



AGENDA

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| For a meeting of the |
| ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE |
| to be held on |
| FRIDAY, 7 OCTOBER 2005 |
| at |
| 9.30 AM |
| in the |
| COMMITTEE ROOM NO. 1, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM |
| Duncan Kerr, Chief Executive |

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|----------------------------|---|
| 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. MINUTES OF MEETINGS HELD ON 27TH AND 30TH SEPTEMBER 2005**
(To follow)
- 4. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE: -**
 - a) SMITHS', 25 NORTH STREET, BOURNE**
Report ENV268 from the Head of Environmental Health and Licensing
(Enclosure)
 - b) MODEL FISH BAR & RESTAURANT, 52 BROAD STREET,**

STAMFORD

Report ENV269 from the Head of Environmental Health and Licensing
(Enclosure)

- c) **THE TOWN HOUSE, 39 BROAD STREET, STAMFORD**
Report ENV270 from the Head of Environmental Health and Licensing
(Enclosure)

- d) **CENTRAL NIGHT CLUB, 9 SILVER LANE, STAMFORD**
Report ENV274 from the Head of Environmental Health and Licensing
(Enclosure)

- e) **THE BASKERVILLES, MAIN STREET, BASTON**
Report ENV275 from the Head of Environmental Health and Licensing
(Enclosure)

- f) **THE ANGEL INN, 13 CHURCH STREET, SOUTH WITHAM,
GRANTHAM**
Report ENV283 from the Head of Environmental Health and Licensing
(Enclosure)

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

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

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

REPORT NO. ENV268

DATE: 7 OCTOBER 2005

| | |
|---|---|
| TITLE: | LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – SMITHS', 25 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 |

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

1. INTRODUCTION

The application is for the conversion of an existing Justices' Licence at a public house and to vary the premises licence by adding a new activity and extending the operating hours. The application is attached at Appendix 1, together with a location map.

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.

Smiths' 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 the hours to supply alcohol, an additional 10 minutes drinking up time and also to include live music as one of the activities.

The Council has received a representation from The Environment team, as a responsible authority and local residents as an interested party. The letters of representations are attached as Appendix 2.

2. RECOMMENDATIONS

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

3. DETAILS OF REPORT

Conversion of Existing Justices' Licence under Transitional Arrangements

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

On sales

| | |
|----------------|----------|
| 11:00 to 23:00 | Weekdays |
| 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 |

In addition, the Justices' licence is enclosed with the condition/undertaking that:

- Any doormen who are employed to supervise the premises shall be members of the South Kesteven Doorwatch Scheme.
- An internal CCTV system be provided to the satisfaction of the Police

Application for Variation requiring Committee Determination

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

Supply of alcohol

| | |
|----------------|---|
| 10:00 to 23:00 | Monday to Thursday |
| 10:00 to 00:00 | Friday & Saturday |
| 11:00 to 23:00 | Sunday |
| 11:00 to 00:00 | Sundays before Easter Monday, Early May Bank Holiday and Late Summer Bank Holiday |
| 10:00 to 01:00 | Christmas Eve |
| 12:00 to 14:00 | Christmas Day |
| 11:00 to 01:00 | Boxing Day |
| 10:00 to 01:00 | New Year's Eve |

Live Music

| | |
|----------------|------------------|
| 20:00 to 23:00 | Monday to Sunday |
|----------------|------------------|

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

| | |
|----------------|--------------------|
| 10:00 to 23:30 | Monday to Thursday |
| 10:00 to 00:30 | Friday & Saturday |
| 11:00 to 23:30 | Sunday |

| | |
|----------------|--|
| 11:00 to 00:30 | Sundays before Easter Monday, Early May Bank Holiday and Late Summer Bank Holiday |
| 10:00 to 01:30 | Christmas Eve |
| 12:00 to 14:00 | Christmas Day |
| 11:00 to 01:30 | Boxing Day |
| 10:00 to 01:30 | New Year's Eve |

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

The application has been advertised and the statutory consultees consulted.

The Council has received a representation from the Environment team in their capacity as a responsible authority. It appears they object to both the conversion of the existing Justices' Licence and the variation of the resultant Premises Licence. It must be pointed out at the outset that in terms of the relevant provisions of the Licensing Act 2003 (see Schedule 8 paragraphs 1 to 5) only the police can object to the conversion of an existing Justices' Licence. However, any responsible authority (and this includes the Environmental Health Services Department) is perfectly entitled to raise objections to the variation of the ensuing Premises Licence (see Sections 34 & 35).

The objection raised is in effect that there is an ongoing complaint about noise, which has not been resolved. This is touching on public nuisance and is a relevant representation requiring determination.

The Council also received a letter of representations from an interested party, the following local residents:

Mrs Agnes S Jacob of 31 North Street, Grantham.

She objects to the proposed variation, arguing that it will encourage public nuisance, and crime and disorder.

