

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV260**

DATE:                 **2 SEPTEMBER 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – FOX & HOUNDS, GRANTHAM ROAD OLD SOMERBY, 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 removing all conditions restricting the use of the premises that might have carried over from the existing Justices' Licence, including limited entertainment and late night refreshment and generally extending the opening hours and operating hours. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Fox & Hounds public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises and Supper Hours Certificate for the provision of substantial refreshment to which the sale and supply of intoxicating liquor is ancillary. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours and licensable activities.

The Council received three letters of representation from residents who are interested parties. They object to a variation of the premises licence) contending that the variation will encourage public nuisance in the form of noise pollution and also crime and disorder. These 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 may remain open from the end of permitted hours until the start of permitted hours on the following Day.

Further, there is a Supper Hour Certificate which extends the hours of normal permitted hours by one hour, and between 15:00 and 19:00 on Christmas Day, where alcoholic drinks are served with a table meal.

### 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 for their activities as follows:

#### Live Music, Recorded music, Performances of dance & Provision of facilities for dancing.

10:00 to 23:30	Monday to Thursday
10.00 to 00:30	Friday & Saturday
10:00 to 23:30	Sunday

#### Late night refreshment

23:00 to 00:00	Monday to Thursday
23:00 to 01:00	Friday & Saturday
23:00 to 00:00	Sunday

#### 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 has applied for the following non – standard timings:

#### Live Music & Recorded Music

Maundy Thursday & Good Friday	10:00 to 01:30
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Fridays, Saturdays & Sundays preceding a Bank Holiday Monday –	10:00 to 01:30
Bank Holiday Mondays	10:00 to 00:30
December 26 <sup>th</sup>	09:00 to 00:30
December 31 <sup>st</sup>	10:00 to January 1 <sup>st</sup> normal terminal hour
December 24 <sup>th</sup>	10:00 to 01:30
December 27 <sup>th</sup> - 30 <sup>th</sup> inclusive	10:00 to 00:30

On the morning on which summer time begins, where the terminal hour is later than 01:00 am, the terminal hour shall be extended by one hour.

#### Performance of Dance and Provision of facilities for Dance

Maundy Thursday & Good Friday	10:00 to 01:30
Fridays, Saturdays & Sundays preceding a Bank Holiday Monday –	10:00 to 01:30
Bank Holiday Mondays	10:00 to 00:30
December 26 <sup>th</sup>	09:00 to 00:30
December 31 <sup>st</sup>	10:00 to 00:30 January 2 <sup>nd</sup>
December 24 <sup>th</sup>	10:00 to 01:30
December 27 <sup>th</sup> - 30 <sup>th</sup> inclusive	10:00 to 00:30

On the morning on which summer time begins, where the terminal hour is later than 01:00 am, the terminal hour shall be extended by one hour.

#### Late Night Refreshment

Maundy Thursday & Good Friday	23:00 to 01:00
Fridays, Saturdays & Sundays preceding a Bank Holiday Monday –	23:00 to 02:00
Bank Holiday Mondays	23:00 to 01:00
December 26 <sup>th</sup>	23:00 to 01:00
December 31 <sup>st</sup>	23:00 to 05:00
January 1 <sup>st</sup>	23:00 to 01:00
December 24 <sup>th</sup>	23:00 to 02:00
December 27 <sup>th</sup> - 30 <sup>th</sup> inclusive	23:00 to 01:00

When events from the Football World Cup, Rugby World Cup or Olympics are televised live, from one hour before the start of the televised event until standard opening time.

On the morning on which summer time begins, where the terminal hour is later than 01:00 am, the terminal hour shall be extended by one hour.

#### Supply of Alcohol

Maundy Thursday & Good Friday	10:00 to 02:00
Fridays, Saturdays & Sundays preceding a Bank Holiday Monday –	10:00 to 02:00
Bank Holiday Mondays	10:00 to 01:00
December 26 <sup>th</sup>	09:00 to 01:00
December 31 <sup>st</sup>	23:00 to 05:00
January 1 <sup>st</sup>	terminal hour to 01:00

December 24 <sup>th</sup>	10:00 to 02:00
December 25 <sup>th</sup>	09:00 to normal terminal hour
December 27 <sup>th</sup> - 30 <sup>th</sup> inclusive	10:00 to 01:00

When events from the Football World Cup, Rugby World Cup or Olympics are televised live, from one hour before the start of the televised event until standard opening time.

On the morning on which summer time begins, where the terminal hour is later than 01:00 am, the terminal hour shall be extended by one hour.

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

05:00 to 00:30	Monday to Thursday
05:00 to 01:30	Friday & Saturday
05:00 to 00:00	Sunday

Additionally the following non – standard timings will apply:

Maunday Thursday & Good Friday	05:00 to 02:30
Fridays, Saturdays & Sundays preceding a Bank Holiday Monday	05:00 to 02:30
Bank Holiday Mondays	05:00 to 01:30
December 26 <sup>th</sup>	05:00 to 01:30
December 31 <sup>st</sup>	05:00 to January 2 <sup>nd</sup> 01:30
December 27 <sup>th</sup> - 30 <sup>th</sup> inclusive	05:00 to 01:30

When events from the Football World Cup, Rugby World Cup or Olympics are televised live, from one hour before the start of the televised event until standard opening time.

On the morning on which summer time begins, where the terminal hour is later than 01:00 am, the terminal hour shall be extended by one hour.

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 letters of representations (attached as Appendix 2) from the following three local residents, all interested parties:

Mr D Phillips	The Holt Grantham Road
Bill King	Tanglewood Grantham Road
FM Chapman – King	Tanglewood, Grantham Road

In summary, they object to an extension of the hours and the inclusion of live music, recorded and dance as licensable activities arguing that varying the premises licence in the manner applied for will result in crime disorder and noise pollution.

**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 a variation of a licence to the activities and operating and activity hours of an Old Somerby public house. There have been letters of representation from three interested parties from two residential properties. They object to the variation on the ground of public nuisance and crime and disorder.

**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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South Kesteven District Council LA079421 2000

FOX AND HOUNDS  
GRANTHAM OLD ROAD  
OLD SOMERBY  
GRANTHAM