



# AGENDA

For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 16 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 2ND AND 9TH SEPTEMBER 2005**  
**(To follow)**
- 4. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE: -**
  - a) THE ROYAL OAK, 27 HIGH STREET, SWAYFIELD**  
Report ENV279 from the Head of Environmental Health and Licensing

(Enclosure)

- b) **THE WHISTLE STOP, MAIN ROAD, TALLINGTON**  
Report ENV281 from the Head of Environmental Health  
and Licensing

(Enclosure)

- c) **THE WISHING WELL, 21 MAIN ROAD, DYKE**  
Report ENV276 from the Head of Environmental Health  
and Licensing

(Enclosure)

- d) **THE HOLE IN THE WALL & CHARLIE'S NIGHT  
CLUB, 5 CHEYNE LANE, STAMFORD**  
Report ENV278 from the Head of Environmental Health  
and Licensing

(Enclosure)

- e) **THE WHITE HORSE, 27 CHURCH STREET, MARKET  
DEEPING**  
Report ENV289 from the Head of Environmental Health  
and Licensing

(Enclosure)

- f) **THE PUNCHBOWL, 21 SCOTGATE, STAMFORD**  
Report ENV291 from the Head of Environmental Health  
and Licensing

(Enclosure)

- g) **THE WAGGON AND HORSES, 89 MANTHORPE ROAD,  
GRANTHAM**  
Report ENV290 from the Head of Environmental Health  
and Licensing

(Enclosure)

- h) **TESCO STORES, 46-51 HIGH STREET, STAMFORD**  
Report not circulated as agreement reached that a  
hearing will not be necessary.

**(THE APPENDICES TO REPORTS AT AGENDA ITEMS 4 a) TO g) 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. ENV279**

**DATE: 16 SEPTEMBER 2005**

<b>TITLE:</b>	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ROYAL OAK, 27 HIGH STREET, SWAYFIELD, NR GRANTHAM
<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 activity hours and operating hours and to include new 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 Royal Oak public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Supper Hours Certificate. Drinking up time is currently 30 minutes. They have applied to vary the licensable activities, and activity and operating hours, together with an additional 10 minutes drinking up. The Police and two interested parties have submitted representations. 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.

#### 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 Supper Hours Certificate permits the sale and supply of alcohol as ancillary to the provision of substantial refreshment.

Application for Variation Requiring Committee Determination

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

Films

10:00 to 00:00 Monday to Sunday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Live Music

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Recorded Music

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Performances of dance

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Entertainment similar to live music, recorded music or performances of dance

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Provision of facilities for making music

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Provision of facilities for dancing

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Late night refreshment

23.00 to 05:00 Sunday to Monday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Supply of Alcohol

10.00 to 00:30 Sunday to Thursday

10:00 to 01:30 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Further, alcohol will be supplied 24 hours a day to bona fide residents and their personal guests.

Adult entertainment, services or activities

Striptease performances ancillary to stag and hen nights

The applicant has prohibited children from the premises during these performances.

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

08.00 to 01:00 Sunday to Thursday

08:00 to 02:00 Friday & Saturday

Drinking up time will be increased to 30 minutes.

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3

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 two letters from local residents. The Police have made observations relating to the meaning of `personal guests` as used by the applicant in the application.

The interested parties

Mrs S Pontin	40 High Street, Swayfield
Mrs KM Clay	Old School, Swayfield

On the other hand consider that extending the hours will encourage 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 Swayfield Village centre public house. There are letters of representations from the Police and interested parties.

**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 ROYAL OAK,  
27 HIGH STREET, SWAYFIELD,  
GRANTHAM

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV281**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE WHISLE STOP, MAIN ROAD, TALLINGTON
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 generally and during special events 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 Whistle Stop 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 hours generally and during special events and to include new licensable activities.

There were representations from the Police and from Tallington Parish Council. They have all been submitted within the 28 day time limit and are attached as Appendix 2. In their letter of 28 July 2005, the Police state that they have agreed with the applicant to amend the proposed alcohol hours. We do not have confirmation from the applicant. Further, the Police state that they object to the proposed variation relating to special events, arguing that this can be catered for by a Temporary Event Notice. On the other hand, the parish Council fear that extending the hours will cause noise pollution, especially from the music to be played at the premises.

