



# AGENDA

For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>MONDAY, 12 SEPTEMBER 2005</b>
at
<b>9.30 AM</b>
in
<b>COMMITTEE ROOM NO. 1, COUNCIL OFFICES, ST. PETER'S HILL GRANTHAM</b>
Duncan Kerr, Chief Executive

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 <a href="mailto:m.hall@southkesteven.gov.uk">m.hall@southkesteven.gov.uk</a>

**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 9TH SEPTEMBER 2005**  
(Enclosure to follow)
- 4. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE:-**
  - a) DRUM AND MONKEY, 67 CASTERTON ROAD, STAMFORD**  
Report ENV284 from the Head of Environmental Health and Licensing  
(Enclosure)

- b) **ANCHOR INN, 44 EASTGATE, BOURNE**  
Report ENV287 from the Head of Environmental Health and  
Licensing  
**(Enclosure)**
- c) **THE ODD HOUSE, 4 FLETCHER STREET, GRANTHAM**  
Report ENV285 from the Head of Environmental Health and  
Licensing  
**(Enclosure)**
- d) **THE WHITE LION, GRANTHAM**  
Report ENV288 from the Head of Environmental Health and  
Licensing  
**(Enclosure)**  
**(Agreement hearing not necessary)**
- e) **THE ANGEL INN, 13 CHURCH STREET, SOUTH WITHAM,  
GRANTHAM**  
Report ENV283 from the Head of Environmental Health and  
Licensing  
**(Enclosure)**  
**(Adjournment requested)**
- f) **RED LION, 48 KING STREET, WEST DEEPING**  
Report ENV282 from the Head of Environmental Health and  
Licensing  
**(Enclosure)**
- g) **ESTABLISHMENT, 90 WESTGATE, GRANTHAM**  
Report ENV286 from the Head of Environmental Health and  
Licensing  
**(Enclosure)**
- h) **ROYAL OAK, 27 MARKET PLACE, GRANTHAM**  
Report ENV280 from the Head of Environmental Health and  
Licensing  
**(Enclosure)**

**(THE APPENDICES TO REPORTS AT AGENDA ITEMS 4 (a) TO (h) 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.**

<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. ENV284**

**DATE: 12 SEPTEMBER 2005**

<b>TITLE:</b>	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – DRUM AND MONKEY, 67 CASTERTON ROAD, 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 Justices' Licence at a public house and to vary the licensable activities. The application and map are 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 Drum & Monkey public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation to permit regulated entertainment, to permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours, to allow the sale of alcohol and to remove all embedded restrictions. The Police as a responsible authority have sent in a letter of representation. This 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 Justices' Licence under Transitional Arrangement

The Drum & Monkey public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises.

#### 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

Application for Variation Requiring Committee Determination

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

Indoor sporting events

11:00 to 23:30	Monday to Wednesday
11:00 to 00:00	Thursday to Saturday
12:00 to 23:00	Sunday

Recorded music

11:00 to 23:30	Monday to Wednesday
11:00 to 00:00	Thursday to Saturday:
12:00 to 23:00	Sunday

Supply of alcohol

11:00 to 23:30	Monday to Wednesday
11:00 to 00:00	Thursday to Saturday
12:00 to 23:00	Sunday

New Years Eve: 10:00 to New Years Day – terminal hour as proposed.

Drinking up time: an additional 40 minutes, to allow 60 minutes drinking up time, after the last permitted sale of alcohol.

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

11:00 to 00:30	Monday to Wednesday
11:00 to 01:00	Thursday to Saturday
12:00 to 00:00	Sunday

The applicant also submits a list of alternative operating times for the sale of alcohol and regulated entertainment on public holidays if the variation is not successful. In addition to remain open until midnight on 20 other occasions at the applicants discretion with seven days prior notice to the Police.

Further the applicant wishes to open for licensable activities to show broadcast of televised sporting events of national or international interest outside normal operating hours, such hours to be confirmed upon seven days prior notice to the Police.

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 one letter of representation from the Lincolnshire Police. They argue that there is no provision for the 20 additional late openings nor opening outside of normal licensed hours to show broadcast of televised sporting events, within the Act and this is a clear attempt to circumnavigate the need for Temporary Event Notice (TEN). They further argue that no consultation has been made to the Police, and they can not plan for these events at short notice. The letter is attached as Appendix 2.

