

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV255**

DATE:               **26 AUGUST 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE PERIWIG, 7 ALL SAINTS PLACE, 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 operating hours. The application is 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Periwig public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises, a Special Hours Certificate (Supper Hours Certificate) and a Public Entertainment Licence for public dancing, music and film exhibitions. Drinking up time is currently twenty minutes. They have applied for a variation in operating hours and additional ten minutes drinking up time.

The Council has received two letters of representation: one from the Environment Team as a responsible authority and another from a CJ Harvey as an interested party. The letters 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

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 and Saturday
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 or music or any other public entertainment of a like kind, including film exhibitions. 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 to 1.00 am the following morning, Friday – 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 8.00 pm and 10.30 pm.

*Standard Condition No 7 (Maximum Occupancy Figure)* – The Fire Officer has prescribed the following maximum occupancy figure(s): Ground Floor – 120 persons and First Floor – 60 persons.

*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 Nos 58 & 59 (Prevention of Nuisance)* – Measures to control noise nuisance shall be in accordance with the acoustic report dated 11.8/03 by Acoustic Associates and the following additional measures:

- (1) The entrance to the premise from Crown Street shall remain closed, except for use in the event of an emergency, after 2300 hours.
- (2) Access into the premises shall be restricted to the entrance from Red Lion Street after 2300 hours.
- (3) All entrance doors shall be supervised after 2300 hours using registered door supervisors to ensure Points 1 and 2 are complied with

- (4) A noise-limiting device shall be installed and connected to any amplification system set to a maximum level as agreed with Environmental Health Services, in writing.

This licence is issued subject to compliance with the Environment team's requirements regarding noise pollution and the properties above the Periwig.

The Special Hours Certificate permits the sale of intoxicating liquor as an ancillary to substantial refreshment until 12 midnight Wednesday and Thursday and 1.00 am the following morning on Friday and Saturday, subject to the following undertakings:

- Door staff to supervise all entrances from 7.00 pm as requested by the Police
- Door staff to control numbers so there is no outside drinking
- There is to be no entry to the premises after 11.00 pm
- Any egress from the premises after 11.00 pm shall be by way of the Red Lion Street exit only

#### Application for Variation requiring Committee Determination

The applicant has applied for a variation in their permitted hours for their activities (films, live music, recorded music, and supply of alcohol) as follows:

##### Films

11:00 to 22:50	Monday & Tuesday
11:00 to 23:50	Wednesday & Thursday
11:00 to 00:50	Friday & Saturday
11:00 to 22:50	Sunday
11:00 to 23:50	Sundays before Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday
11:00 to 00:50	Christmas Eve
12:00 to 13:50	Christmas Day
11:00 to 00:50	Boxing Day
11:00 to 00:50	New Year's Eve

##### Live Music

20:00 to 22:50	Monday & Tuesday
20:00 to 23:50	Wednesday & Thursday
20:00 to 00:50	Friday & Saturday
20:00 to 22:20	Sunday

##### Recorded Music

20:00 to 22:50	Monday & Tuesday
20:00 to 23:50	Wednesday & Thursday
20:00 to 00:50	Friday & Saturday
20:00 to 22:50	Sunday
20:00 to 23:50	Sundays before Easter Monday, Early May

	Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday
20:00 to 00:50	Christmas Eve
20:00 to 00:50	Boxing Day
20:00 to 00:50	New Year's Eve

Supply of Alcohol

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

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

11:00 to 23:30	Monday & Tuesday
11:00 to 00:30	Wednesday & Thursday
11:00 to 01:30	Friday & Saturday
11:00 to 23:30	Sunday
11:00 to 00:30	Sundays before Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday
11:00 to 01:30	Christmas Eve
12:00 to 14:30	Christmas Day
11:00 to 01:30	Boxing Day
11:00 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 representations from the Environmental team in their capacity as a responsible authority and from C J Harvey of 15 All Saints' Place, Stamford as an interested party.

They both object on the ground of noise pollution. The responsible authority further state that the applicant has agreed to carry out works to the premises to remedy this. They, however, propose that the variation be considered only after the works have been satisfactorily completed. The representations touch on the licensing objectives and are therefore relevant.

