

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV258**

DATE: **26 AUGUST 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR TRANSFER AND VARIATION TO A LICENCE – THE VINE, 19 CHURCH STREET, MARKET DEEPING
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 operating and activity hours. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Vine public house currently holds a Justice's Licence for the retail sale of alcohol, on and off the premises, a Children's certificate authorising the use of a designated area by children under the age of 14 years until 9.00 pm Monday to Thursday and Sunday, and up to 11.00 pm Friday and Saturday, plus a Permit for amusement machines. Drinking up time is currently twenty minutes. They have applied for a variation in operating hours and in the activity hours. There has been one representation from an interested party, a local resident objecting to the extension of time and the provision of regulated entertainment, arguing that the variation will only promote noise and drunken behaviour. The letter of representation is attached at 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 and Saturdays
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

Applications for Variation requiring Committee Determination

The applicant has applied for a variation in their permitted hours for their activities to include non-standard timings for all their activities as follows:

- (1) An additional hour on Bank Holiday Weekends (Saturday & Monday) ie until 24.00 hours
- (2) Christmas Day, Boxing Day and New Year's Day, Good Friday until 24.00 hours
- (3) An additional half hour on Bank Holiday Sunday, ie until 23.00 hours
- (4) Plus 20 minutes drinking up time.

One representation has been received (attached as Appendix 2) from:

R W E Auckland, 70 Church Street, Market Deeping

The objection is concerned with noise pollution arising from background music and the extension of hours on public holidays. The objector alleges nuisance arising from a neighbouring public house, and in granting the variation as requested by The Vine will give rise to a similar nuisance. The representation is valid and must be determined.

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

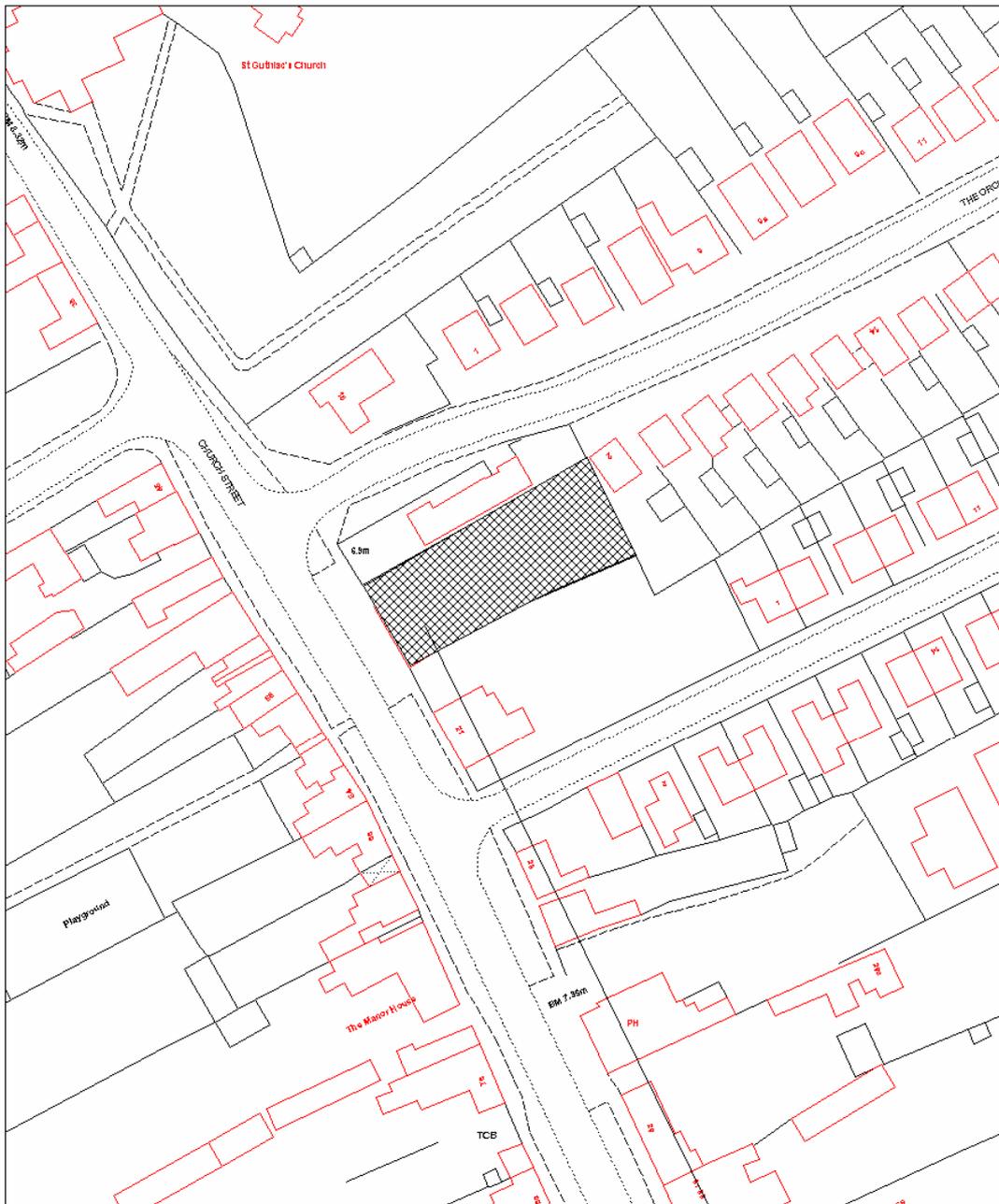
8. CONCLUSIONS

The application is for the variation of licence conditions to the operating and activity hours of this public house. One objection has been received concerned with noise pollution which must be determined.

9. CONTACT OFFICER

Peter Harrison, Environmental Health Practitioner (Licensing)
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APPENDIX 1



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VINE INN
19 CHURCH STREET
MARKET DEEPING