**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

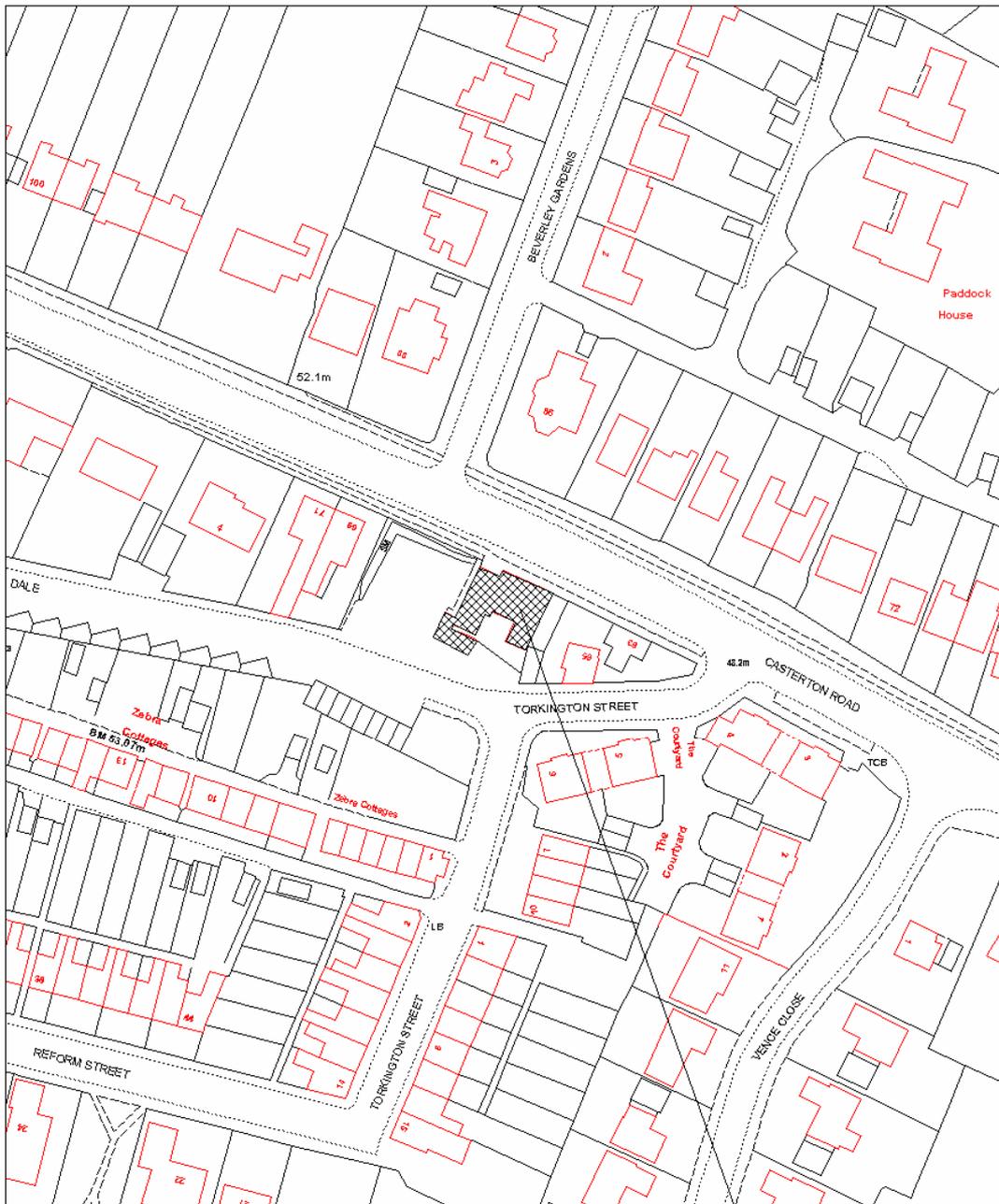
## **8. CONCLUSION**

The application is for a variation of a licence to the activities and operating and activity hours of a Drum & Monkey public house in Stamford. The Police have made a representation on the grounds that no consultation has been made to them by the applicant. They argue that allowing the applicant's premises to open outside of the licensed hours in order to show the broadcast of televised sporting events of national or international interest and to permit the applicant's premises to open outside of the licensed hours on up to twenty (20) times per annum at the discretion of the applicant is a clear attempt to circumnavigate the need for Temporary Event Notice (TEN) as there is no provision in the Act for the applicant's requests within the Act.

## **9. CONTACT OFFICER**

P 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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South Kesteven District Council LA079421 2000

THE DRUM AND MONKEY,  
67 CASTERTON ROAD, STAMFORD.

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV287**

DATE:                 **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – ANCHOR INN, 44 EASTGATE, BOURNE
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, extend drinking up time by 10 minutes and to include new licensable activities. The application is 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 Anchor Inn currently holds a Justice's Licence for the retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in opening hours and operating hours and to add new activities.

The Police objected to the extension of hours as applied for by the applicant. They however record in their letter of objections dated 28 July 2005 that they reached an agreement with the applicant to amend the hours to 11:00 to 00:00 from Sunday to Thursday; 11:00 to 01:00 on Friday and Saturday; on Thursday before Good Friday, and Sunday before a Bank Holiday the premises to have an additional hour and on Christmas Eve and Boxing Day (if on any day from Sunday to Thursday) to extend by an additional hour. The letter from police 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 Justices' Licence under Transitional Arrangement

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

### Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

#### Indoor sporting events

11:00 to 23:00	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

#### Live Music

11:00 to 23:00	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

#### Recorded music

11:00 to 00:00	Monday to Thursday
11:00 to 02:00	Friday & Saturday
12:00 to 23:30	Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day

To reflect New Year's Eve/Day hours

Provision of facilities for entertainment similar to provision of facilities for making music or dancing

11:00 to 00:00 Monday to Thursday  
11:00 to 02:00 Friday & Saturday  
12:00 to 22:30 Sunday

Supply of alcohol

11:00 to 23:00 Monday to Thursday  
11:00 to 01:00 Friday & Saturday  
12:00 to 23:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day

To reflect New Year's Eve/Day hours

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

11:00 to 00:30 Monday to Thursday  
11:00 to 02:30 Friday & Saturday  
12:00 to 00:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day

To reflect New Year's Eve/Day hours

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 from the police as a responsible authority. Discussions were subsequently held between the applicant and the police. The matters raised in the representations have been clarified and the police wish to withdraw their representations subject to the four licensing objectives being adhered to. The applicant has not confirmed his acceptance in writing to amend the 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