## **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:

Live music

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Recorded music

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or

proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Entertainment of a similar description

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Provision of facilities for making music

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Provision of facilities for dancing

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

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

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday

15:00 to 22:00            Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Late night refreshment

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

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Supply of alcohol

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

Please note the variation section M only shows the additional hours requested.

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

In order to accommodate the above variations, the premises opening times will be:

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

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by 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 a letter of representations from the Police and another from Tallington Parish Council. The Police object to the proposed extension of hours generally and for particular events arguing that the proposal to vary the hours for particular events is unlawful. They however state that they have agreed with the applicant to amend the alcohol hours as follows:

Friday and Saturday to supply alcohol until 01:00 and the premises to be open to the public until 01:30. Doors to close at midnight on both days. We do not have the applicant's confirmation on this, however. On the other hand, the parish Council fear that extending the hours will cause noise pollution, especially from the music to be played at 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**

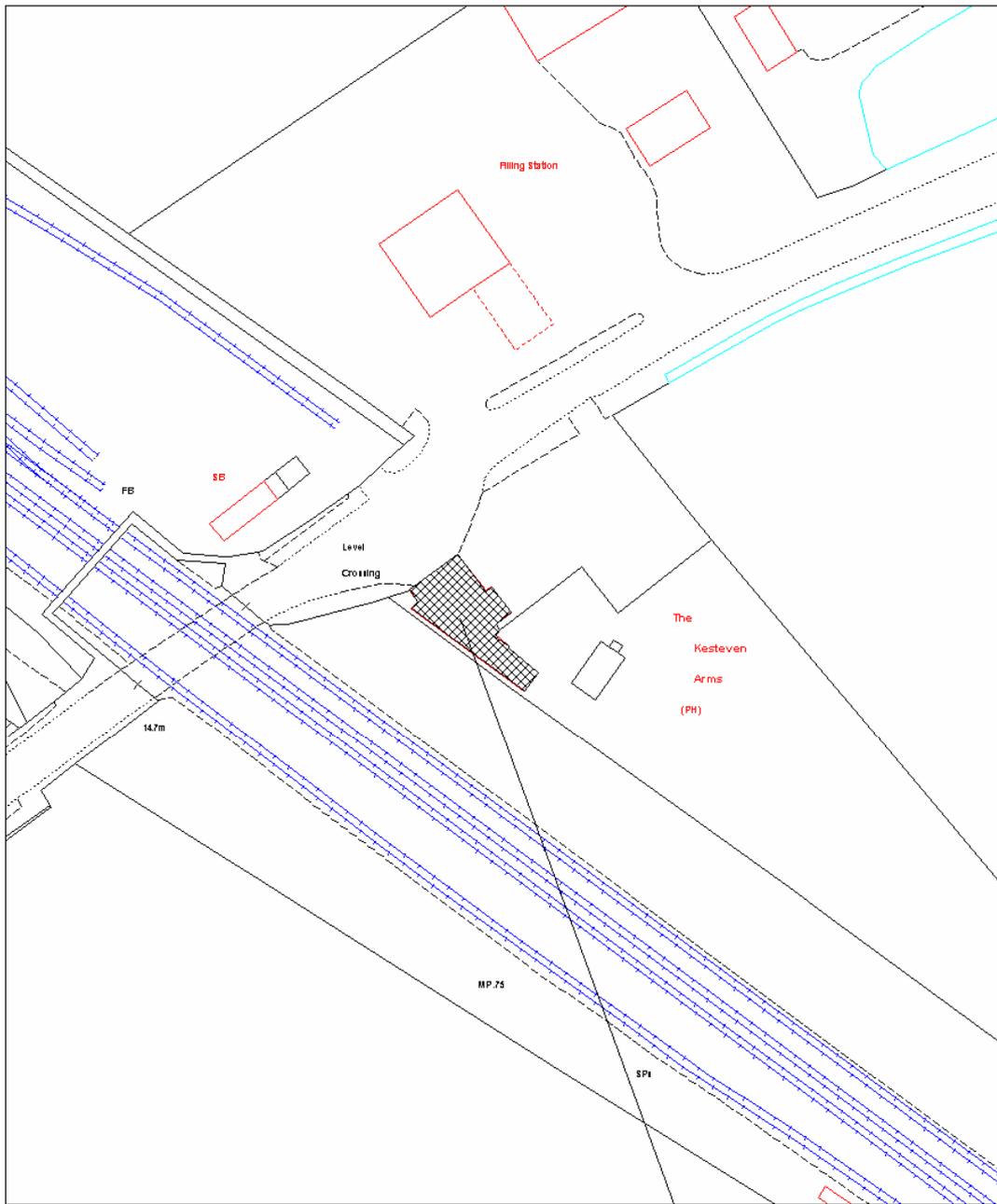
This is an application is for the conversion of an existing Justices' Licence for a Tallington public house and to vary the activity hours and operating hours generally and during special events and to include new licensable activities

