

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.          **ENV257**

DATE:                 **26 AUGUST 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE BLUE PIG, 9 VINE STREET 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 the premises licence by extending the operating hours, and to include live music and indoor sporting events as licensable activities. The application and map 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Blue Pig public house currently holds a Justice's Licence for the retail sale of alcohol, on and off the premises. Drinking up time is currently twenty minutes. They have applied for a variation in operating hours, an additional ten minutes drinking up time and additional licensable activities.

The Council received six letters of representation from local residents (interested parties), together with a representation from the Police as a responsible authority. The representations from each of the interested parties and Police, are summarised and analysed under paragraph 3 of this report and the letters of representations 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**

### 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 & 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

Application for Variation requiring Committee Determination

The applicant has applied for a variation in their activities as follows:

Supply of Alcohol

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 23:30	Sunday
11:00 to 02:00	New Year's Eve / New Year's Day
11:00 to 02:00	Christmas Eve, Boxing Day and Monday on Bank Holiday Weekends.

Further the applicant proposes to extend the operating hours on some unspecified 30 occasions to be determined by the applicant at their own discretion.

Live Music

20:30 to 23:00	Friday & Saturday
20:30 to 22:30	Sunday

Recorded Music

11:00 to 23:59	Monday to Thursday
11:00 to 01:00	Friday
10:30 to 01:00	Saturday
12:00 to 23:30	Sunday
11:00 to 02:00	Christmas Eve, Boxing Day and Monday on Bank Holiday Weekends

Indoor Sporting Events

11:00 to 00:30	Monday to Thursday
11:00 to 01:30	Friday
10:30 to 01:30	Saturday
12:00 to 00:00	Sunday

11:00 to 02:00 Christmas Eve, Boxing Day and Monday on  
Bank Holiday Weekends

The times when the public house is open will be:

11:00 to 00:30 Monday to Thursday  
11:00 to 01:30 Friday  
10:30 to 01:30 Saturday  
12:00 to 00:00 Sunday  
11:00 to 02:00 Christmas Eve, Boxing Day and Monday on  
Bank Holiday Weekends

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 received representations (attached as Appendix 2) from six local addresses of interested parties, as follows:

Alexandra Lumsden, 1 Bluegate, Grantham

Ms Lumsden has raised one objection against extension of hours and the inclusion of live music as a licensable activity. She states that they already experience disturbance from the pub's clientele after closing time and varying the licence will only make it worse and clients will probably be more drunk.

It appears that what the interested party is saying in her objection is that the variation will encourage public nuisance and also crime and disorder. This is a relevant representation which the Council must determine.

Mr & Mrs J Rhodes, 2 Swinegate, Grantham

In their letter of 26 July 2005, they raised one objection against the extension of hours. They feared that they would suffer from noise pollution as their house is adjoined to the public house. But they record in the same letter that they reached an agreement with the applicant and they withdrew their representation. However by another letter of the same date they write that they still wish to proceed with their objections. The objections are relevant and therefore require determination.

Mrs Collette Mace, 8 Swinegate, Grantham

Mrs Mace has raised the following objections:

The variation will cause noise pollution and also attract thugs into the neighbourhood. This is a relevant representation as it relates to two of the licensing objectives (i.e. public nuisance and crime and disorder) and therefore requires determination.

Extending the opening hours will breed trouble. Her reference to trouble presumably infers that there will be crime and disorder. This also is a relevant representation requiring determination.

The variation will promote vandalism of some of the historical buildings and monuments in the area. This representation relates to crime and disorder and is therefore a relevant representation requiring determination.

Swinegate is not the kind of historical area which will welcome the kind of change to be brought by the variation

The reputation of the area will suffer.

Unfortunately, these last two representations do not relate to any of the licensing objectives. Consequently, they are not relevant and do not require determination.

#### Mr & Mrs Redmile, 10 Vine Street, Grantham

They object (apparently) to the inclusion of live music to the activities of the premises. They argue that it will cause noise pollution. This is a valid representation requiring determination.

#### Mrs R ?, 11 Vine Street, Grantham

Mrs ? objects to the extension of hours unless people stayed inside and noise did not spill outside.

This also seems to be a relevant representation as it relates to one of the licensing objectives (i.e. public nuisance). However, it appears to have been covered by the agreement secured by Mr and Mrs Rhodes above. It may therefore not require any determination.

#### Aileen Rudd, 6/7 Vine Street, Grantham

Ms Rudd objects to the proposed extension of activity hours and the inclusion of live music as an activity. She argues that the proposed variations will promote public nuisance, and crime and disorder. These are relevant objections requiring determination.