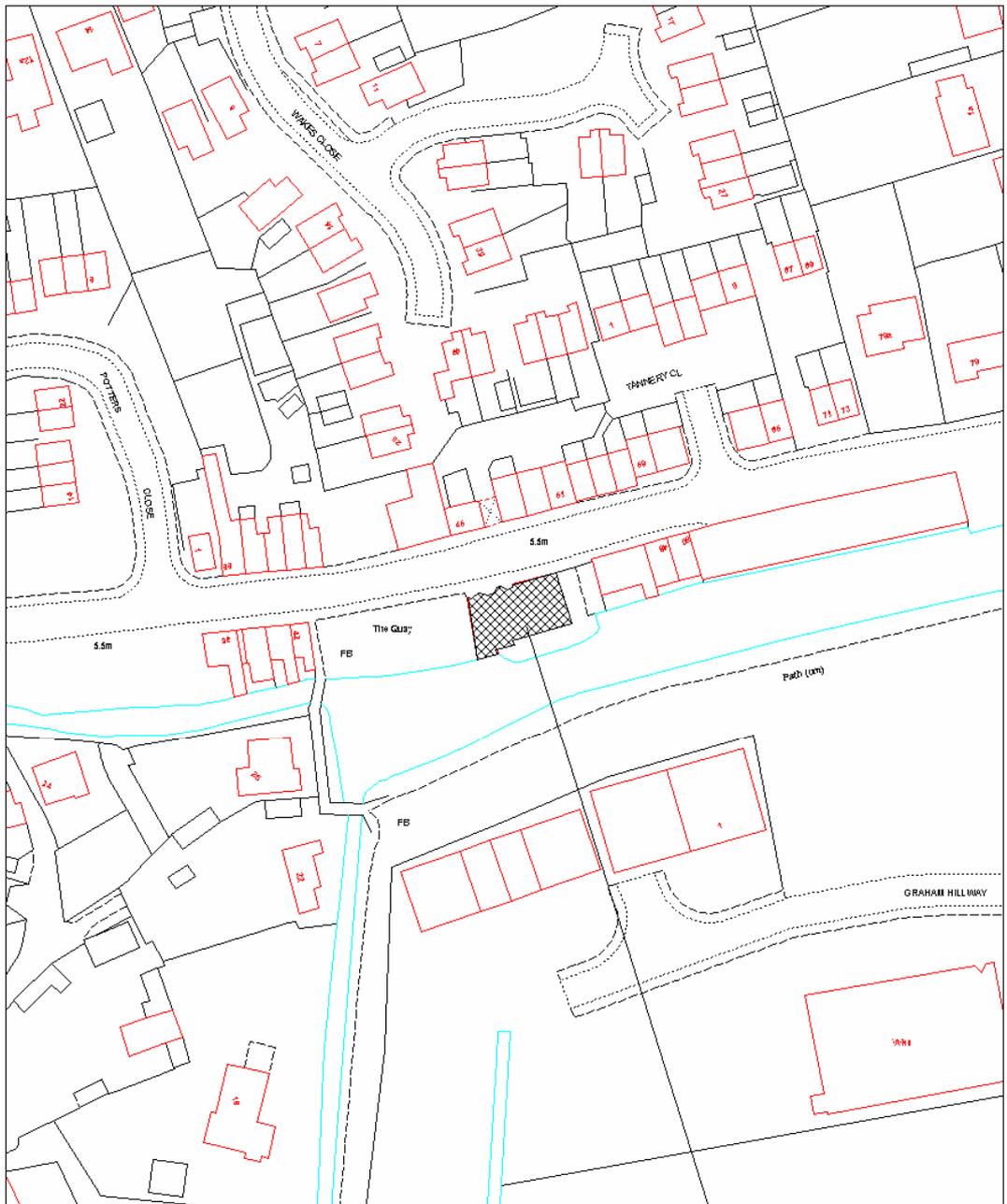
**8. CONCLUSION**

The application is for the variation of licence conditions to the operating and activity hours of a Bourne public house. The police submitted a letter of representations which states amendments to the hours applied for have been agreed, this is not supported in writing by the applicant.

**9. CONTACT OFFICER**

P 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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South Kesteven District Council LA079421 2000

THE ANCHOR INN,  
44 EASTGATE, BOURNE.

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV285**

DATE:                 **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ODD HOUSE, 4 FLETCHER 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 The Odd House and to vary (extend) the opening hours, operating hours and licensable activities. The application and map are 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 Odd House public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours, an additional 10 minutes drinking up time and additional licensable activities. Two representations (Appendix 2) have been received. One from the Lincolnshire Police which was later withdrawn as a result of an agreement reached between the Police and the licensee. The other from a local resident, Cllr Yvonne B. Gibbins.

## 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 Arrangement

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

#### 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

Application for Variation Requiring Committee Determination

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

Live Music

10.00 to 23.00    Monday to Friday  
10.00 to 23.30    Saturday  
12.00 to 23.00    Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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.

Recorded Music

10.00 to 00.00    Monday to Thursday  
10.00 to 01.00    Friday to Saturday  
10.00 to 00.00    Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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.

Supply of Alcohol

10.00 to 00.00 Monday to Thursday

10.00 to 01.00 Friday to Saturday

12.00 to 00.00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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.

Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

10.00 to 00.30 Monday to Thursday

10.00 to 01.30 Friday & Saturday

12.00 to 01.30 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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.

Two representations have been received. The other representation is from a local resident, Cllr Yvonne B. Gibbins (an interested party). All letters of representation / withdrawal are attached, Appendix 2.

