

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV253**

DATE: **26 AUGUST 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR TRANSFER AND VARIATION TO A LICENCE – CORN EXCHANGE THEATRE COMPANY, 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 Public Entertainment Licence at a PublicTheatre House and to vary the operating hours as well as adding new licensable activities. The application and map are attached as Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing 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 Public Entertainment Licence into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Public Entertainment 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appointed day, 24 November 2005, at which time the licence becomes operative and the Public Entertainment Licence is no longer valid.

The Corn Exchange Theatre currently holds a Public Entertainment Licence for the public performance of plays, public dancing or music or similar entertainment and indoor sports event to which the public are invited as spectators. They have applied for a variation in operating hours and also to include new licensable activities. 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 Public Entertainment Licence under Transitional Arrangements

The applicant currently holds a Public Entertainment Licence, for public performance of plays, public dancing and music or like entertainment and indoor sporting events between the hours of:

12 .00 to 0:00	Monday to Saturday
09:00 to 0:00	Sunday

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 noon and midnight Monday – Saturday only.

Standard Condition No 5 (Events held on Sundays) – The premises shall not be kept or used for public music or dancing or public entertainment of a like kind between the hours of 9.00 am and midnight.

Standard Condition No 7 (Maximum Occupancy Figure) – The Fire Officer has prescribed the following maximum occupancy figures: Ground Floor – 300 persons, 1st Floor balcony – 124 persons.

Standard Condition Nos 17-19 – The licence is issued subject to the additional requirements contained in the letter from the Fire Officer dated 7/03/01.

Licensing Act 1964, Section 199 (Sale of Alcohol) – The sale of intoxicating liquor shall not take place unless a licence has been obtained from the Licensing Justices.

Standard Condition No 34 (Stewarding) - During the holding of discos for young persons, the two door stewards must be registered with the South Kesteven Doorwatch Scheme and stewards inside would be organised by the Committee as agreed with Lincolnshire Police and Environmental Health on 13 April 2004.

Application for Variation requiring Committee Determination

The applicants have applied for a variation in their permitted hours for the existing licensable activities as follows:

Plays

09:00 to 01:00 Monday to Sunday

Indoor sporting events

09:00 to 01:00 Monday to Sunday

Boxing or wrestling entertainment

09:00 to 01:00 Monday to Sunday

Live music

09:00 to 01:30 Monday to Sunday

Recorded music

09:00 to 01:30 Monday to Sunday

Performances of dance

09:00 to 01:30 Monday to Sunday

Provision of facilities for making music
09:00 to 01:00 Monday to Sunday

Provision of facilities for dancing
09:00 to 01:00 Monday to Sunday

Provision of facilities for like entertainment
09:00 to 01:00 Monday to Sunday

The applicants have applied to add new activities as follows:

Films
09:00 to 01:00 Monday to Sunday

Late night refreshment
12:00 to 01:00 Monday to Sunday

Supply of alcohol
12:00 to 01:00 Monday to Sunday

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

09:00 to 01:30 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 letter of representation from C J Harvey of 15 All Saints Place, Stamford. She objects to the proposed extension of operating hours. She argues that the change will only promote noise pollution and anti-social behaviour. Her objection touches on both public nuisance and crime and disorder.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

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

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

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

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

8. CONCLUSION

The application is for the variation of licence conditions to extend operating hours and to add new activities to public theatre house. There is a letter of representation from an interested party. She argues that extending the hours for the applicant will have a negative impact on some of the licensing objectives.

9. CONTACT OFFICER

Peter Harrison, Environmental Health Practitioner (Licensing)
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APPENDIX 1



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South Kesteven District Council LA079421 2000

Corn Exchange Theatre Company
Broad Street, Stamford