevant representation received, then or at another date; and
- (b) Notice shall be given forthwith to the parties that the hearing has been dispensed with.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

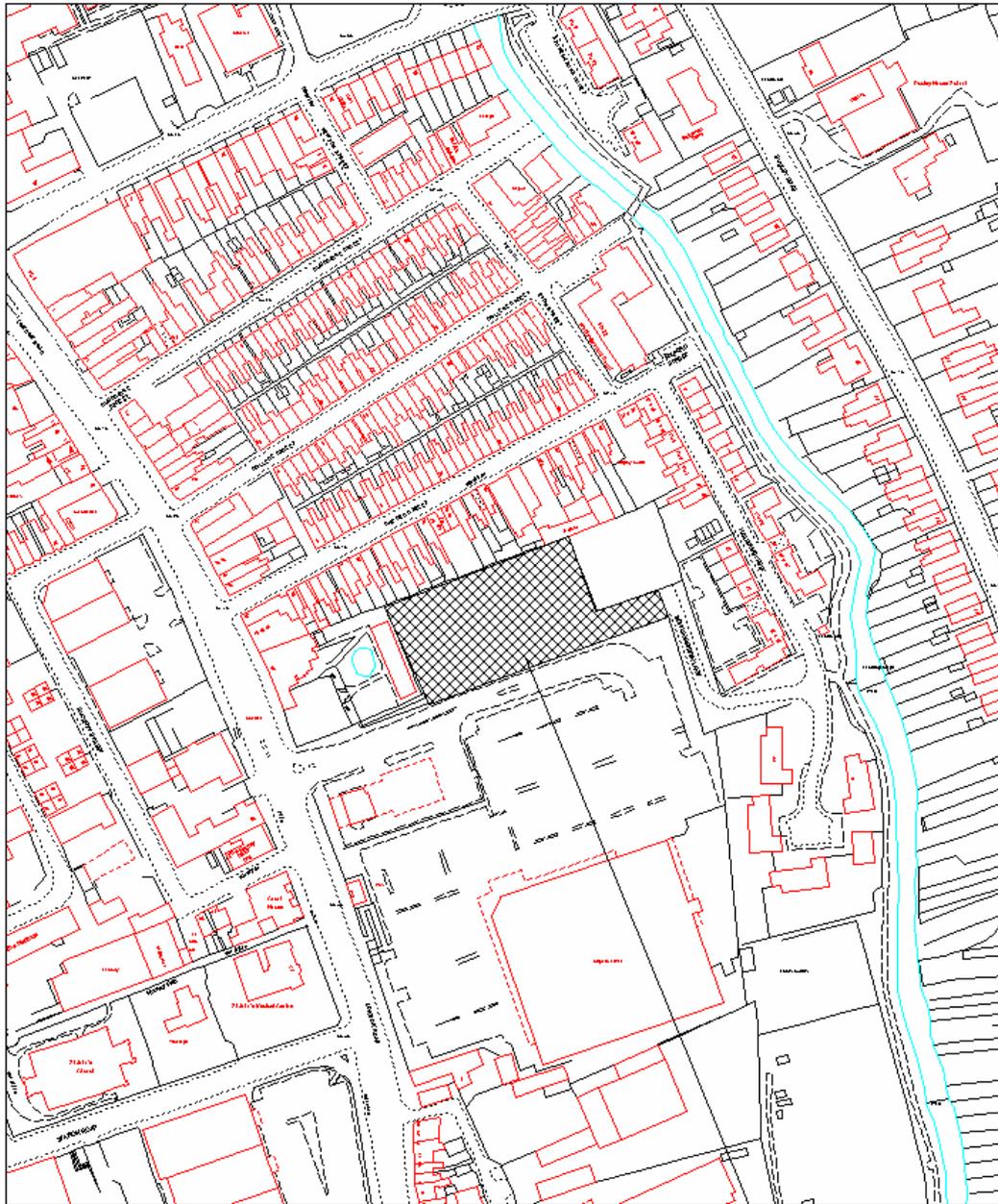
**8. CONCLUSION**

The application is for the conversion and variation of licence conditions to the operating and activity hours and activities of a Grantham Bowling establishment. The Lincolnshire Police initially made a representation regarding the opening hours but this was withdrawn following negotiations with the applicant and revised operating hours agreed, and the removal of specified days.

**9. CONTACT OFFICER**

P Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 e-mail: peter.harrison@southkesteven.gov.uk

## APPENDIX 1



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GRANTHAM BOWLING CLUB  
LONDON ROAD, GRANTHAM

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF:           **HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

REPORT NO.         **ENV255**

DATE:                 **26 AUGUST 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE PERIWIG, 7 ALL SAINTS PLACE, STAMFORD
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR P MARTIN-MAYHEW (COMMUNITY SAFETY)
CORPORATE PRIORITY:	LICENCING CATEGORY 'Y'
CRIME AND DISORDER IMPLICATIONS:	SEE REPORT DETAILS
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NOT APPLICABLE
BACKGROUND PAPERS:	STATEMENT OF LICENCING POLICY

## 1. INTRODUCTION

The application is for the conversion of an existing Justices' Licence at a public house and to vary the operating hours. The application is attached at Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of public houses from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing Justices' Licences into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Justices Licence, the applicant needs to follow a set procedure which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the matter will be determined by the Alcohol and Entertainment Licensing Committee.

