

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV259**

DATE:                **2 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE GOOSE AT THE BANK, HIGH 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 (extend) the opening hours generally and during special events and also to include new activities. The application is attached at 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

The Goose At The Bank public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in opening hours and during the transmission of any recognised international sporting events, an additional 10 minutes drinking up time, and to include new licensable activities. The Police, as statutory consultees, have submitted a letter of representations objecting to the extension of hours as applied for by the applicant. The letter is 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 & 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

### Application for Variation requiring Committee Determination

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

#### Films

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday & Saturday
10:00 to 00:00	Sunday

Further, the applicant proposes the following non standard timings for this activity:

In the event of the transmission of any recognised international sporting event which falls outside the current permitted hours on the premises licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the licensing authority and the police 10 days beforehand, with the police giving their prior written consent in each case.

Further, on the days\dates listed below the following additional hours are proposed:

1<sup>st</sup> January – 1 hour; 1<sup>st</sup> March (St Davids) – 1 hour; 17<sup>th</sup> March (St Patrick's) – 2 hours; Easter Monday – 1 hour; May Bank Holiday (1<sup>st</sup>) Sunday prior – 2 hours; May Bank Holiday (1<sup>st</sup>) Bank Holiday Monday- 1 hour; May Bank Holiday (2<sup>nd</sup>) Sunday prior- 2 hours; May Bank Holiday (2<sup>nd</sup>) Bank Holiday Monday- 1 hour; August Bank Holiday Sunday prior – 2 hours; August Bank Holiday Monday- 1 hour; Halloween – 2 hours; Christmas Eve – 2 hours; Boxing Day – 2 hours; 27<sup>th</sup> December – 2 hours; 28<sup>th</sup> December – 2 hours; 30<sup>th</sup> December – 2 hours.

### Indoor Sporting Events

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday & Saturday
10:00 to 00:00	Sunday

Further, the applicant proposes the following non-standard timings for this activity:

In the event of the transmission of any recognised international sporting event which falls outside the current permitted hours on the premises licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the licensing authority and the police 10 days beforehand, with the police giving their prior written consent in each case.

Further, on the days\dates listed below the following additional hours are proposed:

1<sup>st</sup> January – 1 hour; 1<sup>st</sup> March (St Davids) – 1 hour; 17<sup>th</sup> March (St Patrick's) – 2 hours; Easter Monday – 1 hour; May Bank Holiday (1<sup>st</sup>) Sunday prior – 2 hours; May Bank Holiday (1<sup>st</sup>) Bank Holiday Monday- 1 hour; May Bank Holiday (2<sup>nd</sup>) Sunday prior- 2 hours; May Bank Holiday (2<sup>nd</sup>) Bank Holiday Monday- 1 hour; August Bank Holiday Sunday prior – 2 hours; August Bank Holiday Monday- 1 hour; Halloween – 2 hours; Christmas Eve – 2 hours; Boxing Day – 2 hours; 27<sup>th</sup> December – 2 hours; 28<sup>th</sup> December – 2 hours; 30<sup>th</sup> December – 2 hours.

### Late Night Refreshment

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday & Saturday
10:00 to 00:00	Sunday

Further, the applicant proposes the following non-standard timings for this activity:

In the event of the transmission of any recognised international sporting event which falls outside the current permitted hours on the premises licence to permit

licensable activities commencing one hour before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the licensing authority and the police 10 days beforehand, with the police giving their prior written consent in each case.

