

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV262**

DATE:               **2 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – GREAT PONTON VILLAGE CENTRE, ARCHERS WAY GREAT PONTON
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 Annual Community Premises Entertainment Licence (ACPEL) at a village hall and to vary the ensuing premises licence by including a new activity. The application is attached at Appendix 1, together with a map of the premises.

The Licensing Act 2003 transfers responsibility for the licensing of alcohol 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 ACPEL into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their ACPEL, 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dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the ACPEL is no longer valid.

The Great Ponton Village Centre currently holds an ACPEL for public dancing or music, or any other public entertainment of a like kind, the public performance of plays and indoor sports events to which the public are invited as spectators. They have applied for a variation to include the supply of alcohol as a licensable activity. There was a letter of representation from the police objecting to the hours proposed by the applicant without including 'wind down time'. They however record in the same letter that the applicant has agreed to add a further 30 minutes every day for this purpose. The applicant has confirmed this in writing, thereby amending their application. This is attached as Appendix 2.

Therefore, in line with Section 18(6) (b) and Section 18(7) (b), this representation is no longer a relevant representation.

## **2. RECOMMENDATIONS**

The applicant confirms that agreement with the Police has been reached. The Committee may wish to agree that a hearing is not necessary.

## **3. DETAILS OF REPORT**

Conversion of existing Annual Community Premises Licence under Transitional Arrangements

The village centre currently holds an ACPEL for public dancing etc between the hours of:

12:00 to 00:00	Sunday to Thursday
12:00 to 01:00	Friday to Saturday

The ACPEL is issued subject to the standard terms and conditions, together with the following additional conditions:

*Standard Condition No 5 (Permitted Hours)* – The premises shall not be kept or used for public music or dancing or other public entertainment of a like except between the hours of noon and midnight, Sunday – Thursday and noon and 1.00 am the following morning on Fridays and Saturdays.

*Standard Condition No 7 (Maximum Occupancy Figure)* –The Fire Officer has prescribed the following maximum occupancy figures: 200 persons – whole premises.

*Standard Condition Nos 58 & 59 (Prevention of Noise Nuisance)* – It is emphasised that the use of these premises for public entertainments must not cause nuisance to nearby residential properties.

*Licensing Act 1964 Section 199 (Sale of Alcohol)*- The sale of intoxicating liquor shall not take place unless a licence has been obtained from the Licensing Justices.

#### Application for Variation requiring Committee Determination

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

##### Supply of alcohol

12:00 to 00:00	Monday to Thursday
12:00 to 01:00	Friday & Saturday
12:00 to 00:00	Sunday

The application indicates that the premises opening times will be:

08:00 to 00:00	Monday to Thursday
08:00 to 01:00	Friday & Saturday
08:00 to 00:00	Sunday

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.

There was a letter from the Police (attached as Appendix 2) objecting to the hours proposed by the applicant without including 'wind down time'. They however record in the same letter that the applicant has agreed to add a further 30 minutes every day for this purpose. The applicant has confirmed this in writing (attached as Appendix 2), thereby amending their application. The representation is consequently withdrawn.

The amended hours when the premises will be open to the public are agreed as being:

08:00 to 00:30	Monday to Thursday
08:00 to 01:30	Friday & Saturday
08:00 to 00:30	Sunday

**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)**

Where a hearing may be unnecessary

Where all parties, who are required to do so for these purposes, have returned a notice which states that they consider a hearing to be unnecessary, the Panel shall convene a meeting, which shall not require notice to be given to the parties.