The Premises Licence, once granted, lies dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

The Periwig public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises, a Special Hours Certificate (Supper Hours Certificate) and a Public Entertainment Licence for public dancing, music and film exhibitions. Drinking up time is currently twenty minutes. They have applied for a variation in operating hours and additional ten minutes drinking up time.

The Council has received two letters of representation: one from the Environment Team as a responsible authority and another from a CJ Harvey as an interested party. The letters are attached as Appendix 2.

## 2. RECOMMENDATIONS

That the Committee determines, with regard to the licensing objectives, the application concerning the variations that have been requested.

## 3. DETAILS OF REPORT

The public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises between the hours of:

### On sales

11:00 to 23:00	Weekdays and Saturday
12:00 to 22:30	Sundays
12:00 to 22:30	Good Friday

12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 23:00	New Year's Eve
12:00 to 22:30	New Year's Eve (when on Sunday)

In addition, for New Year's Eve – Licensee can remain open from the end of permitted hours until the start of permitted hours on the following Day

#### Off sales

08:00 to 23:00	Weekdays
10:00 to 22:30	Sundays
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
08:00 to 22:30	Good Friday

The applicant holds a current Public Entertainment Licence for public dancing or music or any other public entertainment of a like kind, including film exhibitions. The Public Entertainment Licence is issued, subject to the standard terms and conditions and the following additional conditions:

*Standard Condition No 5 (Permitted Hours)* – The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 8.00 pm to 1.00 am the following morning, Friday – Saturday.

*Standard Condition No 5 (Events held on Sundays)* – The premises shall not be kept or used for public music or dancing or public entertainment of a like kind except between the hours of 8.00 pm and 10.30 pm.

*Standard Condition No 7 (Maximum Occupancy Figure)* – The Fire Officer has prescribed the following maximum occupancy figure(s): Ground Floor – 120 persons and First Floor – 60 persons.

*Additional Safety Requirements* – A CCTV system shall be installed and operated in the reception area and to footpaths and car parks outside the premises within 50 metres of the entrance/exits to the satisfaction of the Police.

*Standard Condition Nos 58 & 59 (Prevention of Nuisance)* – Measures to control noise nuisance shall be in accordance with the acoustic report dated 11.8/03 by Acoustic Associates and the following additional measures:

- (1) The entrance to the premise from Crown Street shall remain closed, except for use in the event of an emergency, after 2300 hours.
- (2) Access into the premises shall be restricted to the entrance from Red Lion Street after 2300 hours.
- (3) All entrance doors shall be supervised after 2300 hours using registered door supervisors to ensure Points 1 and 2 are complied with

- (4) A noise-limiting device shall be installed and connected to any amplification system set to a maximum level as agreed with Environmental Health Services, in writing.

This licence is issued subject to compliance with the Environment team's requirements regarding noise pollution and the properties above the Periwig.

The Special Hours Certificate permits the sale of intoxicating liquor as an ancillary to substantial refreshment until 12 midnight Wednesday and Thursday and 1.00 am the following morning on Friday and Saturday, subject to the following undertakings:

- Door staff to supervise all entrances from 7.00 pm as requested by the Police
- Door staff to control numbers so there is no outside drinking
- There is to be no entry to the premises after 11.00 pm
- Any egress from the premises after 11.00 pm shall be by way of the Red Lion Street exit only

#### Application for Variation requiring Committee Determination

The applicant has applied for a variation in their permitted hours for their activities (films, live music, recorded music, and supply of alcohol) as follows:

##### Films

11:00 to 22:50	Monday & Tuesday
11:00 to 23:50	Wednesday & Thursday
11:00 to 00:50	Friday & Saturday
11:00 to 22:50	Sunday
11:00 to 23:50	Sundays before Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday
11:00 to 00:50	Christmas Eve
12:00 to 13:50	Christmas Day
11:00 to 00:50	Boxing Day
11:00 to 00:50	New Year's Eve

##### Live Music

20:00 to 22:50	Monday & Tuesday
20:00 to 23:50	Wednesday & Thursday
20:00 to 00:50	Friday & Saturday
20:00 to 22:20	Sunday

##### Recorded Music

20:00 to 22:50	Monday & Tuesday
20:00 to 23:50	Wednesday & Thursday
20:00 to 00:50	Friday & Saturday
20:00 to 22:50	Sunday
20:00 to 23:50	Sundays before Easter Monday, Early May

	Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday
20:00 to 00:50	Christmas Eve
20:00 to 00:50	Boxing Day
20:00 to 00:50	New Year's Eve