The Lincolnshire Police submitted a representation which was later withdrawn as a result of an agreement reached between the Police and the licensee, see letter dated 18 August 2003, copied to the Janet Birch, designated premises supervisor (DPS). A request to amend the application has not been received from the applicant; hence the operating/closing times provided above are those as stated in the original application.

The Police initially objected to this request on the ground that it will increase the risk of Crime and Disorder, and Public Nuisance in the residential area.

However, through consultation with the licensee, agreement has been reached. The DPS is mindful of customers and local residents and does not want the further hours over the whole of the Bank Holiday weekend. The licensee would like a further hour into the morning on the Sunday of all Bank Holiday weekends – selling alcohol until 01.00 (Monday) and closing to the public at 01.30 on these days. In addition the DPS would like to continue with the application for an additional hour every Christmas Eve and Boxing Day.

Cllr Yvonne B. Gibbins, a local resident of 74 Grantley Street. She states that

- a. The applicant occasionally plays loud music until 2.30am in the pub which is situated in a densely populated, terraced residential area.
- b. Another concern raised is that the pub is approximately 20 feet away from a house which accommodates adults with mental health/ learning difficulties.

Further, she states that the applicant is already flouting the law, and has no consideration for the residents of Norton St. Fletcher St. and Grantley St.

#### **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**

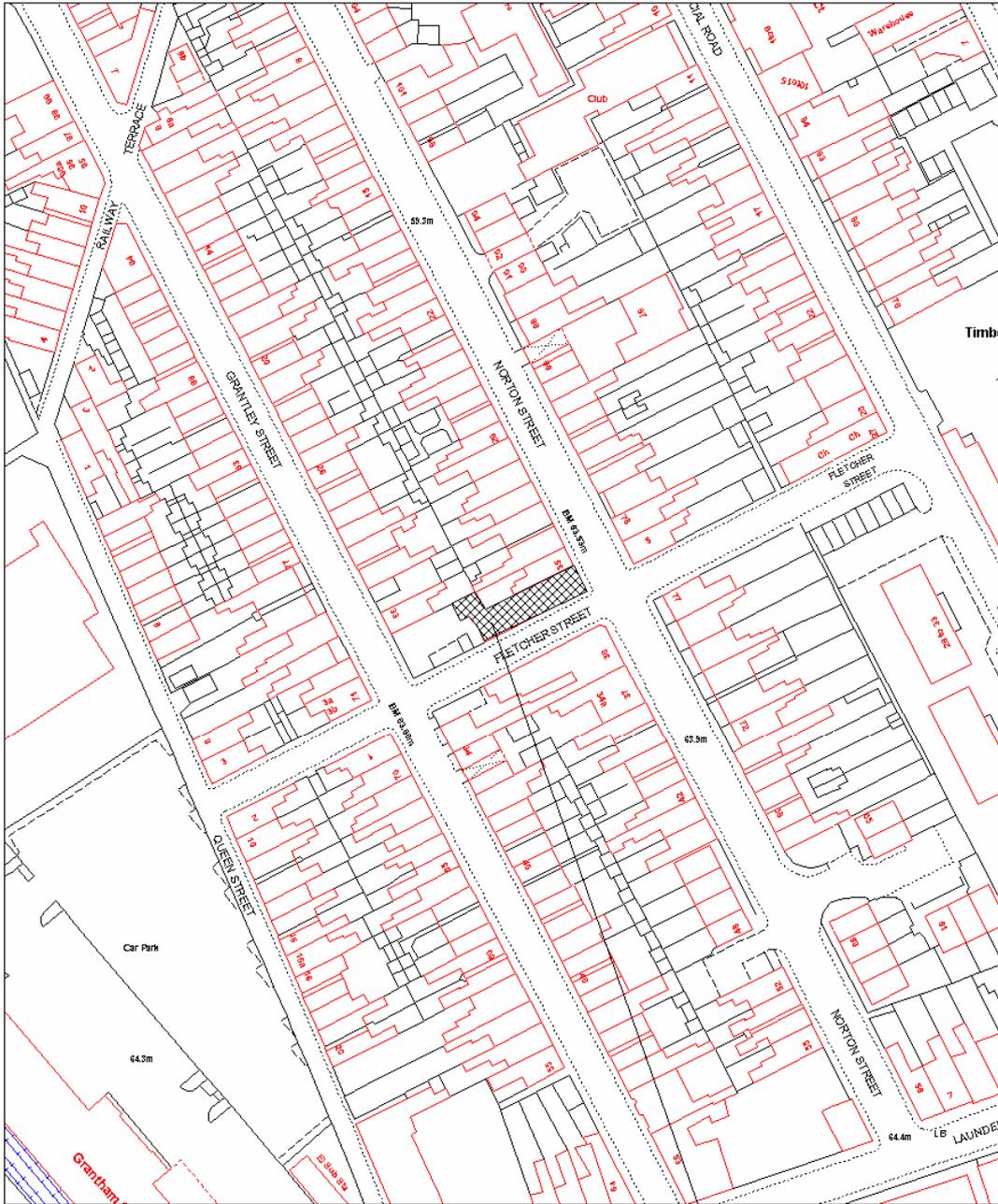
The application is for the variation of licence conditions to extend operating hours and to add new activities to the public house.

Two representations have been received. One from the Lincolnshire Police which was later withdrawn as a result of an agreement reached between the Police and the DPS. The other from a local resident, Cllr Yvonne B. Gibbins (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**

P 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 ODD HOUSE,  
4 FLETCHER STREET,  
GRANTHAM

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV288**

DATE:                 **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –THE WHITE LION, 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 activity hours and operating hours and to include new licensable activities.

