

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV271**

DATE:                 **9 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ROYAL OAK, NORTH STREET BOURNE
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 permitted hours, drinking up time and to include new licensable 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Royal Oak public house 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 in operating hours, an additional 10 minutes drinking up time and additional licensable activities. In addition the applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955.

There were representations from the Police. They object to the applicant's proposal to extend their hours on Bank Holiday Mondays. They record in their letter that they have agreed with the applicants to amend their alcohol hours and to the doors being closed at midnight on Friday and Saturday to allow no entry or re-entry. Mrs Cunnington, one of the applicants, confirmed on the phone the applicant's agreement to the amendments. Consequently, all the objections raised by the Police are no longer relevant. The letter from Police 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 hours of:

##### 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

#### Application for Variation Requiring Committee Determination

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

##### Films

10:00 to 00:00	Sunday to Wednesday
10:00 to 02:00	Thursday to Saturday
10:00 New Year's Eve to 00:00 New Year's Day	
10:00 to 02:00 on Bank Holiday weekends, Christmas Eve and Boxing Day	

##### Indoor sporting events

10:00 to 00:00	Sunday to Wednesday
10:00 to 02:00	Thursday to Saturday
10:00 New Year's Eve to 00:00 New Year's Day	
10:00 to 02:00 on Bank Holiday weekends, Christmas Eve and Boxing Day	

##### Live music

10:00 to 00:00	Monday to Sunday
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##### Recorded music

10:00 to 00:00	Sunday to Wednesday
10:00 to 02:00	Thursday to Saturday

10:00 New Year's Eve to 00:00 New Year's Day  
10:00 to 02:00 on Bank Holiday weekends, Christmas Eve and Boxing Day

Entertainment of a like kind

10:00 to 00:00 Sunday to Wednesday  
10:00 to 02:00 Thursday to Saturday  
10:00 New Year's Eve to 00:00 New Year's Day  
10:00 to 02:00 on Bank Holiday weekends, Christmas Eve and Boxing Day

Provision of facilities for making music

10:00 to 00:00 Sunday to Wednesday  
10:00 to 02:00 Thursday to Saturday  
10:00 New Year's Eve to 00:00 New Year's Day  
10:00 to 02:00 on Bank Holiday weekends, Christmas Eve and Boxing Day

Supply of alcohol

10:00 to 00:00 Sunday to Wednesday  
10:00 to 02:00 Thursday to Saturday  
10:00 New Year's Eve to 00:00 New Year's Day  
10:00 to 02:00 on Bank Holiday weekends, Christmas Eve and Boxing Day

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

10:00 to 00:30 Sunday to Wednesday  
10:00 to 02:30 Thursday to Saturday  
10:00 New Year's Eve to 00:30 New Year's Day  
10:00 to 02:30 on Bank Holiday weekends, Christmas Eve and Boxing Day

In addition the applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955.

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 Police originally objected to the applicants' proposal to extend to 2.00 am for the supply of alcohol on Thursdays, Fridays and Saturdays their hours on Bank Holiday Mondays. They record in their letter that they have agreed with the applicants to amend their alcohol hours as follows:

Sunday to Thursday 10:00 to 00:00 and Friday and Saturday 10:00 to 01:00. The doors will be closed at midnight on Friday and Saturday to allow no entry. The above times will be extended by an hour on Thursday before Good Friday and on the Sunday prior to a Bank Holiday Monday and if Christmas Day or Boxing Day does not fall on Friday or Saturday, the time to be extended by a further hour.

The Police do not agree to the hour extension of Bank Holiday Mondays. Mrs Cunnington has verbally confirmed the applicants' agreement to the amendments.

**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.

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

Not applicable

**8. CONCLUSION**

The application is for the conversion of an existing Justices' Licence at a Bourne public house and to extend the operating and activity hours and also to include new activities. The Police raised objections to the extension of hours which were later withdrawn following negotiations with the applicant to amend the hours.

**9. CONTACT OFFICER**

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

APPENDIX 1



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South Kesteven District Council LA079421 2000

ROYAL OAK,  
NORTH STREET, BOURNE.