Supply of Alcohol

11:00 to 23:00	Monday & Tuesday
11:00 to 00:00	Wednesday & Thursday
11:00 to 01:00	Friday & Saturday
11:00 to 23:00	Sunday
11:00 to 00:00	Sundays before Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday
11:00 to 01:00	Christmas Eve
12:00 to 14:00	Christmas Day
11:00 to 01:00	Boxing Day
11:00 to 01:00	New Year's Eve

In order to accommodate the above extension of operating hours, and additional activity, the premises opening times will be:

11:00 to 23:30	Monday & Tuesday
11:00 to 00:30	Wednesday & Thursday
11:00 to 01:30	Friday & Saturday
11:00 to 23:30	Sunday
11:00 to 00:30	Sundays before Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday
11:00 to 01:30	Christmas Eve
12:00 to 14:30	Christmas Day
11:00 to 01:30	Boxing Day
11:00 to 01:30	New Year's Eve

The four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, have been addressed in the application.

The application has been advertised and the statutory consultees consulted.

The Council has received representations from the Environmental team in their capacity as a responsible authority and from C J Harvey of 15 All Saints' Place, Stamford as an interested party.

They both object on the ground of noise pollution. The responsible authority further state that the applicant has agreed to carry out works to the premises to remedy this. They, however, propose that the variation be considered only after the works have been satisfactorily completed. The representations touch on the licensing objectives and are therefore relevant.

**4. OTHER OPTIONS CONSIDERED AND ASSESSED**

None

**5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES**

Not applicable

**6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)**

As the application has been properly made during the transition period the existing licence must be converted to a new Premises Licence subject to all the current conditions and restrictions and any 'embedded conditions'.

In this application, the applicant also wishes to simultaneously vary the licence. As relevant representations have been received concerning the variations, members are required to determine the application regarding the variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