The application is attached at 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.

The White Lion public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in activity hours and operating and to include new licensable activities. The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children & Young Persons Act 1933.

There were representations from the police which were after agreement was reached with the applicant in respect of closing times on Sundays and Bank Holiday Mondays. The letters are 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 Arrangement

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

#### Application for Variation Requiring Committee Determination

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

#### Films

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

#### Indoor sporting events

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

### Live Music

10:00 to 00:00            Monday to Thursday  
10:00 to 01:00            Friday to Sunday

### Recorded Music

10:00 to 00:00            Monday to Thursday  
10:00 to 01:00            Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

### Anything of a similar description to that falling within e, f or g

10:00 to 00:00            Monday to Thursday  
10:00 to 01:00            Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

### Provision of facilities for dancing

10:00 to 00:00            Monday to Thursday  
10:00 to 01:00            Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

### Supply of alcohol

10:00 to 00:00            Monday to Thursday  
10:00 to 01:00            Friday to Sunday

10:00 New Years Eve - 01:00 2nd January  
10:00 - 01:00 the following morning on Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

In order to accommodate the above variations and allow 30 minutes drinking up time, the premises opening times will be:

10:00 to 00:30            Monday to Thursday  
10:00 to 01:30            Friday to Sunday

10:00 New Years Eve - 01:00 2nd January  
10:00 - 01:00 the following morning on Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

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 a letter of representations from the police which was withdrawn after agreement was reached with the applicant in respect of closing times on Sundays and Bank Holiday Mondays.

**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**

This is an application is for the conversion of an existing Justices' Licence for a Grantham public house and to vary the activity and operating hours generally and during special events and to include new licensable activities.

The council received representations from the police which were subsequently withdrawn after agreement was reached with the applicant. The letter withdrawing the representation was copied to the applicant.

## **9. CONTACT OFFICER**

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



# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV283**

DATE:                 **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ANGEL INN, 13 CHURCH STREET, SOUTH WITHAM, 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 permitted hours, drinking up time and licensable activities. The application and map are 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 Angel Inn public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation to extend the hours and permit regulated entertainment and the sale of alcohol throughout the whole of the premises from 11.00 to 00.30 the following morning on Monday to Sunday, to remove any embedded restrictions which are placed on the licence by virtue of section 8, paragraph 6 (8) of the Licensing Act 2003 and to allow an additional 10 minutes drinking up time.

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 Justices' Licence under Transitional Arrangement

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

#### 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

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Live music

11:00 to 00:30 Monday to Sunday

New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Supply of alcohol

11:00 to 00:30 Monday to Sunday

Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

11:00 to 01:00 Monday to Sunday

New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

The applicant wishes to remove all any embedded restrictions which are placed on the licence, unless indicated otherwise in the variation application.

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 one representation by email from an interested party, Mr Paul R Slater, a local resident of 15 Church Street, Grantham. He states that his residence is immediately adjacent to the Angel Inn and his main concern is the impact that an extension to the licensing hours may have on the local village conservation area as a result of increased noise late at night. The email is attached as Appendix 2.