This view is supported by an email representation from Mrs Jacobs' husband. These representations are 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 hold a hearing to determine the application, unless both the applicant and the responsible authority in question agree that such a hearing can be dispensed with.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

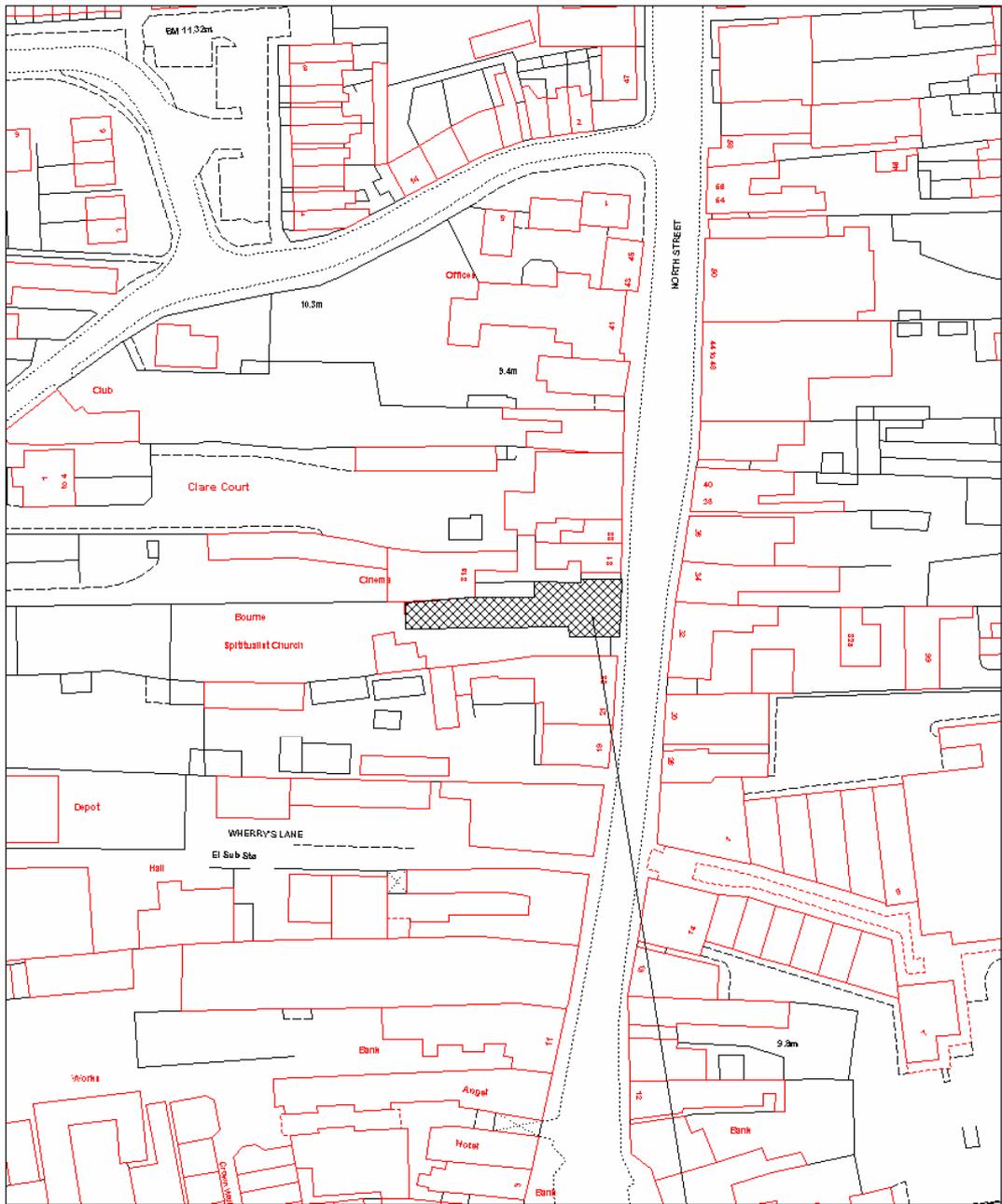
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Bourne public house. There has been a letter of representation from one responsible authority and an interested party. They object to the variation on the ground of public nuisance and crime and disorder.

9. CONTACT OFFICER

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

APPENDIX 1



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 South Kesteven District Council LA079421 2000

SMITHS
 25 NORTH STREET, BOURNE

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV269**

DATE: **7 OCTOBER 2005**

| | |
|---|--|
| TITLE: | THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – MODEL FISH BAR & RESTAURANT, 52 BROAD STREET, STAMFORD |
| FORWARD PLAN ITEM: | NOT APPLICABLE |
| DATE WHEN FIRST APPEARED IN FORWARD PLAN: | NOT APPLICABLE |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | NOT APPLICABLE |

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|--|--|
| 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 Late Night Refreshment Licence at a hot food premises and to vary the permitted hours. The application and map are attached at Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of alcohol sales 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.