The Council received letters of representations from the Police and the local parish Council.

**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 WHISTLE STOP  
MAIN ROAD, TALLINGTON

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV276**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –WISHING WELL, 21 MAIN ROAD, 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 activity hours and operating hours and to include new licensable activities. In addition the applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964.

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 Wishing Well 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. 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; and the removal of all embedded restrictions inherent in the Licensing Act 1964. Within the application (A3 page 5) reference is made to extended permitted hours, by virtue of a Supper Hours Certificate; the Supper Hours Certificate has not been included with the application.

There were representations from the Police as a responsible authority. They object to the extension of hours generally and to an extension on Bank Holiday weekends and Christmas holidays. However, they state in their letter that they agreed with the applicant to amend the alcohol hours. The applicant has confirmed the existence of this arrangement. 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

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. The PEL requires all doors and windows to be kept closed at all times entertainment/music is on. 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 7pm and 11:30 Monday to Thursday and 7pm and 12 midnight, Friday to Saturday

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 172 persons- Function Room

*Licence Restriction* – This licence covers only parts of the premises for which an occupancy figure has been specified. Parts of the premises for which an occupancy figure has not been specified may not be used for public entertainments.

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

## Application for Variation Requiring Committee Determination

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

### Films

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Indoor sporting events

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Live music

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Recorded music

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Entertainment of a like kind

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Provision of facilities for making music

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Provision of facilities for dancing

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Late night refreshment

23:00 to 01:30 Sunday to Thursday  
23:00 to 02:30 Friday & Saturday

### Supply of alcohol

07:00 to 01:00 Sunday to Thursday  
07:00 to 02:00 Friday & Saturday  
07:00 New Year's Eve to 02:00 on 2<sup>nd</sup> January

Part B1 page 8 of the application states supply of alcohol between 07:00 to 02:00 Sunday to Thursday and 07:00 to 02:00 on Fridays & Saturdays, but the operating schedule for M – supply of alcohol states 07:00 to 02:00 Sunday to Saturday. This is a typographical error as the premises opening hours are 07:00 to 01:30 Sunday to Thursday.

In order to accommodate the above variations, the premises opening times will be:

07:00 to 01:30  
07:00 to 02:30

Sunday to Thursday  
Friday & Saturday

The applicant wishes to remove the special term from the PEL – Licence Restriction, to allow regulated entertainment to take place throughout the premises and in the outside areas.

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 Police object to extending the alcohol hours generally and on Bank Holiday weekends and Christmas holidays. However, they record in their letter that they have agreed with the applicants to revise their alcohol hours as follows:

Sunday to Thursday 11:00 to 00:00 and Friday and Saturday 11:00 to 01:00. Closing time to be 30 minutes after the terminal alcohol hour. The applicant confirmed this arrangement via telephone.