If the Panel agrees that a hearing is unnecessary, then

- (a) The Panel may then proceed to determine the matter on the basis of the relevant representation received, then or at another date; and
- (b) Notice shall be given forthwith to the parties that the hearing has been dispensed with.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

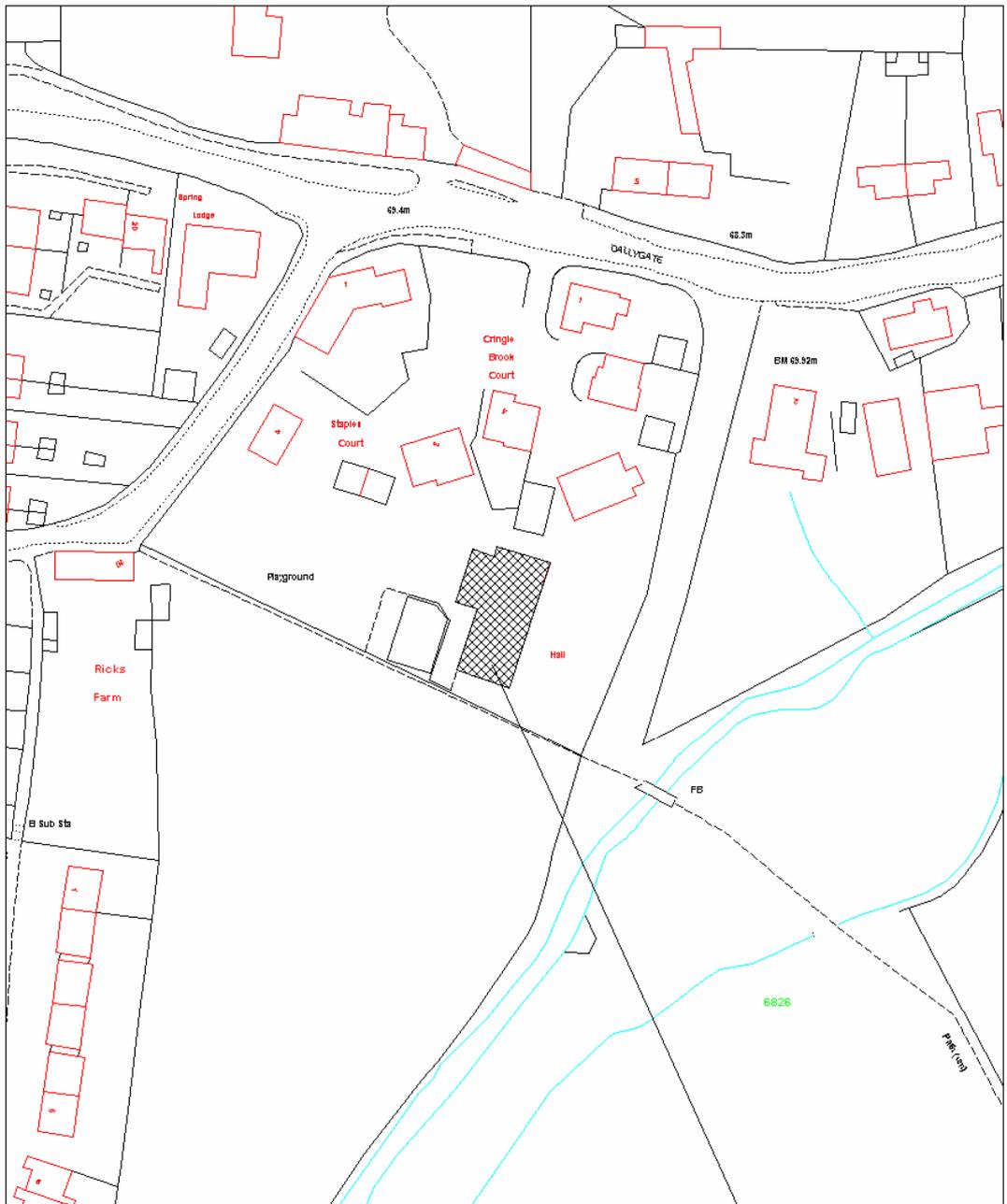
## **8. CONCLUSION**

The application is for the conversion of an existing ACPEL at Great Ponton Village Centre and to vary the ensuing premises licence by including a new activity. The police objected to the hours proposed by the applicant without including 'wind down time'. They however record in the same letter that the applicant has agreed to add a further 30 minutes every day for this purpose. The applicant has amended their application accordingly.

## **9. CONTACT OFFICER**

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

APPENDIX 1



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
South Kesteven District Council LA079421 2000

GREAT PONTON VILLAGE CENTRE,  
ARCHERS WAY.