#### Police

The Police, as a responsible authority, submitted one letter of representation (Appendix 2). Firstly, they object to the proposed extension to give the applicant the right to vary operating times on 30 unspecified occasions. They argue that the proposed variation is unlawful and does not allow for police to plan for these occasions. Finally, they object to the proposed extension of activity hours unless the applicant undertakes to implement a no admission/re-admission policy after mid-night. These objections relate to the licensing objectives and are thus relevant and require determination.

**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

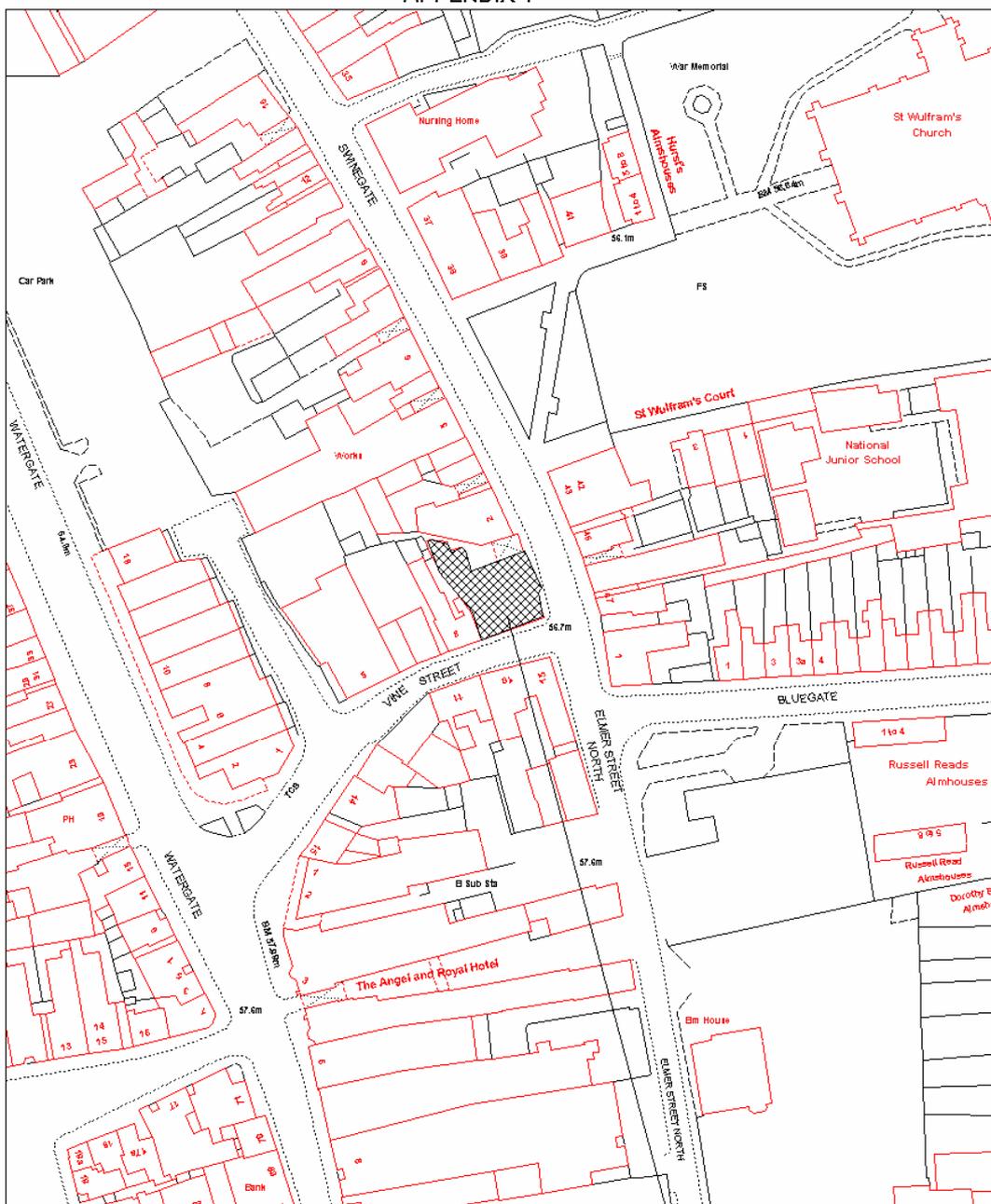
**8. CONCLUSION**

The application is for the variation of licence conditions to extend the operating and activity hours and also add new activities of a Stamford residential area public house. There are representations from the police and five addresses of interested parties. They argue that extending the hours for the applicant will have a negative impact on some of the licensing objectives.

**9. CONTACT OFFICER**

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APPENDIX 1



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South Kesteven District Council LA079421 2000

**THE BLUE PIG**  
**9 VINE STREET, GRANTHAM**