**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

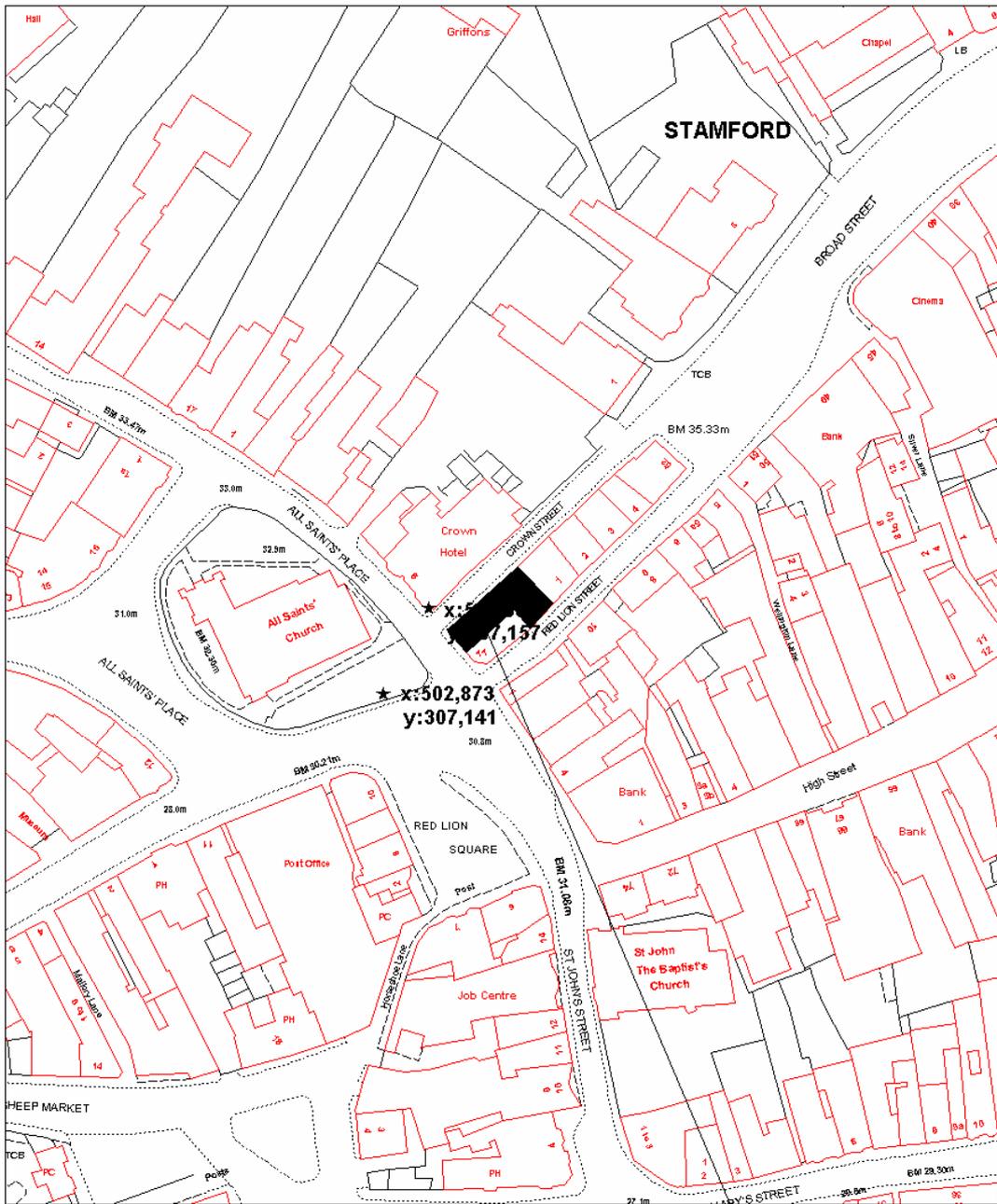
**8. CONCLUSIONS**

The application is for a variation of a licence to the activities and operating and activity hours of a Stamford town centre public house. Both representations relate to concerns arising from noise pollution.

**9. CONTACT OFFICER**

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

APPENDIX 1



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THE PERIWIG  
7 ALL SAINTS PLACE  
STAMFORD