**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.

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

Not applicable

## **8. CONCLUSION**

The application is for the conversion of an existing Justices' Licence of a Bourne public house and to vary the activity hours and operating hours and to include new licensable activities. The police record in their letter that they agreed with the applicant to revise the alcohol hours and closing times.

## **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 WISHING WELL INN  
21 MAIN ROAD, DYKE,  
BOURNE

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV278**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE HOLE IN THE WALL & CHARLIES NIGHT CLUB, 5 CHEYNE LANE, 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 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, and a letter in respect of an amended opening hours, and amendments to schedule P – protection of children from harm statement.

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 Hole in the Wall public house currently holds a Justice's Licence for 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 allowing the supply of alcohol ancillary to music and dancing and substantial refreshment. Drinking up time is currently 30 minutes. They have applied for a variation in operating hours, an additional 30 minutes drinking up time and additional licensable activities. In addition, the applicant wishes to remove the restriction requiring the provision of substantial refreshments under the Special Hours Certificate and any conditions restricting children from entering the premises.

The Council received 1 letter of representations from the Police and 4 from interested parties. The letters were received 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 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 has submitted an expired PEL (date of expiry 31<sup>st</sup> March 2005) with the application. The Public Entertainment Licence is for public dancing or music or any public entertainment of a like kind. The PEL is issued subject to the following 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 Thursday, 11:00 am and 2 pm the following mornings, Friday 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 noon and 10:30.

*Standard Condition No. 1 (Person in charge)* – The licensee and any duty manager must obtain the BIIAB Entertainment Licensee's National Certificate before 31 March 2004

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 120 persons- 1<sup>st</sup> floor level (Charlie's Bar)

*Additional Fire Safety Requirements* – the licence is issued subject to the requirements of the Fire Officer in his letter dated 20th March 2001.

*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

*Notes 2* - This licence shall only apply to those areas for which a maximum occupancy figure has been specified.

The Special Hours Certificate submitted with the application is relevant if

- a) Public Entertainment Licence is in force as respects the premises and
- b) That the premises are structurally adapted and bona fide/intended to be used for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor in ancillary.

#### Application for Variation Requiring Committee Determination

The applicant has applied for a variation to have a single premises licence for both the ground floor and the first floor, and to allow activities permitted under the Public Entertainment Licence to take place on the ground floor. They wish to vary the hours and activities as follows:

#### Indoor sporting events

11:00 to 01:00	Monday & Tuesday
11:00 to 10:00	Wednesday
11:00 to 03:00	Thursday to Saturday
11:00 to 01:00	Sunday

#### Live music

11:00 to 01:00	Sunday to Wednesday
11:00 to 03:00	Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00.

#### Recorded music

11:00 to 01:00	Sunday to Wednesday
11:00 to 03:00	Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

#### Performances of dance

11:00 to 01:00	Sunday to Wednesday
11:00 to 03:00	Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Entertainment similar to live music, recorded music, and performance of dance

11:00 to 01:00                      Sunday to Wednesday  
11:00 to 03:00                      Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Provision of facilities for making music

11:00 to 01:00                      Sunday to Wednesday  
11:00 to 03:00                      Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Provision of facilities for dancing

11:00 to 01:00                      Sunday to Wednesday  
11:00 to 03:00                      Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends dancing will be performed until 03:00

Provision of facilities for entertainment similar to making music and dancing

11:00 to 01:00                      Sunday to Wednesday  
11:00 to 03:00                      Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Supply of alcohol

11:00 to 00:00                      Sunday to Wednesday  
11:00 to 02:00                      Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

In order to accommodate the above variations, the premises opening times will be:

11:00 to 01:00                      Sunday to Wednesday  
11:00 to 03:00                      Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00.

Drinking up time will be increased to 60 minutes.

In addition, the applicant wishes to remove the restriction requiring the provision of substantial refreshments under the Special Hours Certificate and any conditions restricting children from entering the premises.

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.

There is a letter of representations from the Police and four from interested parties. The Police state in their letter that they have agreed with the applicant to revise the closing time to 02:30 on Friday, Saturday and Sunday mornings. Mr Wakefield the applicant was contacted by telephone. He however denies that any such agreement was ever reached and he was out of the country when the Police visited the premises.