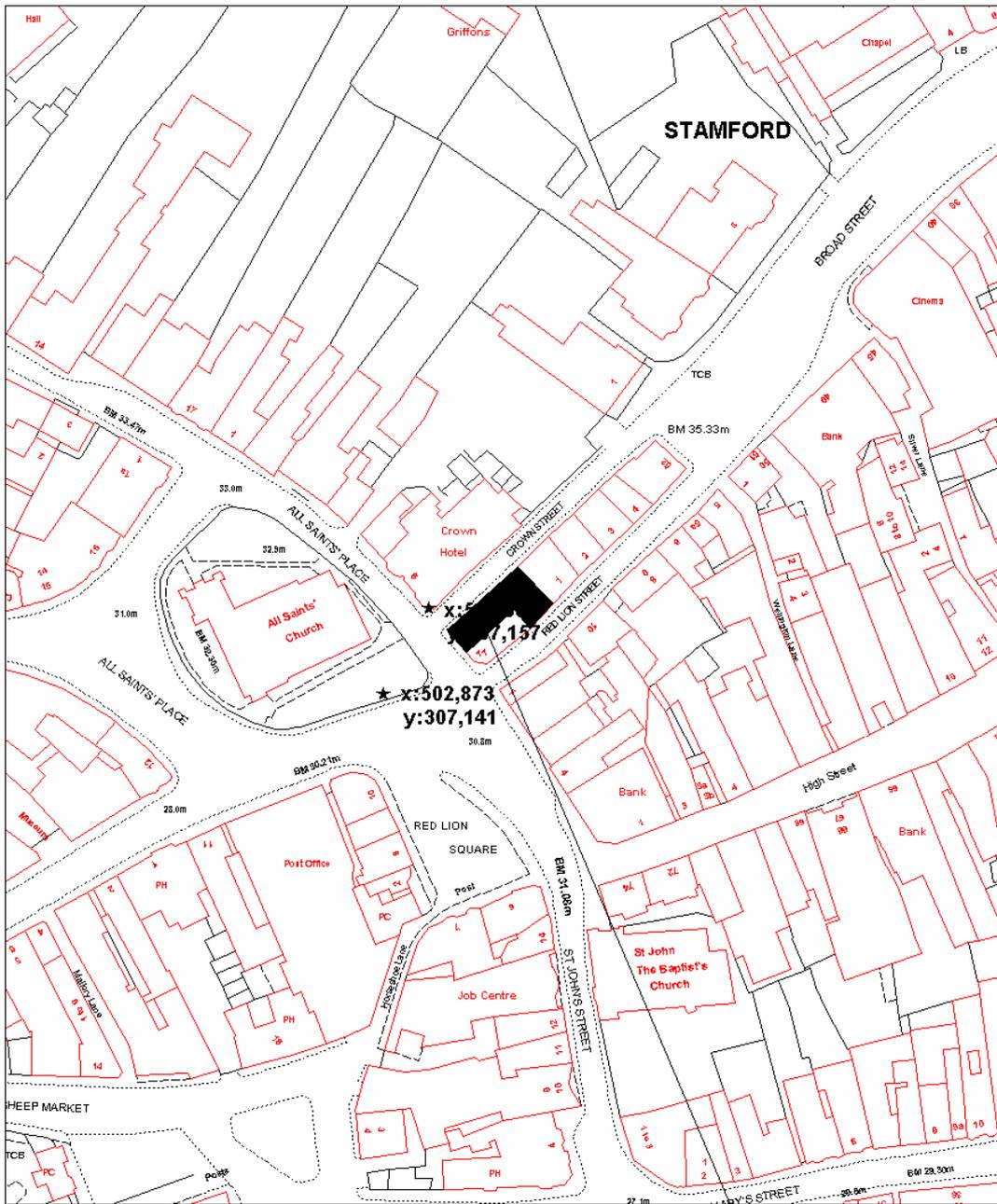
**8. CONCLUSIONS**

The application is for a variation of a licence to the activities and operating and activity hours of a Stamford town centre public house. Both representations relate to concerns arising from noise pollution.

**9. CONTACT OFFICER**

P Harrision, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 E-mail: peter.harrison@southkesteven.gov.uk

APPENDIX 1



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THE PERIWIG  
7 ALL SAINTS PLACE  
STAMFORD

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF:           **HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

REPORT NO.           **ENV256**

DATE:                 **26 AUGUST 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE FIGHTING COCKS, 13 MARKET PLACE, CORBY GLEN, GRANTHAM
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR P MARTIN-MAYHEW (COMMUNITY SAFETY)
CORPORATE PRIORITY:	LICENCING CATEGORY 'Y'
CRIME AND DISORDER IMPLICATIONS:	SEE REPORT DETAILS
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NOT APPLICABLE
BACKGROUND PAPERS:	STATEMENT OF LICENCING POLICY

## **1. INTRODUCTION**

The application is for the conversion of an existing Justices' Licence at a public house and to vary the operating hours and to add new licensable activities. The application and map of the area are attached as Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of public houses from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing Justices' Licences into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Justices Licence, the applicant needs to follow a set procedure which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the matter will be determined by the Alcohol and Entertainment Licensing Committee.

The Premises Licence, once granted, lies dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

The Fighting Cocks public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises. They have applied for a variation in operating hours with alcohol sales until 1.00 am throughout the week and opening until 2.00 am, and licensing activities.

The Police were going to raise an objection in relation to the proposed alcohol hours. However, they state in their letter of 27 July 2005 that the applicant has agreed to amend the proposed hours, with alcohol sales until 2400 hours Sunday to Thursday and 0100 hours the following morning, Friday and Saturday. The applicant confirms this arrangement in their letter of 28 June 2005. Copies of letters attached as Appendix 2.

## **2. RECOMMENDATIONS**

### Conversion of Existing Justices' Licence under Transition Arrangements

That the Committee determines, with regard to the licensing objectives, the application concerning the variations that have been requested.

## **3. DETAILS OF REPORT**

The public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises between the hours of:

### On sales

11:00 to 23:00	Weekdays
12:00 to 22:30	Sundays
12:00 to 22:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 23:00	New Year's Eve
12:00 to 22:30	New Year's Eve (when on Sunday)

In addition, for New Year's Eve – Licensee can remain open from the end of permitted hours until the start of permitted hours on the following Day

### Off sales

08:00 to 23:00	Weekdays
10:00 to 22:30	Sundays
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
08:00 to 22:30	Good Friday

The applicant originally applied for the sale of alcohol until 1.00 am, seven days a week, with the premises open to the public until 2.00 am.

### Appication for Variation requiring Committee Determination

Following representations from the Police, the applicant has now applied for a variation in their permitted hours for their activities (indoor sporting events, live music, recorded music, late night refreshment and supply of alcohol) as follows:

09:00 to 00:00	Sunday to Thursday
09:00 to 01:00	Friday and Saturday
09:00 to 00:00	Christmas Eve
09:00 to 01:00	Christmas Day
09:00 to 00:00	New Years Eve
00:00 to 00:00	New Years Day
00:00 to 01:00	Good Friday (From midnight Maundy Thursday to 01:00 Saturday following Good Friday)

Bank holidays from Easter to later Summer Bank holiday:

09:00 to 00:00	Sunday
0000 to 01:00	Monday /Tuesday

The applicant only intends to provide live and recorded music on a maximum of 12 occasions throughout the year.

In order to accommodate the above extension of operating hours, and additional activity, the premises opening times will be:

09:00 to 00:30	Sunday to Thursday
09:00 to 01:30	Friday and Saturday
09:00 to 00:30	Christmas Eve
09:00 to 01:30	Christmas Day
09:00 to 00:30	New Years Eve
00:00 to 00:30	New Years Day
00:00 to 01:30	Good Friday (From midnight Maundy Thursday to 01:00 Saturday following Good Friday)

Bank holidays from Easter to later Summer Bank holiday:

09:00 to 00:30	Sunday
00:00 to 01:30	Monday /Tuesday

The four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, have been addressed in the application.

The application has been advertised and the statutory consultees consulted.

Only the police have made a representation, about the opening hours.

#### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

None

#### **5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES**

Not applicable

#### **6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)**

As the application has been properly made during the transition period the existing licence must be converted to a new Premises Licence subject to all the current conditions and restrictions and any 'embedded conditions'.

In this application, the applicant also wishes to simultaneously vary the licence. As relevant representations have been received concerning the variations, members are required to determine the application regarding the variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

**8. CONCLUSIONS**

The application is for the variation of licence conditions to the operating and activity hours of this public house. The applicant has amended the proposed hours after consultation with the police. However the hours on the amended application form do not concur with those stated in the police letter dated 27 July 2005.

**9. CONTACT OFFICER**

Peter Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 E-mail: [peter.harrison@southkesteven.gov.uk](mailto:peter.harrison@southkesteven.gov.uk)

## APPENDIX 1



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THE FIGHTING COCKS  
13 MARKET PLACE  
CORBY GLEN, GRANTHAM, LINCS

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF:           **HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

REPORT NO.         **ENV257**

DATE:                 **26 AUGUST 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE BLUE PIG, 9 VINE STREET GRANTHAM
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR P MARTIN-MAYHEW (COMMUNITY SAFETY)
CORPORATE PRIORITY:	LICENCING CATEGORY 'Y'
CRIME AND DISORDER IMPLICATIONS:	SEE REPORT DETAILS
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NOT APPLICABLE
BACKGROUND PAPERS:	STATEMENT OF LICENCING POLICY

## **1. INTRODUCTION**

The application is for the conversion of an existing Justices' Licence at a public house and to vary the premises licence by extending the operating hours, and to include live music and indoor sporting events as licensable activities. The application and map are attached as Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of public houses from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing Justices' Licences into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Justices Licence, the applicant needs to follow a set procedure which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the matter will be determined by the Alcohol and Entertainment Licensing Committee.

The Premises Licence, once granted, lies dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

The Blue Pig public house currently holds a Justice's Licence for the retail sale of alcohol, on and off the premises. Drinking up time is currently twenty minutes. They have applied for a variation in operating hours, an additional ten minutes drinking up time and additional licensable activities.

The Council received six letters of representation from local residents (interested parties), together with a representation from the Police as a responsible authority. The representations from each of the interested parties and Police, are summarised and analysed under paragraph 3 of this report and the letters of representations are attached as Appendix 2.

## **2. RECOMMENDATIONS**

That the Committee determines, with regard to the licensing objectives, the application concerning the variations that have been requested.

## **3. DETAILS OF REPORT**

### Conversion of Existing Justices' Licence under Transitional Arrangements

The public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises between the hours of:

#### On sales

11:00 to 23:00

Weekdays & Saturday

12:00 to 22:30	Sundays
12:00 to 22:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 23:00	New Year's Eve
12:00 to 22:30	New Year's Eve (when on Sunday)

In addition, for New Year's Eve – Licensee can remain open from the end of permitted hours until the start of permitted hours on the following Day.

Off sales

08:00 to 23:00	Weekdays
10:00 to 22:30	Sundays
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
08:00 to 22:30	Good Friday

Application for Variation requiring Committee Determination

The applicant has applied for a variation in their activities as follows:

Supply of Alcohol

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 23:30	Sunday
11:00 to 02:00	New Year's Eve / New Year's Day
11:00 to 02:00	Christmas Eve, Boxing Day and Monday on Bank Holiday Weekends.

Further the applicant proposes to extend the operating hours on some unspecified 30 occasions to be determined by the applicant at their own discretion.

Live Music

20:30 to 23:00	Friday & Saturday
20:30 to 22:30	Sunday

Recorded Music

11:00 to 23:59	Monday to Thursday
11:00 to 01:00	Friday
10:30 to 01:00	Saturday
12:00 to 23:30	Sunday
11:00 to 02:00	Christmas Eve, Boxing Day and Monday on Bank Holiday Weekends

Indoor Sporting Events

11:00 to 00:30	Monday to Thursday
11:00 to 01:30	Friday
10:30 to 01:30	Saturday
12:00 to 00:00	Sunday

11:00 to 02:00 Christmas Eve, Boxing Day and Monday on  
Bank Holiday Weekends

The times when the public house is open will be:

11:00 to 00:30 Monday to Thursday  
11:00 to 01:30 Friday  
10:30 to 01:30 Saturday  
12:00 to 00:00 Sunday  
11:00 to 02:00 Christmas Eve, Boxing Day and Monday on  
Bank Holiday Weekends

The four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, have been addressed in the application.

The application has been advertised and the statutory consultees consulted.

The Council received representations (attached as Appendix 2) from six local addresses of interested parties, as follows:

Alexandra Lumsden, 1 Bluegate, Grantham

Ms Lumsden has raised one objection against extension of hours and the inclusion of live music as a licensable activity. She states that they already experience disturbance from the pub's clientele after closing time and varying the licence will only make it worse and clients will probably be more drunk.

It appears that what the interested party is saying in her objection is that the variation will encourage public nuisance and also crime and disorder. This is a relevant representation which the Council must determine.