Model Fish Bar & Restaurant currently holds a Justice's Licence for retail sale of alcohol with table meals on the premises and a Late Night Refreshment House Licence for the provision of public refreshment, resort and entertainment. They have applied for a variation in the operating hours in relation to late night refreshment. Thirty-eight interested parties have submitted representations in respect of the proposed variations. These 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 Licences under Transitional Arrangement

The premises currently holds a Justices' Licence permitting the sale of alcohol with table meals for consumption on the premises between the following hours:

| | |
|----------------|---------------|
| 10:00 to 00:00 | Weekdays |
| 12:00 to 23:30 | 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.

The Justices' Restaurant Licence is subject to the following conditions:

- Intoxicating liquor shall not be sold 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.

The Premises also hold a Late Night Refreshment House Licence for provision of public refreshment, resort and entertainment within the meaning of Section 1 of the Late Night Refreshment Houses Act 1969, and shall not be open between the following times:

Monday to Friday any time except between 01:00 to 05:00
Saturday & Sunday any time except between 02:00 to 05:00

The Licence is subject to a further condition that a tariff of charges shall be kept displayed so that it can conveniently be read by persons frequenting the premises before entering.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Late night refreshment from the take away area

On sales of hot food and hot drinks

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

Off sales of hot food and hot drinks

23:00 to 04:00 Sunday to Monday

The premises will be open to the public everyday from 08:00 to 04:00.

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.

Thirty-eight representations (Appendix 2) from interested parties have been received within 28 days from the date the application was made to the council.

The representations were received from:

| | |
|------------------------|---------------------------------------|
| Mrs M Sims | 3 All Saints' Place |
| J& J Kellas – Kelly | Austin Street, Stamford |
| Mrs C Firkin | 1A Barn Hill, Stamford |
| Mrs TM Story | 8A Barn Hill, Stamford |
| Mr & Mrs P Walker | 9 Barn Hill, Stamford |
| Mr & Mrs R Barry | 10 Barn Hill, Stamford |
| Giles Hopkinson | 12 Barn Hill, Stamford |
| Mrs E Gardner | 15 Barn Hill, Stamford |
| Mrs Glenda Parsley | 16 Barn Hill, Stamford |
| Mr & Mrs K Ellis | 2 Barn Hill Mews, Stamford |
| Mrs R Veitch | Mission House, Broad Street, Stamford |
| Mr & Mrs Sharp | 1 Castle Dyke, Stamford |
| Dr D Langridge | 3 Exeter Court, Stamford |
| Mrs E E Thomas | North Street, Stamford |
| Beth & Peter Southgate | 1 Rock Terrace, Stamford |
| O Daffurn | 2 Rock Terrace, Stamford |
| M C Anerdleck | 5 Rock Terrace, Stamford |
| Mr & Mrs Buckley | 8 Rock Terrace, Stamford |
| J Eastwood | 2 Rutland Terrace, Stamford |
| P Eastwood | 2 Rutland Terrace, Stamford |
| G Thompson | 6 Rutland Terrace, Stamford |
| J Orpin | 1 St Peter's Street, Stamford |
| C Meads & J Hopson | 2 St Peter's Hill, Stamford |
| L Gwinne | 4 St Peter's Court, Stamford |
| F Wheatley | 6 St Peter's Hill, Stamford |
| Dr G Wheatley | 6 St Peter's Hill, Stamford |
| I Robertson, | 9A St Peter's Street, Stamford |
| J Parsons | 11 St Peter's Hill, Stamford |
| J Davies | 12 St Peter's Street, Stamford |
| D Davies | 12 St Peter's Street, Stamford |
| M Ward | 1 St Peter's Vale Stamford |
| P B Thornley | 35 Torkington Gardens, Stamford |
| M Mc Coll | 44 Torkington Gardens, Stamford |
| J Blezard | 45 Torkington Gardens, Stamford |
| Mr & Mrs Fox | 47 Torkington Gardens, Stamford |
| Mr & Mrs C Hussey | e-mail |
| D Lankester | e-mail |
| Mrs C Caldecott | e-mail |

The representations relate to the noise and nuisance allegedly caused by patrons coming from the premises. The local residents who made the representations consider that the proposed extended hours would have a negative effect on crime, disorder, public safety and public nuisance.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

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

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

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

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Stamford fish bar and restaurant. Thirty-eight interested parties made representations based on the prevention of public nuisance, crime and disorder and public safety.

9. CONTACT OFFICER

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

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV270**

DATE: **7 OCTOBER 2005**

| | |
|---|---|
| TITLE: | THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE TOWN HOUSE, 39 BROAD 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 public house and to vary the permitted hours and licensable activities. The application and map are attached at Appendix 1.

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

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

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

The Town House public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Supper Hour Certificate. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours, an additional 10 minutes drinking up time and licensable activities. An interested party has submitted representations. (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.

