



# AGENDA

For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>TUESDAY, 27 SEPTEMBER 2005</b>
at
<b>1.30 PM</b>
in the
<b>COMMITTEE ROOM 1, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM</b>
<b>Duncan Kerr, Chief Executive</b>

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

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

1. **APOLOGIES.**

2. **DECLARATIONS OF INTEREST.**

Members are asked to declare an interest in matters for consideration at the meeting.

3. **LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE: -**

- a) **NAGS HEAD AND LESTERS NIGHTCLUB, 2 ABBEY ROAD, BOURNE**  
Report ENV315 from the Head of Environmental Health and Licensing

**(Enclosure)**

- b) **WOODY'S BAR, WOODLAND WATERS LTD, ANCASTER**  
Report ENV314 from the Head of Environmental Health  
and Licensing (Enclosure)
- c) **ROCK FILLING STATION, SCOTGATE, STAMFORD**  
Report ENV316 from the Head of Environmental Health  
and Licensing (Enclosure)
- d) **FRATELLIS RESTAURANT, 13 ST. MARY'S HILL,  
STAMFORD**  
Report ENV317 from the Head of Environmental Health  
and Licensing (Enclosure)
- e) **CIRO, 34 NORTH STREET, BOURNE**  
Report ENV318 from the Head of Environmental Health  
and Licensing (Enclosure)

***(THE APPENDICES TO REPORTS AT AGENDA ITEMS 3 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.

<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. ENV 316**

**DATE: 27 SEPTEMBER 2005**

<b>TITLE:</b>	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – ROCK FILLING STATION, STAMFORD
<b>FORWARD PLAN ITEM:</b>	NOT APPLICABLE
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	NOT APPLICABLE
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	NOT APPLICABLE

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

## **1. INTRODUCTION**

The application is for the conversion of an existing Justices Off Licence at a petrol forecourt store and to vary the activity hours for the retail sale of alcohol, to provide late night refreshments and to deposit a revised layout plan with the licensing authority. The application is attached at Appendix 1, together with a location map.

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<sup>th</sup> November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Rock Filling Station, Stamford currently holds a Justices Off Licence. They have applied for a variation in activity hours for the retail sale of alcohol, to provide late night refreshments and to deposit a revised layout plan with the licensing authority.

The Council received five letters of representations from interested parties which were received within the 28 day limit. The letters of representations are attached as Appendix 2.

## **2. RECOMMENDATIONS**

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

### 3. DETAILS OF REPORT

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

The premises currently hold a Justices Off Licence for the sale of alcohol for consumption off the premises between the hours of:

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 applicants have applied for a variation in their activity hours as follows:

##### Late Night Refreshment

23:00 to 05:00                      Monday to Sunday

##### Supply of alcohol

08:00 to 23:00                      Monday to Sunday

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

00:01to 00:00                      Monday to Sunday

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

The application has been advertised and the statutory consultees consulted.

The Council has received a representation from five interested parties as follows:

John & Janice Kellas -Kelly	The New House, Austin Street, Stamford
Mrs Glenda Parsley	16 Barn Hill, Stamford
Cannon Donald Gray	3 Barn Hill Mews, Stamford
Ivor Stroud, Chairman	Newcomb Court Residents Association
Beth & Peter Southgate	1 Rock Terrace

The interested parties raised objections on the grounds, of noise, 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 a variation of a licence to the activity hours of a Stamford Petrol forecourt store. Representations have been received from five interested parties.

**9. CONTACT OFFICER**

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

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 315**

DATE:                 **27 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – NAGS HEAD, 2 ABBEY 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, and a Public Entertainment Licence at a public house and night club and to vary the activity hours and operating hours, to extend drinking up time and to include new activities and to remove embedded restrictions to allow children onto the premises.

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 Nags Head Public House /Lesters Night Club currently holds a Justices' Licence for retail sale of alcohol for consumption 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. Drinking up time is currently 20 minutes. They have applied for a variation in activity and operating hours, to extend drinking up time and provide additional licensable activities. In addition, they wish to remove all embedded restrictions inherent in the Licensing Act 1964 to allow children onto the premises.

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 and 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
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 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 09:30pm and midnight - Monday to Wednesday and 09:30pm to 02:00am the following mornings, Thursday to Saturday.

*Standard Condition No.5 (Events 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 08:30pm and 12:30am the following morning.

*Standard Condition No.5 (Events on Sundays – Bank Holiday)* – Where the following Monday is a bank holiday the times of entertainment on a Sunday are extended until 02:00 am the following morning, except Easter Monday.