The interested parties on the other hand object to the extended hours because they fear that they will result in increased crime, disorder and public nuisance. The interested parties who raised objections are as follows:

Mr & Mrs Kellas – Kelly	Austin Street, Stamford
Mr & Mrs Southgate	1 Rock Terrace, Stamford
Mr & Mrs Buckley	8 Rock Terrace, Stamford
Mr & Mrs Beradsall	26 Scotgate, Stamford

#### **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 Stamford town centre public house and to vary the activity hours and operating hours and to include new activities. There were representations from the Police and interested parties. The applicant and the Police are in disagreement over the proposed amended hours suggested by the Police.

**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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HOLE IN THE WALL,  
 CHEYNE LANE, STAMFORD.

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV289**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –THE WHITE HORSE, 27 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 the activity hours and operating hours and to include new licensable activities and to hold special events. 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 and Sporting Events (Control of Alcohol etc) Act 1985.

There were representations from the Police; the basis of the representation is that the applicant has included the provision to open for special events at additional times with prior notice to the Police. The Police argue that these events should be covered by Temporary Events Notices. The representations 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

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

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Indoor sporting events

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

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Live Music

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

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

### Recorded Music

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

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

### Performance of dance

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

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

### Provision of facilities for making music

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

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

### Provision of facilities for dancing

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

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

### Late night refreshment

23:00 to 00:00            Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

### Supply of alcohol

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

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit the sale of alcohol and such regulated entertainment as authorised hereunder until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20

occasions per annum at the applicants discretion upon 7 days prior notice to the Police (if required by them).

Christmas Eve: 10:00 until 01:00 the following

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

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 such opening times for this purpose to be confirmed on 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting events which is to be shown.

In order to accommodate the above variations, the premises opening times will be:

11:00 to 00:20	Monday to Saturday
12:00 to 00:20	Sunday

The premises will close 20 minutes after the end of the non-standard timings identified in box M (supply of alcohol).

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, in which they object to the provision of special events. They argue the requirement for Temporary Events Notices to deal with this type of event.

#### **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 Peterborough public house and to vary the activity hours and operating hours generally and during special events and to include new licensable activities.

The Council received representations from the Police in respect of the special events.

**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 WHITE HORSE,  
27 CHURCH STREET,  
MARKET DEEPIING.



# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV291**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE PUNCHBOWL, 21 SCOTGATE, 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 activity and operating 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 Punchbowl 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. In addition the applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955 and The Children and Young Persons Act.

The Council received 40 letters of representations from interested parties. All the letters were received 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 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:

Films

11:00 to 02:00	Monday to Sunday
----------------	------------------

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Indoor sporting events

11:00 to 02:00	Monday to Sunday
----------------	------------------

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Live Music

11:00 to 23:30	Monday to Sunday
----------------	------------------

On New Years Eve these hours to 01:30

When hours for the sale of alcohol are extended these hours are to be extended to 01:00

Recorded music

11:00 to 23:30	Monday to Sunday
----------------	------------------

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the sale of alcohol hours. Jukebox or background music to end at 01:00 (after 23:30 volume to be reduced to eliminate noise nuisance). On New Years Eve these hours to run concurrent with the sale of alcohol hours.

Entertainment similar to live music, recorded music or performance of dance

11:00 to 02:00 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to 01:00.

Provision of facilities for making music

11:00 to 23:30 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run concurrent with the sale of alcohol hours

Provision of facilities for dancing

11:00 to 02:00 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Late night refreshment

23:00 to 02:00 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Supply of alcohol

11:00 to 01:30 Monday to Sunday

11:00 New Years Eve to 04:00 New Years Day

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

11:00 to 02:30 on up to 30 other events at applicant's discretion ("Occasionals")

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 02:00 Monday to Sunday

30 minutes after sale of alcohol hours on the non standard days listed in section M.

The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and The Children and Young Persons Act.