Further, there is a Supper Hours Certificate which extends the hours of normal permitted hours by one hour, and between 15:00 and 19:00 on Christmas Day, where alcoholic drinks are served with a table meal, subject to the following conditions:

1. Intoxicating liquor shall be sold and supplied in the room described on the plan approved by the Justices as the "Private Dining Room" only to those persons attending a meeting or a function in that room which has been booked in advance.
2. Close circuit television surveillance shall be provided:
 - (a) in the licensed area on the lower ground floor
 - (b) in the Private Dining Room

Off sales

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

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Live Music

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Recorded music

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Performances of dance

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

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

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Provision of facilities for making music

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Provision of facilities for dancing

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

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

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Supply of alcohol

| | |
|----------------|----------------------|
| 10:00 to 23:00 | Monday & Tuesday |
| 10:00 to 00:00 | Wednesday & Thursday |
| 10:00 to 01:00 | Friday & Saturday |
| 12:00 to 22:30 | Sunday |

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

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

| | |
|----------------|----------------------|
| 10:00 to 23:30 | Monday & Tuesday |
| 10:00 to 00:30 | Wednesday & Thursday |
| 10:00 to 01:30 | Friday & Saturday |
| 12:00 to 23:00 | Sunday |

Provision of this licensable activity to extend to 00:30 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

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

The application has been advertised and the statutory consultees consulted.

The Council received one letter of representations from an interested party Mr A J Springett, a local resident of North Street. He is of the view that the variation will only help to promote noise especially from the music and sounds coming from the premises. He draws attention to the remedial works required at other town centre public houses, to reduce the level of noise emanating from the premises, and suggest similar types of works should be required. The letter of representation is attached at Appendix 2.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

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

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

In this application the applicant also wishes to simultaneously vary the licence. As relevant representations have been received concerning the variations, Members are required to determine the application regarding the

variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

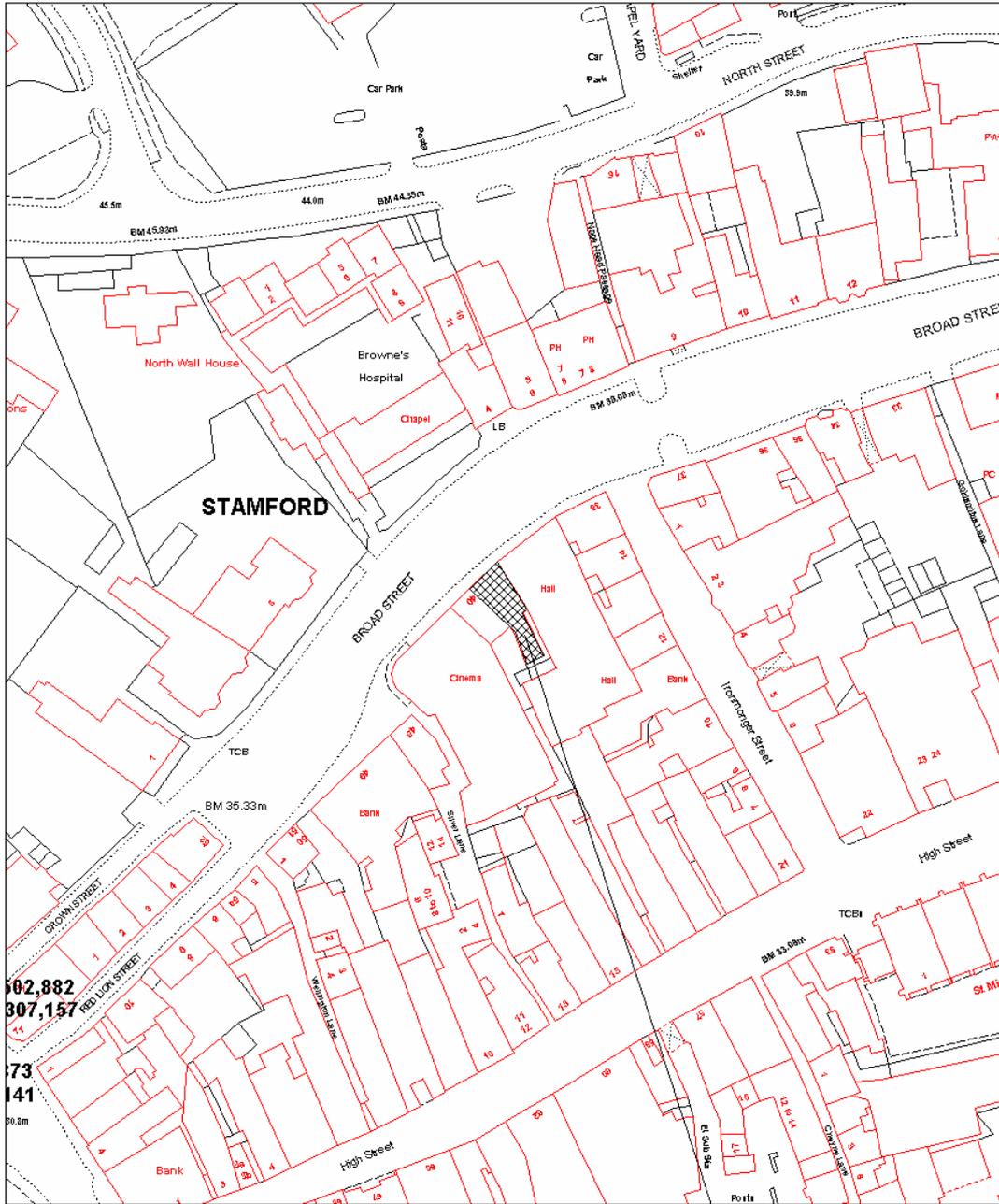
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Stamford public house. An interested party made a representation based on the prevention of public nuisance.