**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

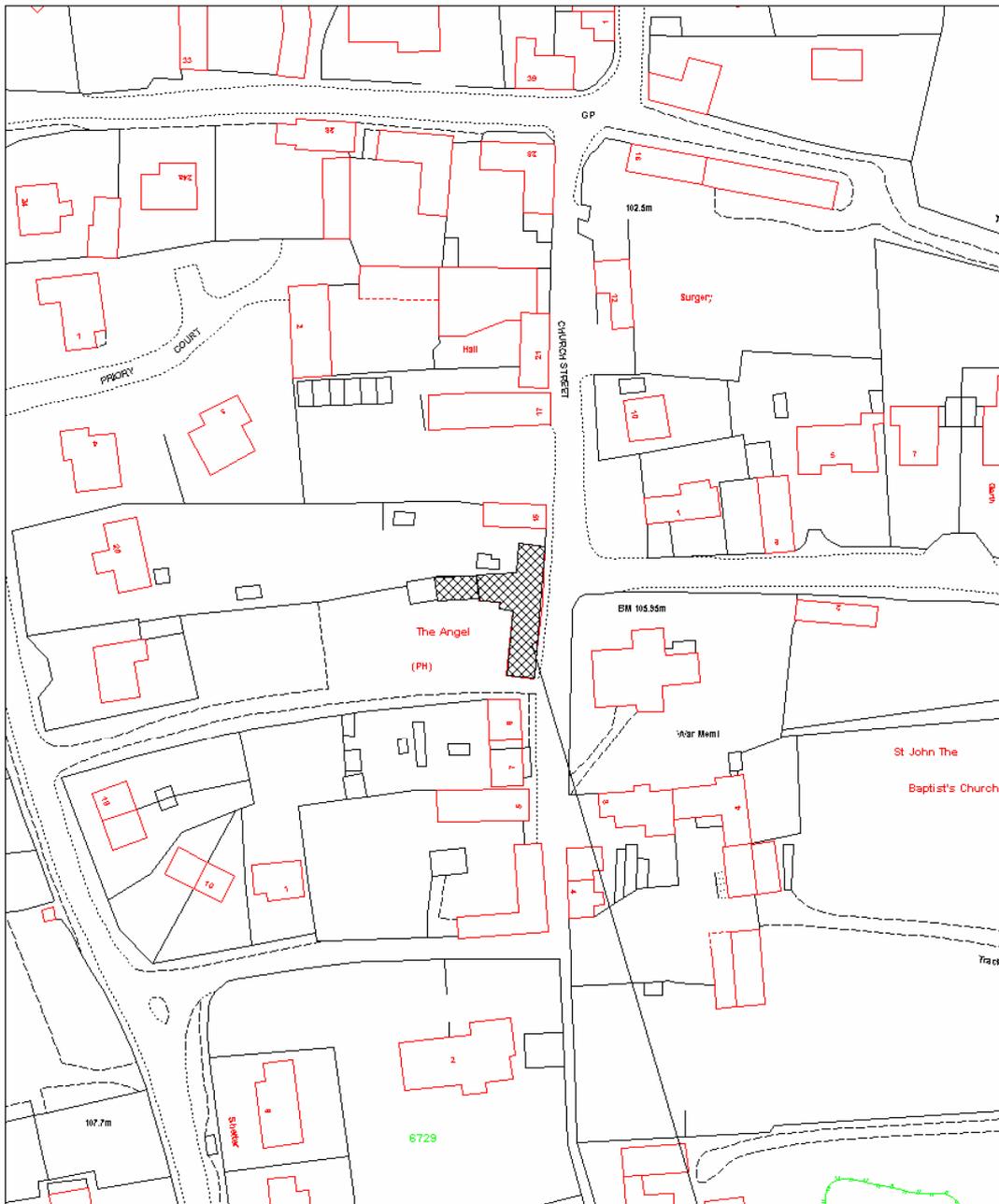
**8. CONCLUSION**

The application is for a variation of a licence to the activities and operating and activity hours of The Angel Inn public house. There is a representation by email from an interested party.

**9. CONTACT OFFICER**

P 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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South Kesteven District Council LA079421 2000

THE ANGEL INN,  
13 CHURCH STREET, SOUTH WITHAM.

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV282**

DATE:                 **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – RED LION, 48 KING STREET, WEST 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 Red Lion public house and to vary the activity and operating hours, and licensable activities. The application and map are 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 Red Lion public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in activity and operating hours, an additional 10 minutes drinking up time and additional licensable activities.

Two representations (Appendix 2) have been received from interested parties, received within 28 days of the application been made to the Council.

## 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 Arrangement

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

#### 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

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Live Music

11:00 to 23:00	Monday to Thursday
11:00 to 00:30	Friday & Saturday
12:00 to 23:30	Sunday

Please note B1 of the variation requests activity hours for regulated entertainment (live and recorded music) and entertainment facilities (making music) on Sunday – Thursday from 11:00 to 23:00, but in the operating schedule for E Live Music on Sunday, it is typed as 12:00 to 23:30.

In addition:

26 January	23:00 to 24:00
14 <sup>th</sup> February	23:00 to 24:00
17 <sup>th</sup> March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 <sup>rd</sup> April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 <sup>th</sup> and 28 <sup>th</sup> December	23:00 to 24:00

Recorded Music

11:00 to 23:00	Sunday to Thursday
11:00 to 00:30	Friday & Saturday

In addition:

26 January	23:00 to 24:00
14 <sup>th</sup> February	23:00 to 24:00
17 <sup>th</sup> March	23:00 to 24:00

Good Friday	22:30 to 24:00
23 <sup>rd</sup> April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 <sup>th</sup> and 28 <sup>th</sup> December	23:00 to 24:00

Anything of similar description to that falling within (e), (f) or (g)

11:00 to 23:00	Sunday to Thursday
11:00 to 00:30	Friday & Saturday

In addition:

26 January	23:00 to 24:00
14 <sup>th</sup> February	23:00 to 24:00
17 <sup>th</sup> March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 <sup>rd</sup> April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 <sup>th</sup> and 28 <sup>th</sup> December	23:00 to 24:00

Provision of facilities for making music

11:00 to 23:00	Monday to Sunday
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In addition:

26 January	23:00 to 24:00
14 <sup>th</sup> February	23:00 to 24:00
17 <sup>th</sup> March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 <sup>rd</sup> April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 <sup>th</sup> and 28 <sup>th</sup> December	23:00 to 24:00

Late night refreshment

23:00 to 00:30	Friday & Saturday
23.00 to 23.30	Sunday

In addition:

26 January	23:00 to 24:00
14 <sup>th</sup> February	23:00 to 24:00
17 <sup>th</sup> March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 <sup>rd</sup> April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 <sup>th</sup> and 28 <sup>th</sup> December	23:00 to 24:00

Supply of Alcohol

23.00 to 00.30	Friday & Saturday
22.30 to 23.30	Sunday

In addition:

26 January	23:00 to 24:00
14 <sup>th</sup> February	23:00 to 24:00
17 <sup>th</sup> March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 <sup>rd</sup> April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 <sup>th</sup> and 28 <sup>th</sup> December	23:00 to 24:00

Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

In the schedule for alcohol, the applicant has shown the extension hours requested only.

In order to accommodate the above extension of activity hours, and increase in drinking time to 30 minutes, the premises opening time will be:

11:00 to 23:30	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 23:30	Sunday

In addition:

26 January	23:00 to 24:00
14 <sup>th</sup> February	23:00 to 24:00
17 <sup>th</sup> March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 <sup>rd</sup> April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00

Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 <sup>th</sup> and 28 <sup>th</sup> December	23:00 to 24:00

The applicant's solicitor has been contacted to review the proposed operating hours as there is conflict with the activity hours for some of the activities.