Mr & Mrs J Rhodes, 2 Swinegate, Grantham

In their letter of 26 July 2005, they raised one objection against the extension of hours. They feared that they would suffer from noise pollution as their house is adjoined to the public house. But they record in the same letter that they reached an agreement with the applicant and they withdrew their representation. However by another letter of the same date they write that they still wish to proceed with their objections. The objections are relevant and therefore require determination.

Mrs Collette Mace, 8 Swinegate, Grantham

Mrs Mace has raised the following objections:

The variation will cause noise pollution and also attract thugs into the neighbourhood. This is a relevant representation as it relates to two of the licensing objectives (i.e. public nuisance and crime and disorder) and therefore requires determination.

Extending the opening hours will breed trouble. Her reference to trouble presumably infers that there will be crime and disorder. This also is a relevant representation requiring determination.

The variation will promote vandalism of some of the historical buildings and monuments in the area. This representation relates to crime and disorder and is therefore a relevant representation requiring determination.

Swinegate is not the kind of historical area which will welcome the kind of change to be brought by the variation

The reputation of the area will suffer.

Unfortunately, these last two representations do not relate to any of the licensing objectives. Consequently, they are not relevant and do not require determination.

Mr & Mrs Redmile, 10 Vine Street, Grantham

They object (apparently) to the inclusion of live music to the activities of the premises. They argue that it will cause noise pollution. This is a valid representation requiring determination.

Mrs R ?, 11 Vine Street, Grantham

Mrs ? objects to the extension of hours unless people stayed inside and noise did not spill outside.

This also seems to be a relevant representation as it relates to one of the licensing objectives (i.e. public nuisance). However, it appears to have been covered by the agreement secured by Mr and Mrs Rhodes above. It may therefore not require any determination.

Aileen Rudd, 6/7 Vine Street, Grantham

Ms Rudd objects to the proposed extension of activity hours and the inclusion of live music as an activity. She argues that the proposed variations will promote public nuisance, and crime and disorder. These are relevant objections requiring determination.

Police

The Police, as a responsible authority, submitted one letter of representation (Appendix 2). Firstly, they object to the proposed extension to give the applicant the right to vary operating times on 30 unspecified occasions. They argue that the proposed variation is unlawful and does not allow for police to plan for these occasions. Finally, they object to the proposed extension of activity hours unless the applicant undertakes to implement a no admission/re-admission policy after mid-night. These objections relate to the licensing objectives and are thus relevant and require determination.

**4. OTHER OPTIONS CONSIDERED AND ASSESSED**

None

**5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES**

Not applicable

**6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)**

As the application has been properly made during the transition period the existing licence must be converted to a new Premises Licence subject to all the current conditions and restrictions and any 'embedded conditions'.

In this application, the applicant also wishes to simultaneously vary the licence. As relevant representations have been received concerning the variations, members are required to determine the application regarding the variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

