



AGENDA

For a meeting of the
ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE
to be held on
MONDAY, 19 SEPTEMBER 2005
at
<u>1.30 PM</u>
in
COMMITTEE ROOM NO. 1, COUNCIL OFFICES, ST. PETER'S HILL GRANTHAM
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 m.hall@southkesteven.gov.uk

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. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE: -**
 - a) NOBODY INN, 9 NORTH STREET, GRANTHAM**
Report ENV292 from the Head of Environmental Health and Licensing

(Enclosure)
 - b) THE GREEK AFFAIR, 9 ST. MARY'S STREET, STAMFORD**
Report ENV293 from the Head of Environmental Health

and Licensing

(Enclosure)

- c) **THE ROSE CASTLE, TRENT ROAD, GRANTHAM**
Report ENV294 from the Head of Environmental Health
and Licensing

(Enclosure)

- d) **THE DEEPING STAGE HOTEL, 16 MARKET
PLACE, MARKET DEEPING**
Report ENV295 from the Head of Environmental Health
and Licensing

(Enclosure)

- e) **THE BULL INN, 3 HIGH STREET, BOURNE**
Report ENV296 from the Head of Environmental Health
and Licensing

(Enclosure)

(THE APPENDICES TO REPORTS AT AGENDA ITEMS 4 a) TO e) 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)

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

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF: HEAD OF ENVIRONMENTAL HEALTH & LICENCING

REPORT NO. ENV 292

DATE: 19TH SEPTEMBER 2005

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – NOBODY INN, 9 NORTH STREET, GRANTHAM.
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

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

1. INTRODUCTION

The application is for the conversion of an existing Justices' Licence at a Nobody Inn 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 Nobody 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 in activity and operating hours, additional licensable activities, and an additional 10 minutes drinking up time and to remove any embedded restrictions which were placed on the licence. The Lincolnshire Police have submitted a letter of representation in respect of the proposed variations.

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

11:00 to 00:00 Monday to Sunday

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, details of which to be notified in writing to the police 14 days before hand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor that they object to the event.

New Year 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 00:00 Monday to Sunday

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, details of which to be notified in writing to the police 14 days before hand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor that they object to the event.

New Year Eve- from the end of permitted hours on New Years Eve to the start of permitted hours on New Years 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 activity hours, and increase in drinking time, the premises opening times will be:

11:00 to 00:30 Monday to Sunday

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, details of which to be notified in writing to the police 14 days before hand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor that they object to the event.

New Year 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 any conditions limiting the times alcohol can be sold, late night refreshment provided or regulated entertainment provided. In addition, to remove any restrictions which are placed on the licence by virtue of S8 paragraph 6 (8) of the Licensing Act 2003, except:

1) The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years 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 Lincolnshire Police have submitted a letter of representation. The representation relates to the applicants request to permit the premises to open outside of licensed hours in order to cater for the transmission of any recognised international event. The police argue this is an attempt to circumnavigate the need for a Temporary Event Notice, and that the proposed variation is unlawful and does not allow for police to plan for these occasions. 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 increase licensable activities and vary the activity and operating hours of a Grantham public house. The Lincolnshire Police have submitted a representation.

9. CONTACT OFFICER

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

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 293**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE GREEK AFFAIR, 9 St MARY'S STREET, 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 restaurant 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 the supply and sale of alcohol from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing 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 Greek Affair restaurant 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 for a variation in the activity and operating hours generally and on special occasions and licensable activities.

There is one letter of representations from the police which was submitted within the 28 day time limit. It 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 (which is extended by virtue of the Supper Hours Certificate), either on or off the premises between the following hours:

On sales

11:00 to 00:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day (plus an extra hour between 15:00 & 19:00)
11:00 to 00:00	New Year's Eve
12:00 to 23:30	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 Justices' on Licence is issued subject to the following conditions:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such persons as an ancillary to his meal.

Suitable beverages other than intoxicating liquor including drinking water shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.

No application shall be made under the authority of the licence for the grant of an occasional licence.

The Supper Hours Certificate which the applicant also holds is issued subject to the condition that sale and supply of intoxicating liquor is ancillary to substantial refreshment.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Live Music

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a 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

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a 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.