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 two letters of representations from interested parties:

Arthur Dethick	46A King Street, West Deeping
P. Fairman	50 King Street, West Deeping

The representations relate to the noise and nuisance arising from the premises. The local residents who made the representations consider that the proposed extended hours would have a negative effect on public nuisance.

**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 a variation of a licence to the activities and operating and activity hours of a Red Lion public house, located in West Deeping. Two interested parties have made representations based on the prevention of public nuisance, noise and disorder.

**9. CONTACT OFFICER**

P 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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South Kesteven District Council LA079421 2000

THE RED LION,  
WEST DEEPING.

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV286**

DATE:                 **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – ESTABLISHMENT, 90 WEST GATE, 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 permitted hours, drinking up time and to continue with live music as a licensable activity. The application and map are 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.

Establishment public house currently holds a Justices Licence for the retail sale of alcohol on and off the premises, a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind and a Special Hours Certificate that allows the supply of alcohol ancillary to music and dancing and substantial refreshment. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours, an additional 10 minutes drinking up time and to continue with live music.

There is a letter of representations from the police. The letter was submitted within the 28 day time limit and 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 Justices' Licence under Transitional Arrangement

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

#### 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 Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. The PEL is issued subject to the standard terms conditions and restrictions contained in regulations made by the authority. Additional conditions of the current licence are:

*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 am and 2.00 am the following morning, 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 other public entertainment of a like kind except between the hours of 11 am and 12:30 am the following morning, or until 2:00 am the following morning if the Monday is a bank holiday, except Easter Monday.

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 200 persons- whole premises.

*Additional Safety Requirements-* A CCTV system shall be installed and operated in the reception area and footpaths and car parks outside the

premises within 50 metres of the entrance /exits to the satisfaction of the police.

The Special Hours Certificate permits the sale of alcohol ancillary to substantial refreshment Monday to Saturday to 2:00 am. Sundays to 12:30 am unless the Monday is a bank holiday in which case to 2:00 am except Easter Sunday.

#### Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

##### Live Music

11:00 to 02:00      Monday to Saturday  
11:00 to 00:30      Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

##### Recorded music

11:00 to 02:00      Monday to Saturday  
12:00 to 00:30      Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

##### Provision of facilities for dancing

11:00 to 02:00      Monday to Saturday  
12:00 to 00:30      Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Provision of facilities for entertainment similar to making music and dancing

11:00 to 02:00 Monday to Saturday

12:00 to 00:30 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Supply of alcohol

11:00 to 02:00 Monday to Saturday

12:00 to 00:30 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

11:00 to 02:30 Monday to Saturday

12:00 to 01:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

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 one letter of representations from the police. They object to the hours proposed by the applicant as in their view it will increase the risk of crime and disorder, public nuisance and risk to public safety. They propose that if the premises intend to operate beyond 23:00 then they should have door staff from 21:00 until closing time. The letter is attached at Appendix 2.

**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**

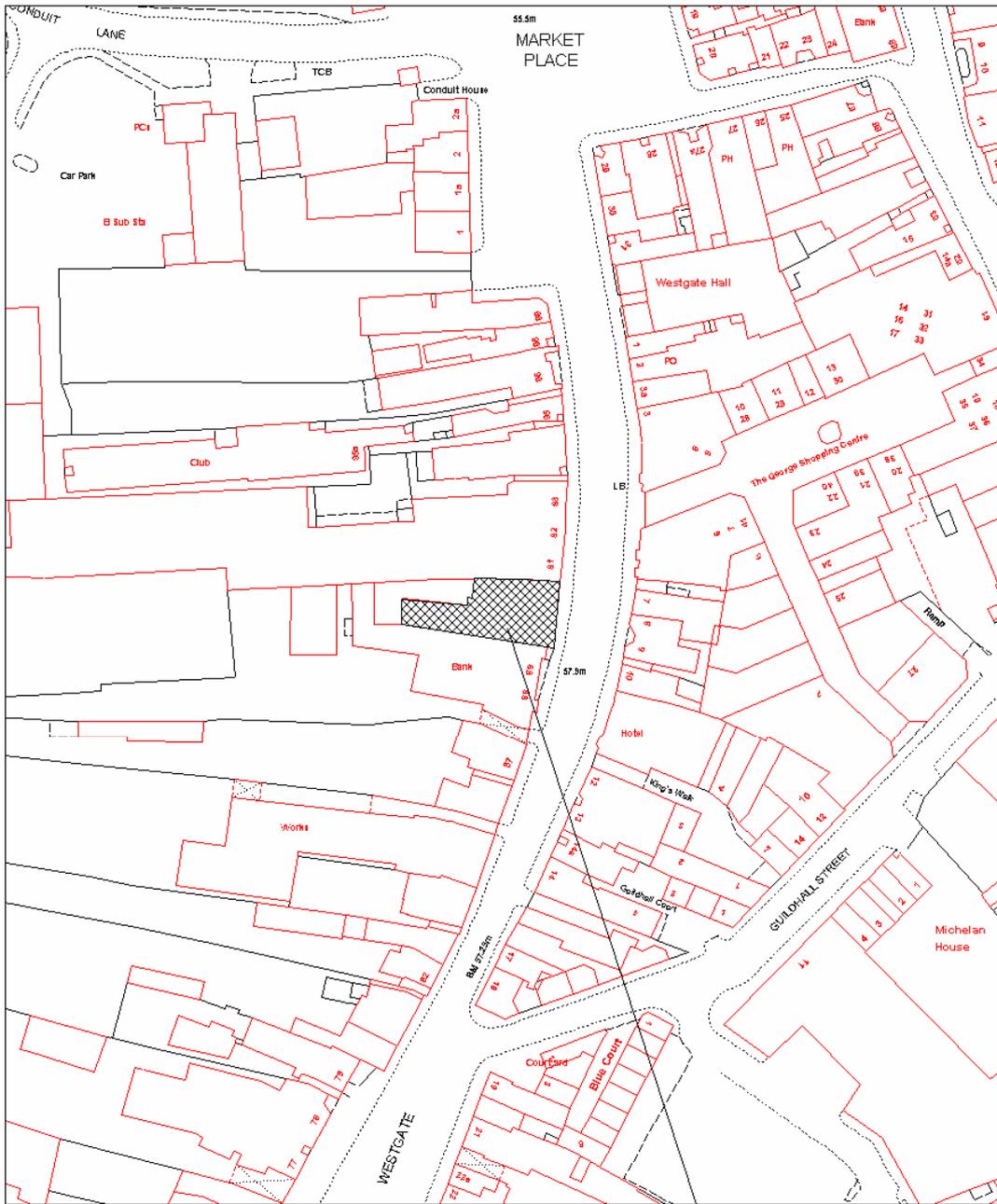
The application is for the conversion of an existing Justices' Licence at a public house and to vary the permitted hours, drinking up time and to continue with live music as a licensable activity. The police made representations based on crime, disorder, public nuisance and public safety.