*Standard Condition No 52-(Special Effects Equipment )* – Permission is granted for the use of a smoke machine in accordance with manufacturers instructions and any additional requirements from the fire officer.

*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.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 150 persons – 1<sup>st</sup> Floor, 100 persons – Ground Floor.

*Standard Condition No.36-( Stewarding )*– An additional steward should be employed to steward the stairway between ground floor and 1<sup>st</sup> floor area, and shall monitor the occupancy to prevent overcrowding.

*Licence Restriction* - The licence only covers those 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 entertainment.

#### Application for Variation Requiring Committee Determination

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

##### Indoor sporting events

10:00 to 04:00                      Monday to Sunday

##### Live music

10:00 to 04:00                      Monday to Sunday

##### Recorded music

10:00 to 04:00                      Monday to Sunday

##### Performance of dance

10:00 to 04:00                      Monday to Sunday

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

10:00 to 04:00                      Monday to Sunday

##### Provision of facilities for making music

10:00 to 04:00                      Monday to Sunday

Provision of facilities for dancing

10:00 to 04:00 Monday to Sunday

Entertainment similar to making music, facilities for dancing

10:00 to 04:00 Monday to Sunday

Supply of alcohol

10:00 to 03:00 Monday to Sunday

Drinking up time: drinking up time will increase by 40 minutes to provide 60 minutes after the last permitted sale of alcohol.

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

10:00 to 04:00 Monday to Sunday

09:00 to 00:30 Sunday to Wednesday

09:00 to 02:30 Thursday to Saturday

The applicant wishes to remove implicit restrictions under the Licensing Act 1964, restricting children on the ground floor of 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. They object to extending the hours for supply of alcohol until 03:00 seven days of week. They report 14 separate incidents occurring in the past 14 months, all related to assaults and drunkenness. They state that such incidents would probably increase if the licence is granted. They also request sufficient door staff are employed in line with the current PEL policy.

**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 Bourne public house/nightclub and to vary the activity hours and operating hours, and drinking up time. The police submitted representations objecting to the 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](mailto:p.Harrison@southkesteven.gov.uk)

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 314**

DATE:                 **27 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – WOODY’S BAR, WOODLAND WATERS LTD, 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, and a Public Entertainment Licence at a public house and restaurant and to vary the activity hours and operating hours, to extend drinking up time and to include new activities and to remove embedded restrictions to allow children onto the premises.

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 Woody's Bar and restaurant currently holds a Justices' Licence for retail sale of alcohol for consumption on 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 activity and operating hours, to extend drinking up time and provide additional licensable activities. In addition, they wish to remove all embedded restrictions inherent in the Licensing Act 1964 to allow children onto the premises, and to vary the standard conditions attached to the current PEL.

The council received 1 letter of representations from the Environmental Health and two letter of representation 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, on the premises between the hours of:

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
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.

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 11:00am and midnight - Monday to Saturday.

*Standard Condition No.5 (Events on Sundays)* - The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 12:00 noon and 10:30pm.

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: Marquee 250 persons, Woody's Bar - 160 persons.

*Standard Condition 58 & 59 (Noise Control)* – It be emphasised that the use of the premises for public entertainments should not cause nuisance to nearby residential properties.

Any sound system used by live bands or discos should be located as the western end of the marquee and the configuration of the speakers to the amplification system should be such that sound is directed towards the main building of the pub.

A form of portable acoustic barrier should be located as close as possible to the speakers to the amplification system in order to reflect sound emitted from them.

An approved noise-limiting device should be installed and connected to the amplification systems at set level, initially at 100 dB(A), or as specified in writing.

*Standard Condition 58 & 59 (Prevention of Noise Nuisance)* – The applicant is required to give advance notice of all proposed entertainment to Environmental Health Services.

#### Application for Variation Requiring Committee Determination

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

#### Live music

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

#### Recorded music

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

### Provision of facilities for making music

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

### Provision of facilities for dancing

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

### Late Night Refreshment

23:00 to 00:00	Monday to Thursday
23:00 to 01:00	Friday and Saturday
23:00 to 23:00	Sunday

In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00  
Bank Holiday Mondays -11:00 to 00:00  
Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

*Please note: late night refreshment provision is only a licensable activity between the hours of 23:00 to 05:00.*

Supply of alcohol

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday and Saturday
10:00 to 23:00	Sunday

In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-10:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -10:00 to start of permitted hours on New Year's Day

Good Fridays - 10:00 to 01:00

Bank Holiday Mondays -10:00 to 00:00

Sundays preceding Bank Holiday Mondays - 10:00 to 23:00

Drinking up time: drinking up time will increase by 10 minutes to provide 30 minutes after the last permitted sale of alcohol.

