

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV256**

DATE: **26 AUGUST 2005**

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|---|---|
| TITLE: | THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE FIGHTING COCKS, 13 MARKET PLACE, CORBY GLEN, GRANTHAM |
| 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 operating hours and to add new licensable activities. The application and map of the area are attached as 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Fighting Cocks public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises. They have applied for a variation in operating hours with alcohol sales until 1.00 am throughout the week and opening until 2.00 am, and licensing activities.

The Police were going to raise an objection in relation to the proposed alcohol hours. However, they state in their letter of 27 July 2005 that the applicant has agreed to amend the proposed hours, with alcohol sales until 2400 hours Sunday to Thursday and 0100 hours the following morning, Friday and Saturday. The applicant confirms this arrangement in their letter of 28 June 2005. Copies of letters attached as Appendix 2.

2. RECOMMENDATIONS

Conversion of Existing Justices' Licence under Transition Arrangements

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 |
| 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 originally applied for the sale of alcohol until 1.00 am, seven days a week, with the premises open to the public until 2.00 am.

Appication for Variation requiring Committee Determination

Following representations from the Police, the applicant has now applied for a variation in their permitted hours for their activities (indoor sporting events, live music, recorded music, late night refreshment and supply of alcohol) as follows:

| | |
|----------------|---|
| 09:00 to 00:00 | Sunday to Thursday |
| 09:00 to 01:00 | Friday and Saturday |
| 09:00 to 00:00 | Christmas Eve |
| 09:00 to 01:00 | Christmas Day |
| 09:00 to 00:00 | New Years Eve |
| 00:00 to 00:00 | New Years Day |
| 00:00 to 01:00 | Good Friday (From midnight Maundy Thursday to 01:00 Saturday following Good Friday) |

Bank holidays from Easter to later Summer Bank holiday:

| | |
|----------------|-----------------|
| 09:00 to 00:00 | Sunday |
| 0000 to 01:00 | Monday /Tuesday |

The applicant only intends to provide live and recorded music on a maximum of 12 occasions throughout the year.

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

| | |
|----------------|---|
| 09:00 to 00:30 | Sunday to Thursday |
| 09:00 to 01:30 | Friday and Saturday |
| 09:00 to 00:30 | Christmas Eve |
| 09:00 to 01:30 | Christmas Day |
| 09:00 to 00:30 | New Years Eve |
| 00:00 to 00:30 | New Years Day |
| 00:00 to 01:30 | Good Friday (From midnight Maundy Thursday to 01:00 Saturday following Good Friday) |

Bank holidays from Easter to later Summer Bank holiday:

| | |
|----------------|-----------------|
| 09:00 to 00:30 | Sunday |
| 00:00 to 01:30 | Monday /Tuesday |

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.

Only the police have made a representation, about the opening hours.

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 the variation of licence conditions to the operating and activity hours of this public house. The applicant has amended the proposed hours after consultation with the police. However the hours on the amended application form do not concur with those stated in the police letter dated 27 July 2005.

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

THE FIGHTING COCKS
13 MARKET PLACE
CORBY GLEN, GRANTHAM, LINCS