Performances of dance

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a 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

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a 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

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a 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

Clarification has been requested from the applicant's solicitor in respect of the variation for late night refreshment.

Supply of alcohol

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a 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.

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 Stamford centre restaurant. The police made a representation based on the legality of the proposed variation and the licensing objectives. Ms Heesom's objection related to activity and operating hours, however the hours stated in her representation are incorrect.

9. CONTACT OFFICER

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

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 294**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –THE ROSE CASTLE, TRENT 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 Rose Castle public house and to vary the activity and operating hours, drinking up time and licensable activities and to remove all embedded restrictions. 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 Rose Castle public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and Public Entertainment Licence. 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 to extend opening hours on unspecified occasions with 7 days prior notice to the police. The applicant wishes to remove all embedded restrictions under LA 1964, Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985. The Lincolnshire Police have submitted representations.

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 Public Entertainment Licence permits public dancing or music or any other public entertainment of a like kind. It 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 18:00 and 23:30 Fridays, and 12:00 and 23:30 Saturdays.

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 15:00 and 22:30.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: Lounge Bar 80 persons

Licence Restriction – This licence covers only parts of the premise 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.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Films

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

When hours of alcohol are extended hereunder these hours are also extended.

Indoor sporting events

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

When hours of alcohol are extended hereunder these hours are also extended.

Live Music

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

When hours of alcohol are extended hereunder these hours are also extended.

Recorded music

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

When hours of alcohol are extended hereunder these hours are also extended.

Performance of dance

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

When hours of alcohol are extended hereunder these hours are also extended.

Provision of facilities for making music

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

When hours of alcohol are extended hereunder these hours are also extended.

Provision of facilities for dancing

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

When hours of alcohol are extended hereunder these hours are also extended.

Late night refreshment

23:00 to 00:00 Monday to Thursday
23:00 to 02:00 Friday & Saturday
23:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Supply of Alcohol

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday
New Year Eve: 10.00 to New Years Day.

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 my discretion upon 7 days prior notice to the police (if required by them). New Year's Eve: 10:00 to New Year's Day - terminal hours 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 upon 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 event which is to be shown.

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

The premises will close 30 minutes after the end of the non-standard timings.

The applicant wishes to remove all embedded restrictions under LA 1964, Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985.

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 Lincolnshire Police, the letter is attached as Appendix 2.

The police object on a number of grounds including the proposed variation to give the applicant to the right to extend activity hours on unspecified occasions. They argue that the proposed variation is unlawful and does not allow for police to plan for these occasions. The Police are concerned that the variation will give rise to public nuisance and crime and disorder. Evidence is provided in relation to numerous incidents and recorded crimes at the premises in the past 12 months.

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 hours of a Grantham public house. The Lincolnshire Police made a representation based on the legality of the proposed variation and the licensing objectives in respect of public nuisance and crime and disorder.

9. CONTACT OFFICER

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

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 295**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE DEEPING STAGE HOTEL, 16 MARKET PLACE, 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, Supper Hours Certificate, Special Hours Certificate and a Public Entertainment Licence at a hotel and to vary the activity hours and operating hours, to include new activities and to remove embedded restrictions.

The application is attached at Appendix 1, together with a map of the premises.

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

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing 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 Deeping Stage Hotel currently holds a Justices' Residential Licence for retail sale of alcohol for consumption on the premises, a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind, a Special Hours Certificate and a Supper Hours Certificate. Drinking up time is currently 30 minutes. They have applied for a variation in activity and operating hours and additional licensable activities. In addition, they wish to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955.

The council received 1 letter of representations from the police .The letter was received 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, on the premises between the hours of:

11:00 to 00:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 23:30	Christmas Day (plus an additional hour between 15:00 and 19:00)
11:00 to 00:00	New Year's Eve
12:00 to 23:30	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.

The Supper Hours Certificate extend the hours of normal permitted hours by one hour as shown above, and between 15:00 and 19:00 on Christmas Day, where alcoholic drinks are served ancillary to music and dancing and substantial refreshment.

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind and a Special Hours Certificate which stipulates that a current PEL is in force and that the alcohol sold will be ancillary to music and dancing and substantial food, and that the premises are structurally adapted.