Further, on the days\dates listed below the following additional hours are proposed:

1<sup>st</sup> January – 1 hour; 1<sup>st</sup> March (St Davids) – 1 hour; 17<sup>th</sup> March (St Patrick's) – 2 hours; Easter Monday – 1 hour; May Bank Holiday (1<sup>st</sup>) Sunday prior – 2 hours; May Bank Holiday (1<sup>st</sup>) Bank Holiday Monday- 1 hour; May Bank Holiday (2<sup>nd</sup>) Sunday prior- 2 hours; May Bank Holiday (2<sup>nd</sup>) Bank Holiday Monday- 1 hour; August Bank Holiday Sunday prior – 2 hours; August Bank Holiday Monday- 1 hour; Halloween – 2 hours; Christmas Eve – 2 hours; Boxing Day – 2 hours; 27<sup>th</sup> December – 2 hours; 28<sup>th</sup> December – 2 hours; 30<sup>th</sup> December – 2 hours.

### Supply of Alcohol

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday & Saturday
10:00 to 00:00	Sunday

Further, the applicant proposes the following non-standard timings for this activity:

In the event of the transmission of any recognised international sporting event which falls outside the current permitted hours on the premises licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the licensing authority and the police 10 days beforehand, with the police giving their prior written consent in each case.

Further, on the days\dates listed below the following additional hours are proposed:

1<sup>st</sup> January – 1 hour; 1<sup>st</sup> March (St Davids) – 1 hour; 17<sup>th</sup> March (St Patrick's) – 2 hours; Easter Monday – 1 hour; May Bank Holiday (1<sup>st</sup>) Sunday prior – 2 hours; May Bank Holiday (1<sup>st</sup>) Bank Holiday Monday- 1 hour; May Bank Holiday (2<sup>nd</sup>) Sunday prior- 2 hours; May Bank Holiday (2<sup>nd</sup>) Bank Holiday Monday- 1 hour; August Bank Holiday Sunday prior – 2 hours; August Bank Holiday Monday- 1 hour; Halloween – 2 hours; Christmas Eve – 2 hours; Boxing Day – 2 hours; 27<sup>th</sup> December – 2 hours; 28<sup>th</sup> December – 2 hours; 30<sup>th</sup> December – 2 hours.

In order to accommodate the above variations, the premises opening times will be:

10:00 to 00:30	Monday to Thursday
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10:00 to 01:30            Friday & Saturday  
10:00 to 00:30            Sunday

Further, the applicant proposes the following non-standard timings:

In the event of the transmission of any recognised international sporting event which falls outside the current permitted hours on the premises licence to permit licensable activities commencing one hour after the end of the event, the details of the event to be notified to the licensing authority and the police 10 days beforehand, with the police giving their prior written consent.

Further, on the days/dates listed below, the following additional hours are proposed:

1 January – 1 hour., 1 March (St David’s Day) 17<sup>th</sup> March (St Patrick’s) – 2 hours; Easter Monday – 1 hour; May Bank Holiday (1<sup>st</sup>) Sunday prior – 2 hours; May Bank Holiday (1<sup>st</sup>) Bank Holiday Monday- 1 hour; May Bank Holiday (2<sup>nd</sup>) Sunday prior- 2 hours; May Bank Holiday (2<sup>nd</sup>) Bank Holiday Monday- 1 hour; August Bank Holiday Sunday prior – 2 hours; August Bank Holiday Monday- 1hour; Halloween – 2 hours; Christmas Eve – 2 hours; Boxing Day – 2 hours; 27<sup>th</sup> December – 2 hours; 28<sup>th</sup> December – 2 hours; 30<sup>th</sup> December – 2 hours.

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 a letter of representation from the Police, as responsible authority. They object to the proposed extension of hours generally and for particular events arguing that the proposal to vary the hours for particular events is unlawful. They further argue that extending the permitted hours on Friday and Saturday will in any case have a negative effect on crime disorder, public safety and public nuisance.

