

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV254**

DATE: **26 AUGUST 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – GRANTHAM BOWLING LTD, DYSART ROAD, GRANTHAM
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT APPLICABLE

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

1. INTRODUCTION

The application is for the conversion of an existing Justices' Licence at a public house and to vary (extend) the opening hours and operating hours, and licensing activities. The application is attached as 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Grantham Bowling Ltd currently holds a Justice's Licence for the retail sale on and off the premises and Public Entertainment Licence for public dancing, music or any other public entertainment of a like kind. Drinking up time is currently twenty minutes. They have applied for a variation in opening hours and operating hours and to add additional licensing activities, namely films and indoor sporting events. The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, other than the permitted hours for the sale of alcohol. Furthermore to remove all conditions attached to the Public Entertainment Licence (except relating to occupancy).

The Police have notified the Council that they have discussed the proposals with the applicant and have reached an agreement with the applicant's agent regarding sale of alcohol hours and the opening hours. This is attached as Appendix 2. Furthermore that some specified days are removed. The applicant was contacted and he has verbally confirmed his agreement to this arrangement. Therefore, in line with Section 18(6) (b) and Section 18(7)(b), this representation is no longer a relevant representation. The agreed amended hours are not shown on the application form at Appendix 1.

2. RECOMMENDATIONS

That, if the applicant confirms the agreement with the Police, the Committee agree that a hearing is not necessary.

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

The applicant holds a current Public Entertainment Licence for public dancing, music or any other entertainment of a like kind. 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 11.00 am and 11.00 pm, Monday to Saturday.

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 except between the hours of 11.00 am and 10.30 pm.

Standard Condition No 7 (Maximum Occupancy Figure) – The Fire Officer has prescribed the following maximum occupancy figures: Bar – 75 persons, Bowling Alley – 75 persons, Restaurant and Games Area – 100 persons. Total: 250 persons – whole premises.

Application for Variation requiring Committee Determination

The applicant has applied for a variation in their operating hours to supply alcohol as follows:

09:00 to 01:00	Sunday to Wednesday
09:00 to 02:00	Thursday to Saturday

In addition, an extension to 02:00 on the following days:

Sunday and Monday of all Bank Holiday Weekends

New Years Eve and New Years Day

Christmas Eve and Boxing Day

Burns Night

Australia Day

Shrove Tuesday

Chinese New Year

St Valentines Day

St David Day

Mothering Sunday

Comic Relief Day

St Patricks Day

St Georges Day

May Day

Fathers Day

American Independence Day

Halloween Day

Guy Fawkes Day/Night

St Andrews Day and

Children in Need Day

The same hours to apply also for the provision of regulated entertainment, provision of entertainment facilities.

The times when the public house is open will be between :

09:00 to 01:30	Sunday to Wednesday
09:00 to 02:30	Thursday to Saturday

These hours also apply to the provision of late night refreshment.

The applicant has additionally requested to remain open for 24 hours a day on New Years 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 police have negotiated with the applicants agent, revised sale of alcohol hours as follows:

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

As a result the opening hours will be:

09:00 to 00:30	Sunday to Wednesday
09:00 to 01:30	Thursday to Saturday

In addition the following specified days have been removed from the variation application:

Burns Night
Australia Day
Shrove Tuesday
Chinese New Year
St Valentines Day
St David Day
Mothering Sunday
Comic Relief Day
St Patricks Day
St Georges Day
May Day
Fathers Day
American Independence Day
Halloween Day
Guy Fawkes Day/Night
St Andrews Day and
Children in Need Day

At the time of writing, the Applicant's agent has not submitted a letter to confirm the agreement.

If the applicant does confirm:

As the applicant has confirmed his agreement to this arrangement, in line with Section 18(6) (b) and Section 18(7) (b), this representation is no longer a relevant representation.

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)

Where a hearing may be unnecessary

Where all parties, who are required to do so for these purposes, have returned a notice which states that they consider a hearing to be unnecessary, the Panel shall convene a meeting, which shall not require notice to be given to the parties.

