

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV264**

DATE: **2 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE AVENUE HOTEL, 32-34 AVENUE ROAD, 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 an hotel and to vary (extend) the opening hours and operating hours and licensable activities. The application and map are attached at 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Avenue Hotel currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation to extend the hours for the sale of alcohol, the provision of regulated entertainment and the removal of all conditions embedded by the Justices Licence and the Licensing Act 1964. The Police submitted a letter of representation. This 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 Arrangement

The public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises between the following hours:

On sales

11:00 to 23:00	Weekdays
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

In part A3 of the application, the applicant claims a condition for the sale and consumption of alcohol 24 hours a day for residents and their guests. This is not supported by an existing residents licence accompanying the application.

Application for Variation Requiring Committee Determination

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

Live Music

11:00 to 00:00	Sunday to Wednesday
11:00 to 02:00	Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day.

Recorded Music

11:00 to 00:00	Sunday to Wednesday
11:00 to 02:00	Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day.

Performances of Dance

11:00 to 00:00	Sunday to Wednesday
11:00 to 02:00	Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day.

Provision of Facilities for Making Music

11:00 to 00:00	Sunday to Wednesday
11:00 to 02:00	Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day.

Provision of Facilities for Dancing

11:00 to 00:00 Sunday to Wednesday
11:00 to 02:00 Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day.

Late Night Refreshment

11:00 to 00:00 Sunday to Wednesday
11:00 to 02:00 Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day.

Supply of Alcohol

11:00 to 00:00 Sunday to Wednesday
11:00 to 02:00 Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day.

Drinking up time: an additional 10 minutes to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

In order to accommodate the above extension of operating hours and licensable activities, the premises opening time will be:

11:00 to 00:30 Sunday to Wednesday
11:00 to 02:30 Thursday to Saturday

Christmas Eve until 03.00 the next day. New Years Eve until 04.00 the next day. Good Friday until 02.00 the next day. The applicant has not applied for drinking up time on the non standard days in the application.

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 Lincolnshire Police have submitted a letter of representation

The representation relates to crime and disorder, public safety, noise and nuisance arising from the premises. They object to any extension to the hours beyond 00:00 unless the applicant installs an approved CCTV System and employs SIA registered door staff. They would also require the applicant to make provision for occupancy control.

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

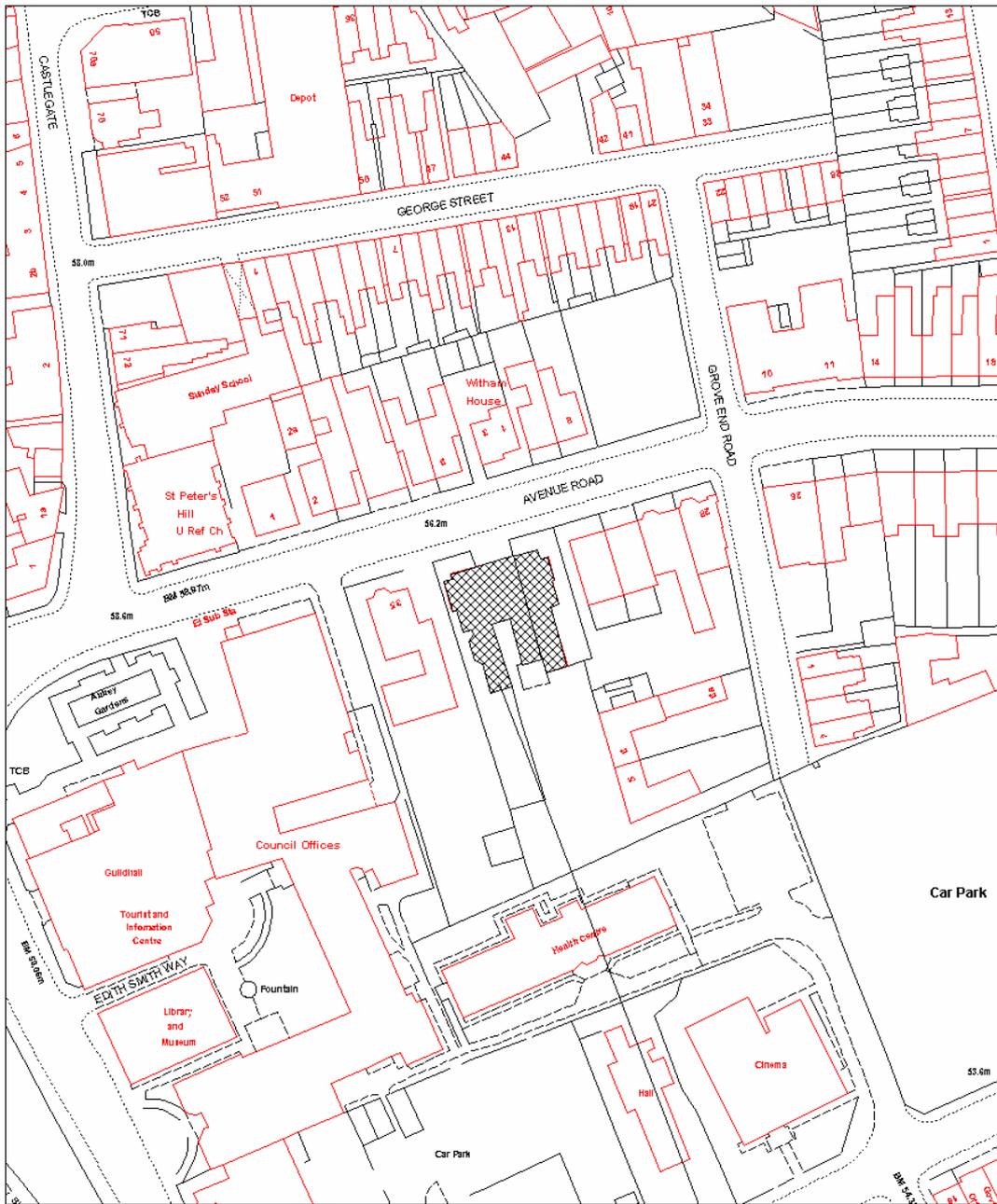
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Grantham town centre hotel. The Lincolnshire Police have submitted a letter of representation relating to public nuisance, public safety crime and disorder.

9. CONTACT OFFICER

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

APPENDIX 1



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THE AVENUE HOTEL,
 32 AVENUE ROAD, GRANTHAM.