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 08:00pm and 11:00 pm Monday and Tuesday, 08:00pm and 12:00 midnight Wednesday and Thursday and 09:00pm to 01:00am the following mornings, Friday and Saturday.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: 80 persons – Function Room, 200 persons - whole premises.

Standard Condition No.33-(Registration of Door Stewards)– The licence is issued subject to the recommendations made in Environmental Health Services letter dated 19 May 2003.

Standard Condition 58 & 59 (Prevention of Noise Nuisance) – The licence is issued subject to compliance with the recommendations in the report provided by Acoustic Associates, dated June 2000.

A noise limiting device controlling maximum 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.

Standard Condition NO. 37 – (Combustible or Flammable Materials) – The licence is issued subject to the recommendations made in Environmental Health Services letter dated 19 May 2003.

Application for Variation Requiring Committee Determination

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

Films

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

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Indoor sporting events

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

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Live music

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

Recorded music

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

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

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Provision of facilities for making music

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Provision of facilities for dancing

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Supply of alcohol

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

10:00 New Year's Eve to 00:00 New Year's Day

10:00 to 02:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

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

09:00 to 00:30 Sunday to Wednesday

09:00 to 02:30 Thursday to Saturday

01:30 Closing on non standard days listed below 10:00 New Years Eve - 00:30 2nd January 10:00 - 02:30 the following morning bank holiday weekends, Christmas Eve and Boxing Day

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

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. They object to extending the hours for supply of alcohol until 02:00 on Thursday to Saturday. They state that the police have recorded 16 incidents from the premises and extending the hours will only make matters worse. They propose that if the applicant makes provision for door staff they will be willing to agree with an extension up to 01:00 instead. They also call for a condition to be imposed that no open vessels shall be allowed to leave 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 and a Public Entertainment Licence at a Market Deeping hotel and to vary the activity hours and operating hours, and to include new activities. The police submitted representations objecting to extension of hours and asking for additional conditions to be imposed.

9. CONTACT OFFICER

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

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 296**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE BULL INN, 3 HIGH STREET, 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 and Supper Hours Certificate at a public house and to vary the activity and operating hours, and licensable activities, to increase drinking up time and to allow children on the premises by removing inherent restrictions. 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 Bull Inn public house currently holds a Justice's Licence for retail sale of alcohol for consumption on or off the premises and a Supper Hours Certificate. Drinking up time is currently 30 minutes. The variation is in respect of extending hours for the supply of alcohol, to increase drinking up time to 60 minutes and to provide indoor games and to allow children onto the premises, by removing any inherent restriction under the Licensing Act 1964.

There were representations from Trading Standards as a responsible authority. The letter of representations was submitted within the 28 day time limit. It 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 00:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 23:30	Christmas Day (plus an additional hour between 15:00 and 19:00)
11:00 to 00:00	New Year's Eve
12:00 to 23:30	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.

The Supper Hours Certificate extend the hours of normal permitted hours by one hour as shown above, and between 15:00 and 19:00 on Christmas Day, where alcoholic drinks are served ancillary to music and dancing and substantial refreshment.

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

10:00 to 01:00	Sunday to Thursday
10:00 to 02:00	Friday and Saturday

Supply of alcohol

10:00 to 00:00	Sunday to Thursday
10:00 to 01:00	Friday and Saturday

Drinking up time: an additional 30 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:

10:00 to 01:00 Sunday to Thursday

10:00 to 02:00 Friday and Saturday

Christmas Eve, New Years Eve and Sundays of all Bank Holiday weekends the premises will be open until 02:00.

To remove any implicit restrictions under the 1964 Licensing Act preventing children on 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.

The council received one joint letter of representations from Trading Standards regarding the measures taken to prevent the sale of alcohol to persons under the age of 18. Trading Standards have contacted the applicant's solicitor and believe the issue can be resolved by negotiation.

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 Bourne public house and to vary the activity and operating hours, drinking up time and licensable activities and to permit children onto the premises. Trading Standards have submitted a representation; it is likely the matter will be resolved by negotiation with the applicant's representative.

9. CONTACT OFFICER

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