9. CONTACT OFFICER

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

APPENDIX 1



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South Kesteven District Council LA079421 2000

THE TOWN HOUSE
39 BROAD STREET, STAMFORD

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV274**

DATE: **7 OCTOBER 2005**

| | |
|---|---|
| TITLE: | THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –CENTRAL NIGHT CLUB, 9 SILVER 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, Special Hours Certificate and Public Entertainment Licence, at a nightclub and to extend the operating and activity hours. 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 Central Night Club currently holds a Justice's Licence for the retail sale of alcohol, on and off the premises. A Special Hours Certificate for the provision of music and dancing and substantial refreshment, to which the sale of intoxicating liquor is ancillary and a Public Entertainment Licence is also held for the provision of public dancing or music or any other public entertainment of a like kind. Drinking up time is currently 30 minutes. They have applied for a variation in operating and activity hours.

The Council received representations from 43 (some of which were made jointly) local residents' addresses as interested parties. The representations are attached as Appendix 2.

In summary the interested parties are objecting to an extension of the hours, arguing that the variation will promote public nuisance, crime and disorder and harm to children.

The Police have also raised objections. This is also attached as Appendix 2.

2. RECOMMENDATIONS

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

3. DETAILS OF REPORT

Conversion of existing Justices' Licence under Transitional Arrangements

The nightclub 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 |

Further, there is a Special Hours Certificate that extends these hours to 12 midnight on Sundays, 12.30 am on Easter Sunday and 2.00 am on Bank Holiday Sundays. The Public Entertainment Licence is issued, subject to the Standard terms and conditions and the following additional conditions:

Standard Condition No 5 (Permitted Hours): The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind, except between the hours of 8.00 pm and 2.00 am the following morning Monday – Thursday 8.00 pm and 2.30 am the following morning Friday and Saturday and noon and 12.30 am the following morning Sundays.

Standard Condition No 5 (Events held on Sundays – Bank Holidays): Where the following Monday is a Bank Holiday, the times of entertainment on the Sunday are extended until 2.00 am the following morning, except Easter Monday.

Standard Condition No 7 (Maximum Occupancy Figure): The fire officer has prescribed the following maximum occupancy figures: First Floor – 600 persons, Ground Floor – 200 persons.

Additional Safety Requirements: A CCTV system shall be installed and operated within the premises 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 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 Condition to Prevent Noise Nuisance: All doors to the ground floor bar area shall be closed at 11.30 pm except for use in the event of an emergency.

Standard Condition No 36: An additional steward shall be employed to steward the stairway between the ground floor and first floor areas, and shall monitor occupancy in accordance with the written system of operation to prevent overcrowding.

Standard Condition Numbers 58 & 59 (Measures to reduce noise levels when people leave): Between the hours of 2.00 – 2.30 am the volume and tempo of music shall be reduced to achieve a ‘winding down’ towards the end of the session as favoured by the Portman Group report entitled “Keeping the Peace” published in 1998.

Application for Variation requiring Committee Determination

The applicant has applied for a variation to extend the hours and permit regulated entertainment (films, live music, provision of facilities for making music, provision of facilities for dancing) and supply of alcohol every day from 11:00 to 03:00.

Further, the applicant has applied for the following non – standard timings:

New Year’s Eve: from the start of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

An additional hour to the standard and non – standard times when British Summertime commences.

In order to accommodate the above variations, the premises opening times will be 11:00 to 03:30 every day, with the following non standard timings:

New Year’s Eve: from the start of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

An additional hour to the standard and non – standard times when British Summertime commences.

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 letters of representations from interested parties as follows:

| | |
|-----------------------------|---------------------------------|
| Occupant | 1 St Peter's Vale, Stamford |
| PM Stean | 1 Barn Hill Mews, Stamford |
| Jean Orpin | 1 St Peter' Street Stamford |
| Paul Eastwood | 2 Rutland Terrace |
| Jane Eastwood | 2 Rutland Terrace |
| Olivia Daffodn | 2 Rock Terrace |
| Carol Meads & John Hopson | 2 St Peter's Hill |
| Christopher O Sims | 2 All Saints Mews Stamford |
| Keith & Ann Ellis | 2 Barn Hill Mews, Stamford |
| Occupant | 3 Rutland Terrace, Stamford |
| Dr David Langridge | 3 Exeter Court, Stamford |
| Margaret ? ? ? | 3 All Saints' Place Stamford |
| L Gwinnel | 4 St Peter's Court ,Stamford |
| Miles & Mary Napier | 5 Rutland Terrace, Stamford |
| Fiona Wheatley | 6 St Peter's Hill, Stamford |
| Dr Graham Wheatley | 6 St Peter's Hill, Stamford |
| Gwen Thompson | 6 Rutland Terrace, Stamford |
| Graham Thompson | 6 Rutland Terrace, Stamford |
| Allan & Marilyn Buckley | 8 Rock Terrace, Stamford |
| Ian Robertson | 9A St Peter's Street,Stamford |
| Peter & Julia Walker | 9 Barn Hill, Stamford |
| Richard & Jenny Barry | 10 Barn Hill, Stamford |
| Dr MHI Wright | 10 Rutland Terrace,Stamford |
| James Parsons | 11 St Peter's Hill, Stamford |
| James Davies | 12 St Peter's Street Stamford |
| Deanna Davies | 12 St Peter's Street,Stamford |
| Mr & Mrs Hopkinson & | 12 Barn Hill Stamford |
| Mrs Evans Golden | 15 Barn Hill, Stamford |
| Mrs Glenda Parsley | 16 Barn Hill, Stamford |
| Shirley & Ken McKay | 16 All Saints Street,Stamford |
| Philip & Jane Hainey | 16 Bath Row Stamford |
| Dr Graddon Rowlands | 35 St Peters Street Stamford |
| BP Thornley | 35 Torkington Gardens,Stamford |
| Marie ?? ?? | 44 Torkington gardens, Stamford |
| John Pini | 38 St Peters' Street, Stamford |
| J Cornwell | 70 Scotgate ,Stamford |
| John 7 Janice Kellas- Kelly | Austin Street, Stamford |
| Nicky Lambert | Austin Street Stamford |
| TE Story | Barn Hill, Stamford |
| Rosalind & Charles Hussey | Stamford |
| David Lankester | Stamford |
| Mrs Christine Caldecott | Stamford |
| Pam Sharp | Stamford |
| Philipa Barney | Stamford |
| Anonymous | Stamford |

In summary the interested parties are objecting to an extension of the hours, arguing that the variation will promote public nuisance, crime and disorder and harm to children.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

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

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

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

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

8. CONCLUSION

The application is for the variation of licence conditions to the operating and activity hours of a Stamford nightclub, close to a residential area. There are representations from interested parties. They argue that extending the hours for the applicant will have a negative impact on some of the licensing objectives.

9. CONTACT OFFICER

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

APPENDIX 1



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 South Kesteven District Council LA079421 2000

CENTRAL NIGHTCLUB, 9 SILVER LANE,
 STAMFORD

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV275**

DATE: **7 OCTOBER 2005**

| | |
|---|--|
| TITLE: | THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE BASKERVILLES, MAIN STREET, BASTON, |
| 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/hotel and to vary the permitted hours, drinking up time and licensable activities. The application and map are attached at Appendix 1.

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

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

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

The Baskervilles 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. In addition the applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955, and some of the conditions on the Public Entertainment Licence.

There were five representations from interested parties and one from the Police, as a responsible authority. The representations from the interested parties relate to the advert itself, the lack of notice displayed on the premises, together with the potential nuisance arising from noise from the premises and patrons leaving. The representations from Police relate to the premises' occupancy figure and the potential risk of overcrowding in the premises. These 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 24 hours a day for residents and their guests and between the following hours for non residents:

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. In addition to the standard conditions, the PEL requires that all doors and windows are to be kept closed and locked at all times whilst 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 7.00 pm and midnight Friday and Saturday only.

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

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Films

| | |
|----------------|--------------------|
| 10:00 to 00:00 | Sunday to Thursday |
| 10:00 to 01:00 | Friday & Saturday |

10:00 New Year's Eve to 24:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Indoor sporting events

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday & Saturday
10:00 New Year's Eve to 24:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Live Music

10:00 to 00:00 Monday to Sunday

Recorded music

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday & Saturday
10:00 New Year's Eve to 24:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

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

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday & Saturday
10:00 New Year's Eve to 24:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Provision of facilities for making music

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday & Saturday
10:00 New Year's Eve to 24:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Provision of facilities for dancing

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday & Saturday
10:00 New Year's Eve to 24:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Supply of alcohol

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday & Saturday
10:00 New Year's Eve to 24:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.
Outside drinking will end at 23:00 hours.

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

Further, the applicant proposes to increase the maximum occupancy figure of the premises from 200 to 300. See section Q (c) Public Safety of Licensing objectives.

The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955, and the conditions on the Public Entertainment Licence relating to permitted hours and the requirement to keep windows and doors closed whilst entertainment / music is on.

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

10:00 to 00:30 Monday to Thursday
10:00 to 01:30 Friday & Saturday
10:00 to 00:30 Sunday
10:00 New Year's Eve to 00:30 2 January
10:00 to 01:30 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

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

The application has been advertised and the statutory consultees consulted.

The Council received one letter of representations from an interested party Mr M L Trotman, a local resident of 1 Hadrian Drive and another from the Police. The interested party states that the application is irregular because:

- (a) the applicant has failed to indicate in their notice that they shall sell alcohol until 01:00 on Fridays and Saturdays when such is in fact their intention
- (b) as at 01/08/05, the applicant had not displayed at the premises a notice of their proposed variations

Further, he states that the proposed variations will only promote public nuisance and crime and disorder. The letter is attached as Appendix 2.