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 40 letters of representations from interested parties as follows:

R & C Humm	1 All Saints' Place, Stamford
	3 Saints All Place, Stamford
Mr L Clayton	12 All Saints Street, Stamford
Mrs S Clayton	12 All Saints Street, Stamford
Mr & Mrs Cumber	17 All Saints Street, Stamford
Mr & Mrs J Kellas-Kelly	Austin Street, Stamford
Ms A James	12A Austin Street, Stamford
D Johnson	10 Austin Street, Stamford
Mr & Mrs GE Szymborski	2 Barn Hill, Stamford
WP Forster	4 Barn Hill, Stamford
JE Simpson	8 Barn Hill, Stamford
TE & TM Story	8A Barn Hill, Stamford
R & J Barry	10 Barn Hill, Stamford
Mrs G Parsley	16 Barn Hill, Stamford
K & A Ellis	2 Barn Hill Mews, Stamford
Ms R Hussey	Melancholy Walk, Stamford
Mr & Mrs Southgate	1 Rock Terrace, Stamford
Ms Olivia Duff????	2 Rock Terrace, Stamford
MC Averdieck	5 Rock Terrace, Stamford
Mr & Mrs Buckley	8 Rock Street, Stamford
Ms J Eastwood	2 Rutland Terrace, Stamford
Mr P Eastwood	2 Rutland Terrace, Stamford
Mr G Thompson	6 Rutland Terrace, Stamford
Ms G Thompson	6 Rutland Terrace, Stamford
Dr MHI Wright	10 Rutland Terrace, Stamford
SP & FM Ayres	24 Scotgate, Stamford
J Cornwell	70 Scotgate, Stamford
Mr & Mrs Johnson	6 St Peter' Court, Stamford
C Meads & J Hopson	2 St Peter's Hill, Stamford
G Parsons	11 St Peter's Hill, Stamford
Ms M Cook	2 St Peter's Street, Stamford
Ms S Eyton Jones	7 St Peter's Street, Stamford
Mr D Rees	33 St Peter's Street, Stamford
TEJ Goddard	34 St Peter's Street, Stamford
M Mc Coll	Stamford
Mrs C Caldecott	Stamford
Mrs SM Webster	42 Torkington Gardens, Stamford
Mr J Blezard	45 Torkington Gardens, Stamford
Mrs OK Marlow	46 Torkington Gardens, Stamford
BP Thornley ( <i>on behalf of Torkington Gardens residents</i> )	Stamford

The interested parties' concern is that any extended hours will only compound crime, disorder, and public nuisance, which are allegedly already rife at the moment.