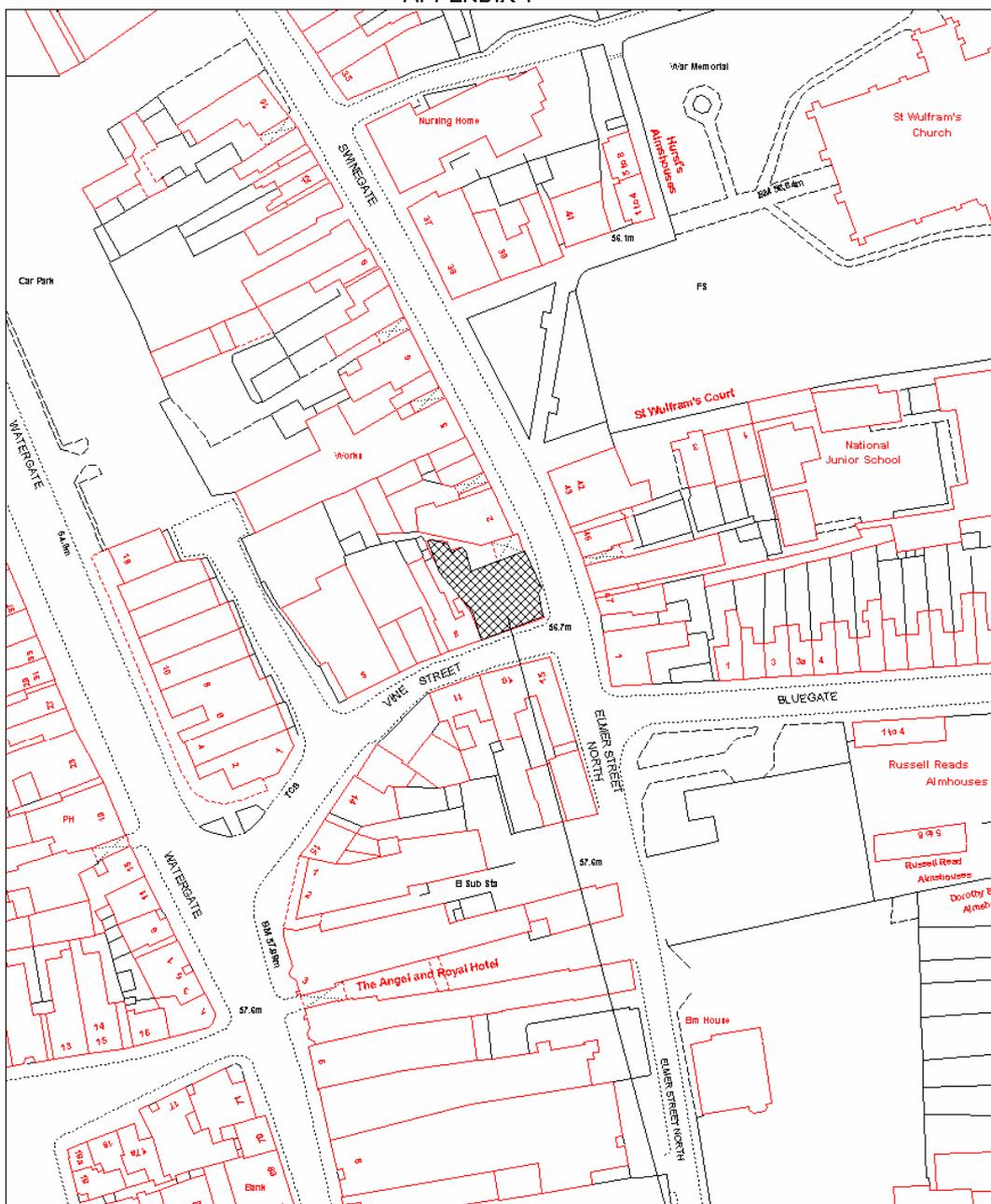
**8. CONCLUSION**

The application is for the variation of licence conditions to extend the operating and activity hours and also add new activities of a Stamford residential area public house. There are representations from the police and five addresses of interested parties. They argue that extending the hours for the applicant will have a negative impact on some of the licensing objectives.

**9. CONTACT OFFICER**

Peter Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 E-mail: peter.harrison@southkesteven.gov.uk

APPENDIX 1



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South Kesteven District Council LA079421 2000

**THE BLUE PIG**  
**9 VINE STREET, GRANTHAM**

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF:           **HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

REPORT NO.         **ENV258**

DATE:                 **26 AUGUST 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR TRANSFER AND VARIATION TO A LICENCE – THE VINE, 19 CHURCH STREET, MARKET DEEPING
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR P MARTIN-MAYHEW (COMMUNITY SAFETY)
CORPORATE PRIORITY:	LICENCING CATEGORY 'Y'
CRIME AND DISORDER IMPLICATIONS:	SEE REPORT DETAILS
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NOT APPLICABLE
BACKGROUND PAPERS:	STATEMENT OF LICENCING POLICY

## **1. INTRODUCTION**

The application is for the conversion of an existing Justices' Licence at a public house and to vary operating and activity hours. The application and map are attached as Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of public houses from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing Justices' Licences into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Justices Licence, the applicant needs to follow a set procedure which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the matter will be determined by the Alcohol and Entertainment Licensing Committee.

The Premises Licence, once granted, lies dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

The Vine public house currently holds a Justice's Licence for the retail sale of alcohol, on and off the premises, a Children's certificate authorising the use of a designated area by children under the age of 14 years until 9.00 pm Monday to Thursday and Sunday, and up to 11.00 pm Friday and Saturday, plus a Permit for amusement machines. Drinking up time is currently twenty minutes. They have applied for a variation in operating hours and in the activity hours. There has been one representation from an interested party, a local resident objecting to the extension of time and the provision of regulated entertainment, arguing that the variation will only promote noise and drunken behaviour. The letter of representation is attached at Appendix 2.

## **2. RECOMMENDATIONS**

That the Committee determines, with regard to the licensing objectives, the application concerning the variations that have been requested.

## **3. DETAILS OF REPORT**

### Conversion of Existing Justices' Licence under Transitional Arrangements

The public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises between the hours of:

### On sales

11:00 to 23:00	Weekdays and Saturdays
12:00 to 22:30	Sundays
12:00 to 22:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 23:00	New Year's Eve
12:00 to 22:30	New Year's Eve (when on Sunday)

In addition, for New Year's Eve – Licensee can remain open from the end of permitted hours until the start of permitted hours on the following Day.

### Off sales

08:00 to 23:00	Weekdays
10:00 to 22:30	Sundays
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
08:00 to 22:30	Good Friday

### Applications for Variation requiring Committee Determination

The applicant has applied for a variation in their permitted hours for their activities to include non-standard timings for all their activities as follows:

- (1) An additional hour on Bank Holiday Weekends (Saturday & Monday) ie until 24.00 hours
- (2) Christmas Day, Boxing Day and New Year's Day, Good Friday until 24.00 hours
- (3) An additional half hour on Bank Holiday Sunday, ie until 23.00 hours
- (4) Plus 20 minutes drinking up time.