The Police are of the view that increasing the maximum occupancy figure may result in an increase in crime and disorder, risk to public safety and public nuisance. The letters are attached as Appendix 2.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

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

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

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

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

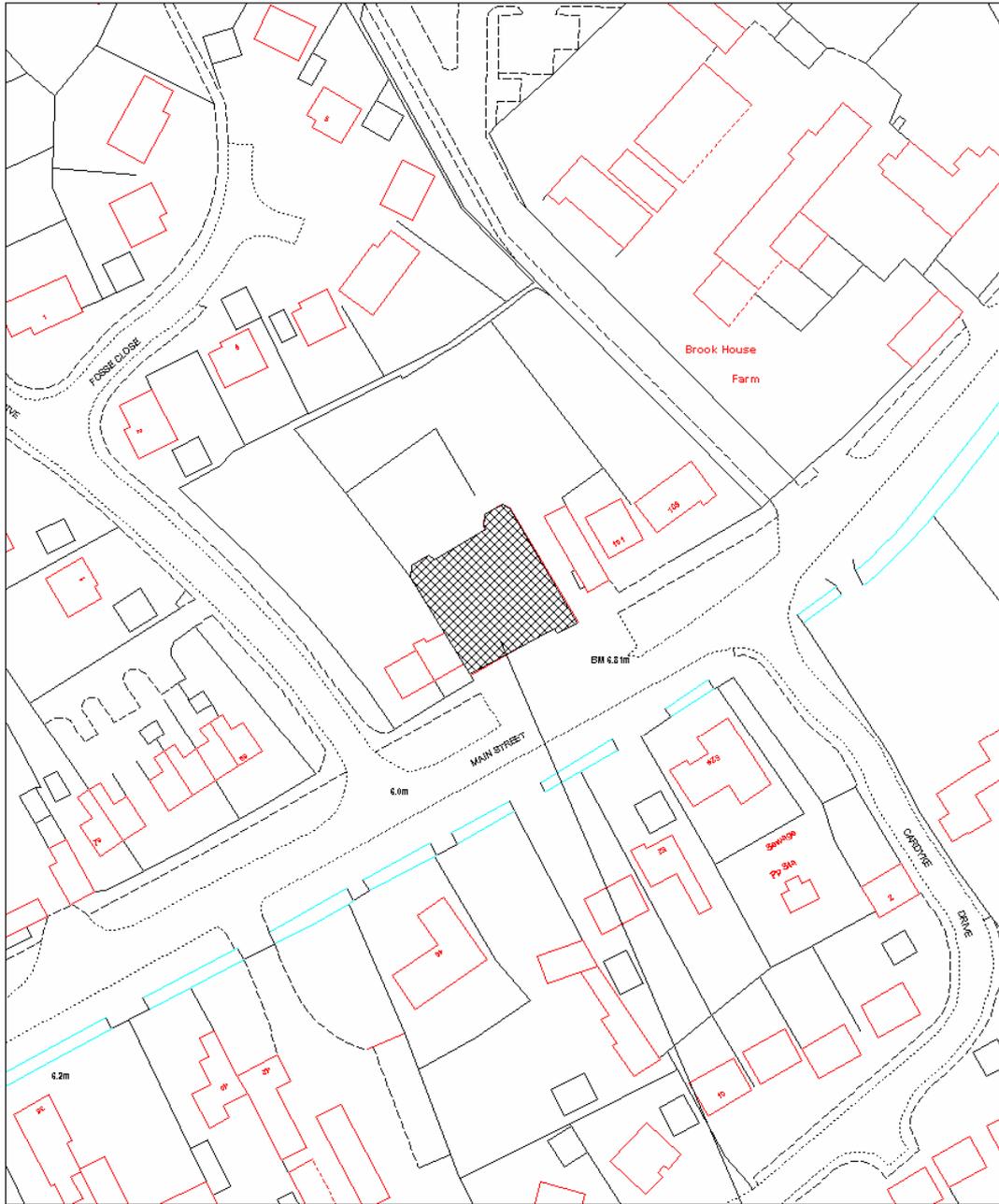
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Baston Village Centre public house. An interested party made a representation based on the validity of the application and the prevention 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

APPENDIX 1



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South Kesteven District Council LA079421 2000

THE BASKERVILLES,
MAIN STREET, BASTON.

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV283**

DATE: **7 OCTOBER 2005**

| | |
|---|--|
| TITLE: | THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ANGEL INN, 13 CHURCH STREET, SOUTH WITHAM, GRANTHAM. |
| FORWARD PLAN ITEM: | NOT APPLICABLE |
| DATE WHEN FIRST APPEARED IN FORWARD PLAN: | NOT APPLICABLE |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | NOT APPLICABLE |

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

1. INTRODUCTION

The application is for the conversion of an existing Justices' Licence at a public house and to vary the permitted hours, drinking up time and licensable activities. The application and map are attached at Appendix 1.