**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

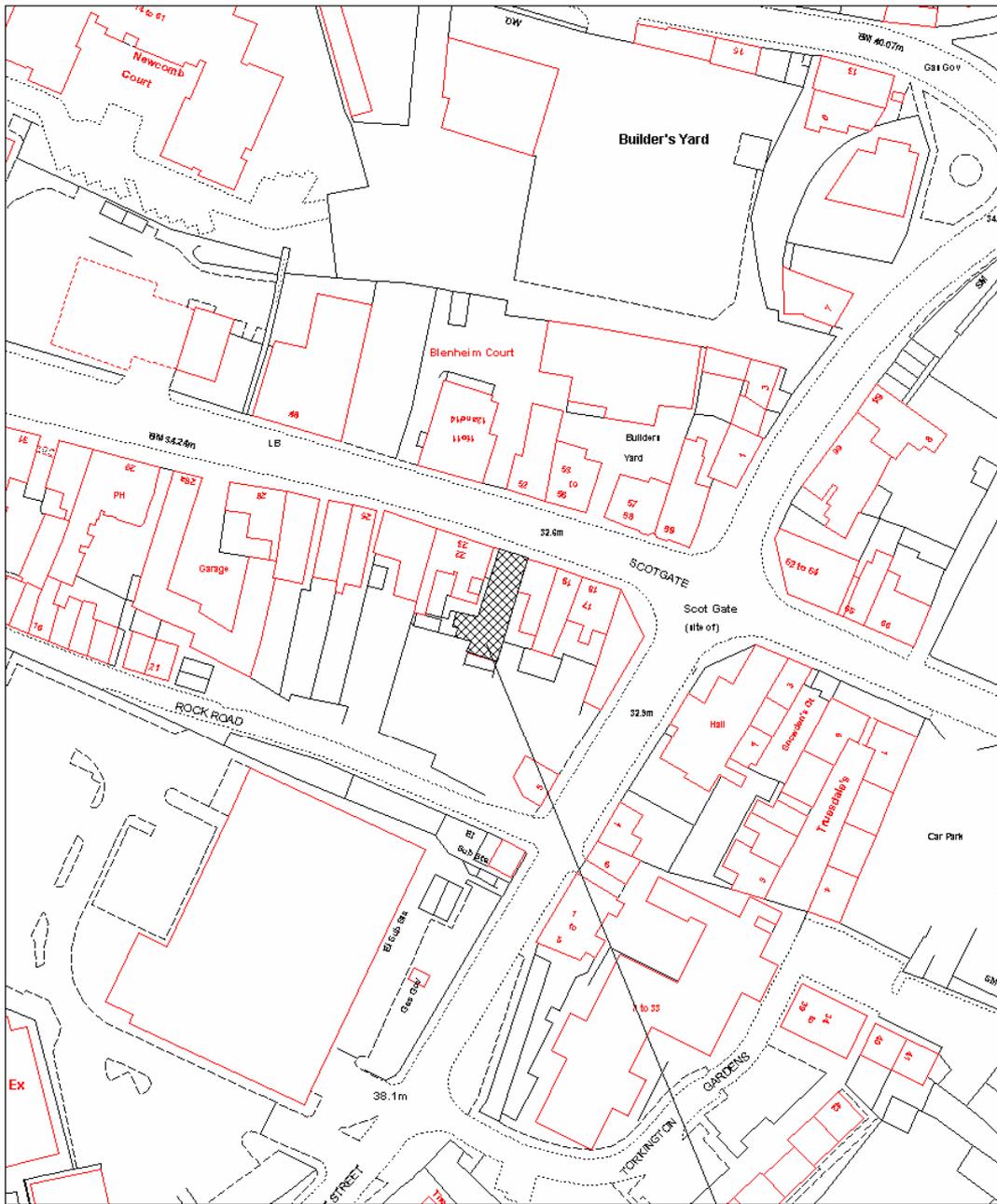
**8. CONCLUSION**

The application is for a variation of a licence to the licensable activities and activity and operating of a Stamford public house. Interested parties made representations based 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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 South Kesteven District Council LA079421 2000

THE PUNCHBOWL,  
 21 SCOTGATE, STAMFORD.

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV290**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – WAGGON & HORSES, 89 MANTHORPE 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 the activity hours and operating hours and to include new licensable activities and to hold special events. 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 Waggon & Horses 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 and Sporting Events (Control of Alcohol etc) Act 1985.

There were representations from the Police on multiple grounds, including that the applicant has included the provision to open for special events at additional times with prior notice to the Police. The Police argue that these events should be covered by Temporary Events Notices. The representations 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

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Indoor sporting events

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Live Music

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Recorded Music

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Performance of dance

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Provision of facilities for making music

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Provision of facilities for dancing

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Late night refreshment

23:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Supply of alcohol

11:00 to 02:00 Monday to Sunday

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit the sale of alcohol and such regulated entertainment as authorised hereunder until 02:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at the applicants discretion upon 7 days prior notice to the Police (if required by them).

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

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 such opening times for this purpose to be confirmed on 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting events which is to be shown.

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

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

The premises will close 30 minutes after the end of the non-standard timings identified in box M (supply of alcohol).

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, in which they object on a number of grounds including the provision of special events. They argue the requirement for Temporary Events Notices to deal with this type of event. The Police are not satisfied that a risk assessment specific to the premises has been conducted and has requested additional measures be included to comply with South Kesteven current standards in respect of late night openings.

**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 hours and operating hours generally and during special events and to include new licensable activities.