If the Panel agrees that a hearing is unnecessary, then

- (a) The Panel may then proceed to determine the matter on the basis of the relevant representation received, then or at another date; and
- (b) Notice shall be given forthwith to the parties that the hearing has been dispensed with.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

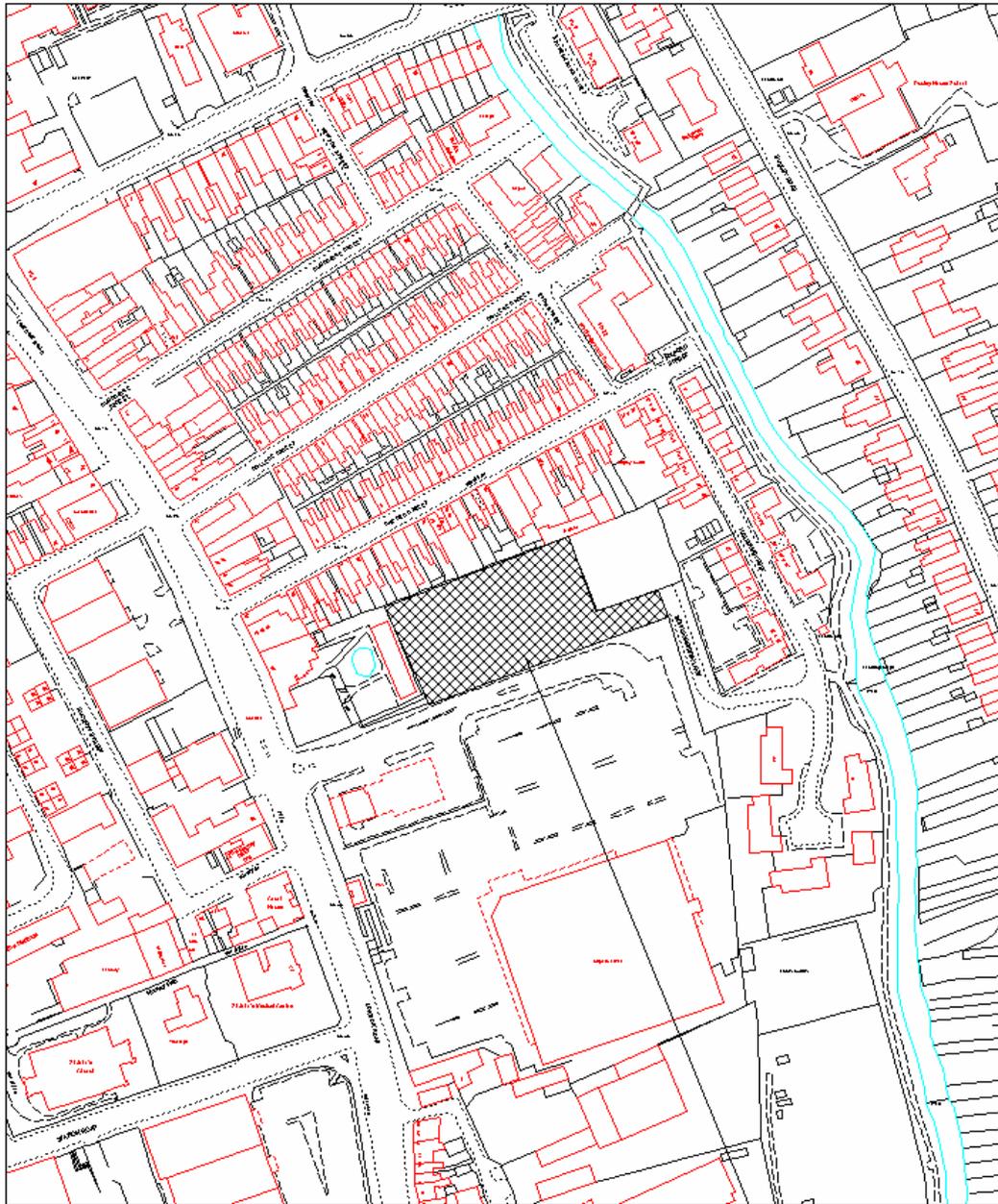
8. CONCLUSION

The application is for the conversion and variation of licence conditions to the operating and activity hours and activities of a Grantham Bowling establishment. The Lincolnshire Police initially made a representation regarding the opening hours but this was withdrawn following negotiations with the applicant and revised operating hours agreed, and the removal of specified days.

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

GRANTHAM BOWLING CLUB
LONDON ROAD, GRANTHAM