**9. CONTACT OFFICER**

P 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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 South Kesteven District Council LA079421 2000

THE ESTABLISHMENT,  
 90 WESTGATE, GRANTHAM.

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV280**

DATE:                 **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – ROYAL OAK, 27 MARKET PLACE, 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 activity and operating hours, drinking up time and to continue with live music as a licensable activity. The application and map are 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 Royal Oak public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind, a Special Hours Certificate that allows the supply of alcohol ancillary to music and dancing and substantial refreshment. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours, an additional 10 minutes drinking up time and to continue with live music. The applicant wishes to remove the PEL restriction (standard condition 52) on the use of smoke machines at the premises.

There is one letter of representation from the Police, as responsible authority, and another from an interested party. The letters were submitted within the 28 day time limit and 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 Arrangement

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

On sales

11:00 to 02:00	Monday to Saturday
12:00 to 00:30	Sundays
12:00 to 02:00	Sunday prior to a Monday Bank Holiday, except Easter Monday
12:00 to 22:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 02:00	New Year's Eve
12:00 to 00:30	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 Public Entertainment Licence for public dancing or music or any public entertainment of a like kind film exhibitions. The PEL is issued subject to the standard terms conditions and restrictions contained in regulations made by the authority. Additional conditions of the current licence are:

*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 am and 2.00 am the following morning, 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 other public entertainment of a like kind except between the hours of 12 noon and 12:30 am the following morning.

*Standard Condition No.5 (Events held on Sundays- Bank Holidays)* –Where the following Monday is a bank holiday the times of entertainment on the Sunday are extended until 2:00 am the following morning, except Easter Monday.

*Standard Condition No.52-(Special Effects Equipment)* – Note the fire officer has objected to the use of smoke machines on these premises.

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 200 persons- whole premises.

Standard Condition No 58 & 59 – Prevention of Noise Nuisance – The licence issued subject to compliance with the recommendations in the acoustic report provided by Brierley Associates, dated October 1999.

A noise limiting device controlling noise levels from music within the premises shall be installed and set so that the music level within the premises does not exceed the levels specified in the acoustic report at all times when public entertainments are held.

*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.

The Special Hours Certificate permits the sale of alcohol ancillary to substantial refreshment and the provision of music and dance.

#### Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

##### Live Music

11:00 to 04:00	Monday to Saturday
12:00 to 02:00	Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

##### Recorded music

11:00 to 04:00	Monday to Saturday
12:00 to 02:00	Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

##### Provision of facilities for dancing

11:00 to 04:00	Monday to Saturday
12:00 to 02:00	Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

#### Provision of facilities for entertainment similar to making music and dancing

11:00 to 04:00 Monday to Saturday

12:00 to 02:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

#### Supply of alcohol

11:00 to 04:00 Monday to Saturday

12:00 to 02:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

11:00 to 04:30 Monday to Saturday

12:00 to 02:30 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour for Christmas Eve.

A further additional hour every Boxing Day  
To reflect existing New Year's Eve /Day hours

The applicant wishes to remove Standard Condition 52 from the PEL, to allow the use of smoke machines at the premises. The Fire Officer has previously objected to their use.

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 one letter of representations from the Police and another from Mr R Widdowson of 26a Market Place, Grantham. The Police are of the view that younger drinkers who frequent the premises are likely to cause crime, disorder, public nuisance and risk to public safety caused as a result of the proposed longer drinking hours. They propose that the hours proposed by the applicant be reduced. The interested party on the other hand fears that extending the hours will result in noise pollution both from the music played at the premises and the patrons coming to and leaving the premises.

**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 conversion of an existing Justices' Licence at a Grantham centre public house and to vary the permitted hours, drinking up time and to continue with live music as a licensable activity. The Police and an interested party made representations based on crime, disorder, public nuisance and public safety.

**9. CONTACT OFFICER**

P 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 ROYAL OAK,  
27 HIGH STREET, SWAYFIELD,  
GRANTHAM