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

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

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

The Angel Inn public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation to extend the hours and permit regulated entertainment and the sale of alcohol throughout the whole of the premises from 11.00 to 00.30 the following morning on Monday to Sunday, to remove any embedded restrictions which are placed on the licence by virtue of section 8, paragraph 6 (8) of the Licensing Act 2003 and to allow an additional 10 minutes drinking up time.

There has been one letter of representation from an interested party, a local resident. The letter is attached as Appendix 2.

2. RECOMMENDATIONS

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

3. DETAILS OF REPORT

Conversion of Existing Justices' Licence under Transitional Arrangement

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

On sales

| | |
|----------------|-------------|
| 11:00 to 23:00 | Weekdays |
| 12:00 to 22:30 | Sundays |
| 12:00 to 22:30 | Good Friday |

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

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

Off sales

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

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Live music

11:00 to 00:30 Monday to Sunday

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

Supply of alcohol

11:00 to 00:30 Monday to Sunday

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

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

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

11:00 to 01:00 Monday to Sunday

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

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

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

The application has been advertised and the statutory consultees consulted.

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

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

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

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

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

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

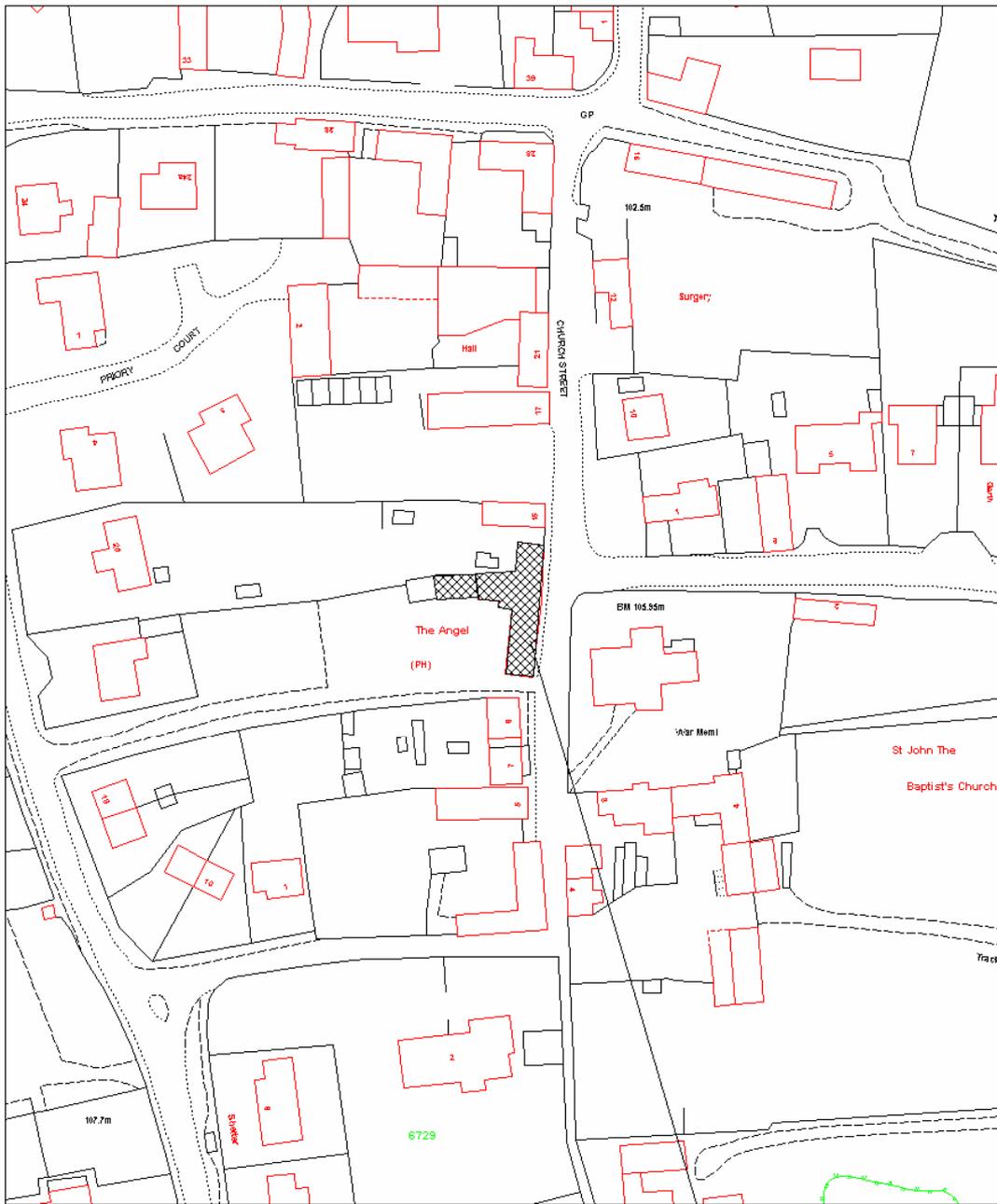
8. CONCLUSION

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

9. CONTACT OFFICER

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

APPENDIX 1



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THE ANGEL INN,
13 CHURCH STREET, SOUTH WITHAM.