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

08:00 to 00:30	Monday to Thursday
08:00 to 01:30	Friday and Saturday
08:00 to 23:30	Sunday

In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-08:00 to 01:30.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -10:00 to start of permitted hours on New Year's Day

Good Fridays - 08:00 to 01:30

Bank Holiday Mondays -08:00 to 00:30

Sundays preceding Bank Holiday Mondays - 08:00 to 23:30

The applicant wishes to remove implicit restrictions under the Licensing Act 1964, restricting children on the ground floor of the premises.

The PEL is subject to *Standard Condition No.5 (Permitted hours)* - The applicant is content for this condition to apply but for permitted hours to be varied in accordance with the hours sought in the application.

The PEL is subject to *Standard Condition 58 & 59 (Noise Control)* which states that any sound system used by live bands or discos should be located at the western end of the marquee. The applicant is content for this condition to remain but seeks to vary the condition to allow live music and discos in the main lounge bar area as well as the marquee.

The applicant seeks to vary the PEL *Standard Condition 58 & 59 (Prevention of Noise Nuisance)* – as follows: “The applicant is required to give advance notice of any proposed entertainments which will continue beyond 23:00 to Environmental Health Services.

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 Environmental Health and two interested parties:

Mr Neil Sansom  
Mr Richard Shireby

The Old Vicarage, Ermine Street  
Norwood, Rookery Lane

They object on grounds of noise and public nuisance. Whereas Environmental Health object to the variation, due to the number of toilet facilities.

#### **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 Grantham bar and restaurant to vary the activity hours and operating hours, and drinking up time. Environmental Health and two interested parties have submitted representations objecting to the extension of hours on the ground of noise and public nuisance.

**9. CONTACT OFFICER**

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

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 318**

DATE:                 **27 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – CIRO, 34 NORTH 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 at a licensed restaurant and bar and to vary the activity and operating hours, drinking up time and to include a new licensable activity. 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 Ciro Restaurant and Bar currently holds a Justice's Licence for retail sale of alcohol for consumption either on or off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in the activity and operating hours, an additional 10 minutes drinking up time and to start providing late night refreshment.

An interested party submitted a letter of representations 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.

#### On sales

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

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

#### Off sales

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

#### Application for Variation Requiring Committee Determination

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

#### Late night refreshment

23:00 to 01:30	Monday to Saturday
23:00 to 00:00	Sunday

#### Supply of Alcohol

10:00 to 01:30	Monday to Saturday
10:00 to 00:00	Sunday

Drinking up time: drinking up time will increase by 10 minutes to 30 minutes after the last permitted sale of alcohol.



## **8. CONCLUSION**

The application is for the conversion of an existing Justices' Licence at a Bourne restaurant and bar and to vary the activity and operating hours, drinking up time and to include a new licensable activity. An interested party made representations based on the prevention of public nuisance.

## **9. CONTACT OFFICER**

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

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 317**

DATE:                 **27 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – FRATELLI RESTAURANT, 13 ST MARY'S HILL. 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 to vary the activity and operating hours and the 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 Fratelli Restaurant currently holds a Justices' Restaurant Licence permitting retail sale of alcohol for consumption on the premises with table meals. Drinking up time is currently 30 minutes. They have applied for a variation in the activity and operating hours and to include the provision of late night refreshments.

The police submitted a letter of representations within the 28 day time limit. It is attached as Appendix2.

## **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' Restaurant Licence permitting the sale of alcohol for consumption on the premises between the hours of:

11:00 to 24:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 to 23:30	Christmas Day
11:00 to 24:00	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 Justices' Restaurant Licence was 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 and 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.*

#### Application for Variation Requiring Committee Determination

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

##### Late night refreshment

23:00 to 02:00	Monday to Saturday
23:00 to 01:00	Sunday

##### Supply of Alcohol

12:00 to 02:00	Monday to Saturday
12:00 to 01:00	Sunday

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

12:00 to 02:30	Monday to Saturday
12:00 to 01:30	Sunday

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

The application has been advertised and the statutory consultees consulted.

The council received one letter of representations from the police. They object to the applicant's alcohol hours. They however state in the same letter that they have agreed with to applicant to revise the hours as follows:

12:00 to 00:00 Monday to Sunday, the premises closing at 00:30 everyday.

**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' Restaurant Licence at a Stamford restaurant to vary the activity and operating hours. The police made representations which will be withdrawn following an agreement with the applicant for revised alcohol hours, once the applicant confirms their agreement in writing.

## **9. CONTACT OFFICER**

P Harrison, Environmental Health Practitioner (Licensing)  
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