One representation has been received (attached as Appendix 2) from:

R W E Auckland, 70 Church Street, Market Deeping

The objection is concerned with noise pollution arising from background music and the extension of hours on public holidays. The objector alleges nuisance arising from a neighbouring public house, and in granting the variation as requested by The Vine will give rise to a similar nuisance. The representation is valid and must be determined.

#### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

None

**5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES**

Not applicable

**6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)**

As the application has been properly made during the transition period the existing licence must be converted to a new Premises Licence subject to all the current conditions and restrictions and any 'embedded conditions'.

In this application, the applicant also wishes to simultaneously vary the licence. As relevant representations have been received concerning the variations, members are required to determine the application regarding the variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

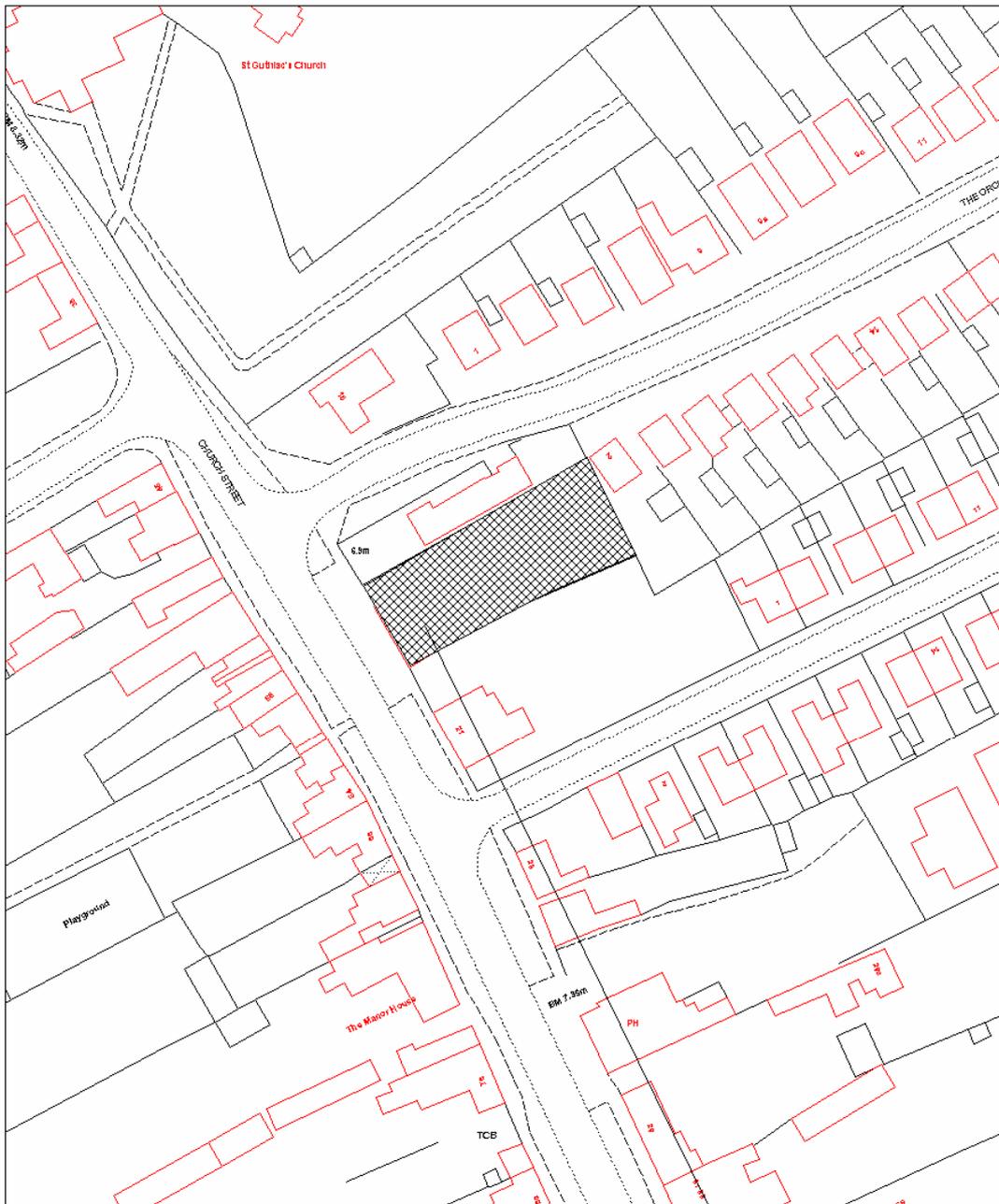
**8. CONCLUSIONS**

The application is for the variation of licence conditions to the operating and activity hours of this public house. One objection has been received concerned with noise pollution which must be determined.

**9. CONTACT OFFICER**

Peter Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 E-mail: peter.harrison@southkesteven.gov.uk

APPENDIX 1



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VINE INN  
19 CHURCH STREET  
MARKET DEEPING