

# REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

**REPORT OF:** Mark Jones, Service Manager Community Safety & Licensing

**REPORT NO:** CSL041

**DATE:** 18 October 2013

<b>TITLE:</b>	Application for variation of a premises licence for, Stone Loach, 13 Market Place, Market Deeping PE6 8EA	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
<b>CONTACT OFFICER:</b>	Pam Robinson, Senior Licensing Officer 01476 406138 Email: <a href="mailto:p.robinson@southkesteven.gov.uk">p.robinson@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
	<b>Equality and Diversity</b>	
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Statement of Licensing Policy 6 January 2011. <a href="http://www.southkesteven.gov.uk/index.aspx?articleid=2955">http://www.southkesteven.gov.uk/index.aspx?articleid=2955</a>  Guidance issued under section 182 of the Licensing Act 2003. <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf</a>	

## **1. RECOMMENDATIONS**

1.1 That the Licensing Committee consider this application for variation of a premises licence at a premises known as, Stone Loach, 13 Market Place, Market Deeping and the views of the representations made by members of the public bearing in mind the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of children from harm.

1.2 Where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made representations agree that a hearing is unnecessary.

1.3 The committee may have regard to the representations and if it considers it appropriate for the promotion of the licensing objectives;

- (a) Modify the conditions of the licence,
- (b) Reject the whole or part of the application.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new conditions are added.

1.4 The licensing authority should give appropriate weight to;

- (a) The steps that are appropriate to promote the licensing objectives.
- (b) The representations (including supporting information) presented by the parties.
- (c) The guidance issued under section 182 of the licensing Act 2003.
- (d) South Kesteven district Council's Licensing policy.

## **2. PURPOSE OF THE REPORT**

2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a variation of the premise licence under Section 34 of the Licensing Act 2003 and establish whether any action is required to promote the four licensing objectives set out in section 1.1 of this report.

2.2 If it is felt appropriate to take action, the options listed in section 1.3 are open to the committee.

## **3. DETAILS OF REPORT**

3.1 An application to vary an existing premises licence was received by licensing on 27 August 2013. Appendix 1 refers.

The details of the variations are as follows:

<b><u>EXISTING</u></b>	<b><u>VARIATION</u></b>
<p><b><u>Sale of Alcohol</u></b></p> <p>1030 to 0000 hrs on Sundays</p> <p><b><u>Live &amp; Recorded Music</u></b></p> <p>None</p> <p><b><u>Late Night Refreshment</u></b></p> <p>2300 hrs to 0100 hrs the following day, Monday to Saturday 2300 hrs to 0000 hrs, Sundays</p> <p><b><u>All Licensed Activities - None standard timings:</u></b></p> <p>0900 hrs on New Year's Eve to 0100 hrs on 2 January.</p> <p><b><u>Annex 2 &amp; 3</u></b></p> <p>Conditions listed at annex 2 and 3 of the licence (appendix 2).</p>	<p>1030 to 0100 hrs the following day</p> <p>To permit live and recorded music from 0900 to 0100 hrs the following day, Monday to Sunday.</p> <p>2300 hrs to 0145 hrs the following day, Monday to Sundays</p> <p>A further additional hour every Friday, Saturday, Sunday and Monday for each May, Spring/Whitsun and August Bank Holiday and an additional hour Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday. An additional hour Christmas Eve and Boxing Day. New Year's Eve from 0900 hrs until 0145 hrs the following day.</p> <p>To remove all conditions listed at annexes 2 and 3 and replace with item (M) of appendix 1.</p>

- 3.2 Members may have noticed that the application states that they currently have no permission for late night refreshment when in actual fact they do. A licensing officer rang the solicitor acting on behalf of the applicant and advised them of this and they confirmed that they would like the variation to be as applied for.
- 3.3 Three objections to the variation have been received from members of the public and they relate to public nuisance. They claim to be already suffering from the noise emanating from the premises when functions take place and feel that this would be intolerable if it was permanent. Appendix 3 refers.

3.4 The objectors also refer to allegations of anti-social behaviour and damage to property within the area but the committee should consider how far, if at all, the incidents can be attributed to patrons of the premises.

**4. OTHER OPTIONS CONSIDERED**

Not applicable

**5. RESOURCE IMPLICATIONS**

Not applicable

**6. RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
N/A	

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

Not applicable

**8. CRIME AND DISORDER IMPLICATIONS**

8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s.17 of the Crime and Disorder Act 1998

**9. COMMENTS OF FINANCIAL SERVICES**

9.1 There are no specific financial implications associated with this report however in the event of an applicant making an appeal against a decision which was then subsequently upheld, the council may occur additional legal costs

**10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

10.1 This is an application to vary a premises licence under S34 of the Licensing Act 2003. The Committee should consider whether the proposed variation is likely to impact on the promotion of the licensing objectives which are set out at paragraph 1.1 above.

In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representations (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Council’s own statement of licensing policy.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

Not applicable

## **12. APPENDICES:**

1. Application for variation
2. Current Premises Licence
3. Objections
4. Map of area