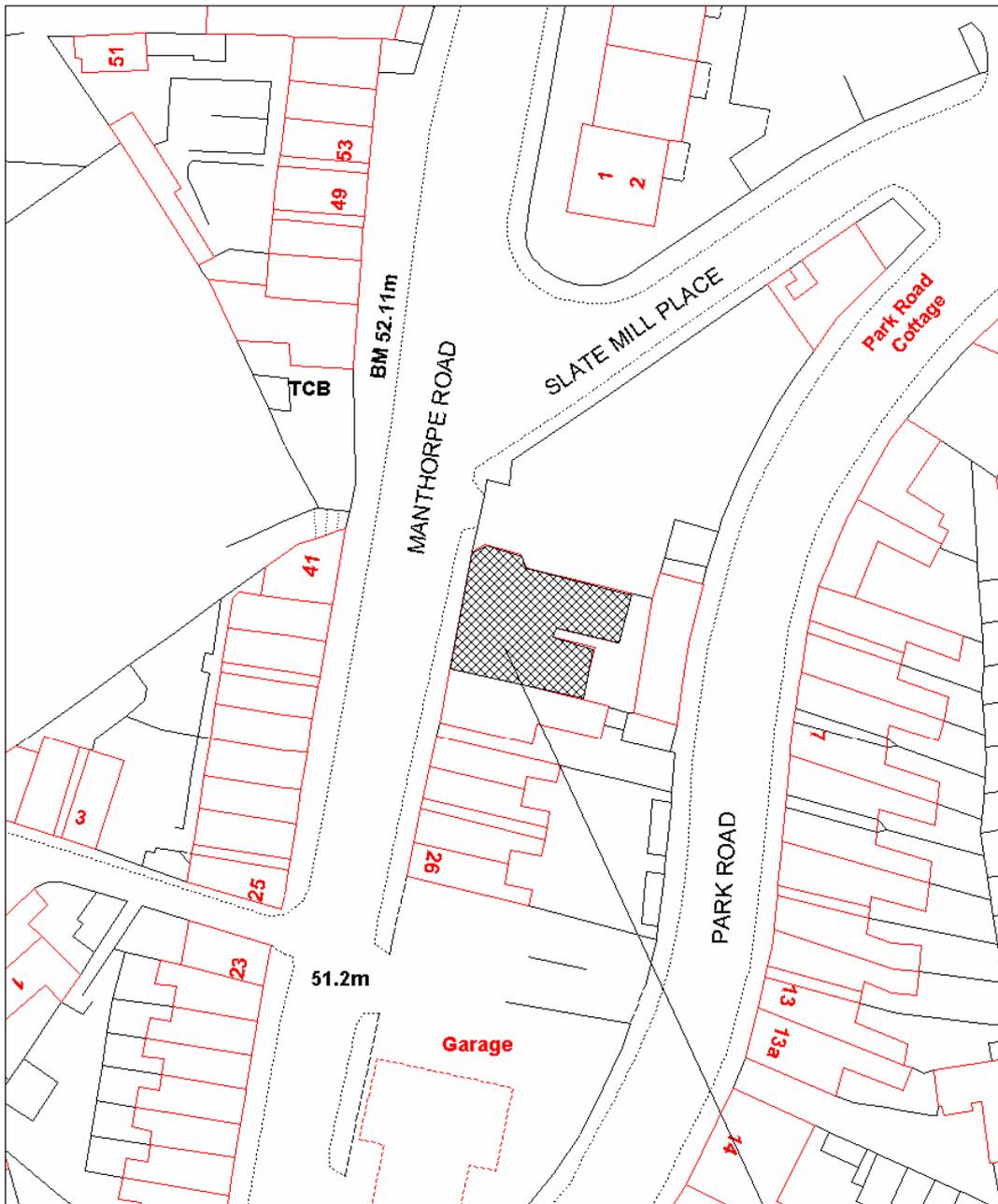
The Council received representations from the Police in respect of the special events and other matters relating to crime and disorder.

## **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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THE WAGGON AND HORSES,  
MANTHORPE ROAD, GRANTHAM.