**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

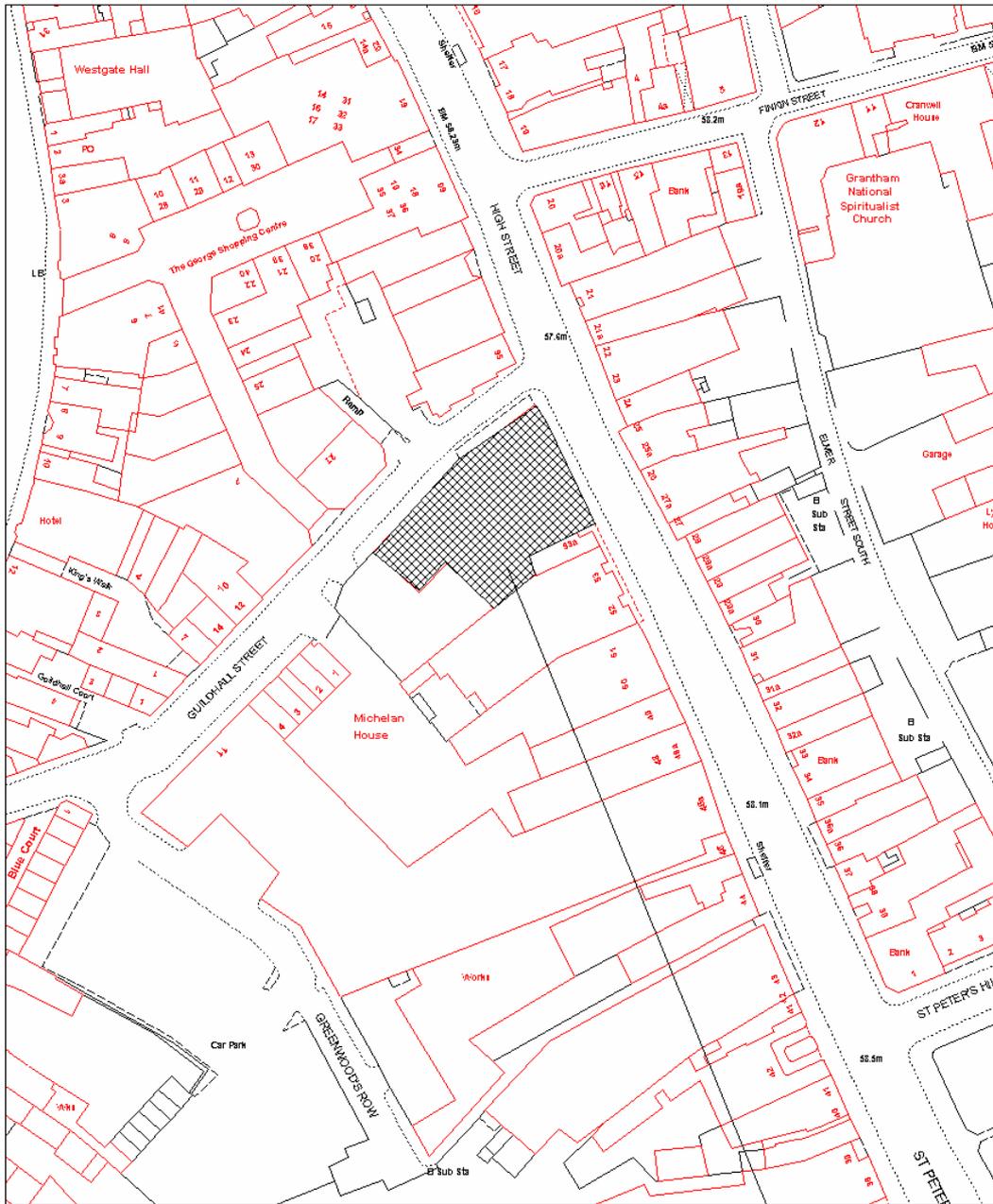
**8. CONCLUSION**

The application is for the conversion of an existing Justices' Licence at a public house and to vary (extend) the opening hours generally and during special events and also to include new activities. The police have raised objections to the extension of hours as having a negative effect on crime, disorder, public safety and public nuisance.

**9. CONTACT OFFICER**

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

APPENDIX 1



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**THE GOOSE AT THE BANK  
 55 HIGH STREET, GRANTHAM**