

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV270**

DATE: **9 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE TOWN HOUSE, 39 BROAD STREET, STAMFORD
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 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Town House public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Supper Hour Certificate. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours, an additional 10 minutes drinking up time and licensable activities. An interested party has submitted representations. (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.

Further, there is a Supper Hours 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, subject to the following conditions:

1. Intoxicating liquor shall be sold and supplied in the room described on the plan approved by the Justices as the "Private Dining Room" only to those persons attending a meeting or a function in that room which has been booked in advance.
2. Close circuit television surveillance shall be provided:
 - (a) in the licensed area on the lower ground floor
 - (b) in the Private Dining Room

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 as follows:

Live Music

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Recorded music

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Performances of dance

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Entertainment similar to live music, recorded music or performance of dance

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Provision of facilities for making music

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Provision of facilities for dancing

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Provision of facilities similar to facilities for making music or for dancing

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

Supply of alcohol

10:00 to 23:00	Monday & Tuesday
10:00 to 00:00	Wednesday & Thursday
10:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Provision of this licensable activity to extend to 00:00 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

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

10:00 to 23:30	Monday & Tuesday
10:00 to 00:30	Wednesday & Thursday
10:00 to 01:30	Friday & Saturday
12:00 to 23:00	Sunday

Provision of this licensable activity to extend to 00:30 on Bank Holiday Sunday, Monday, all Public Holidays and Christmas Eve.

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 one letter of representations from an interested party Mr A J Springett, a local resident of North Street. He is of the view that the variation will only help to promote noise especially from the music and sounds coming from the premises. He draws attention to the remedial works required at other town centre public houses, to reduce the level of noise emanating from the premises, and suggest similar types of works should be required. The letter of representation is attached at Appendix 2.

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

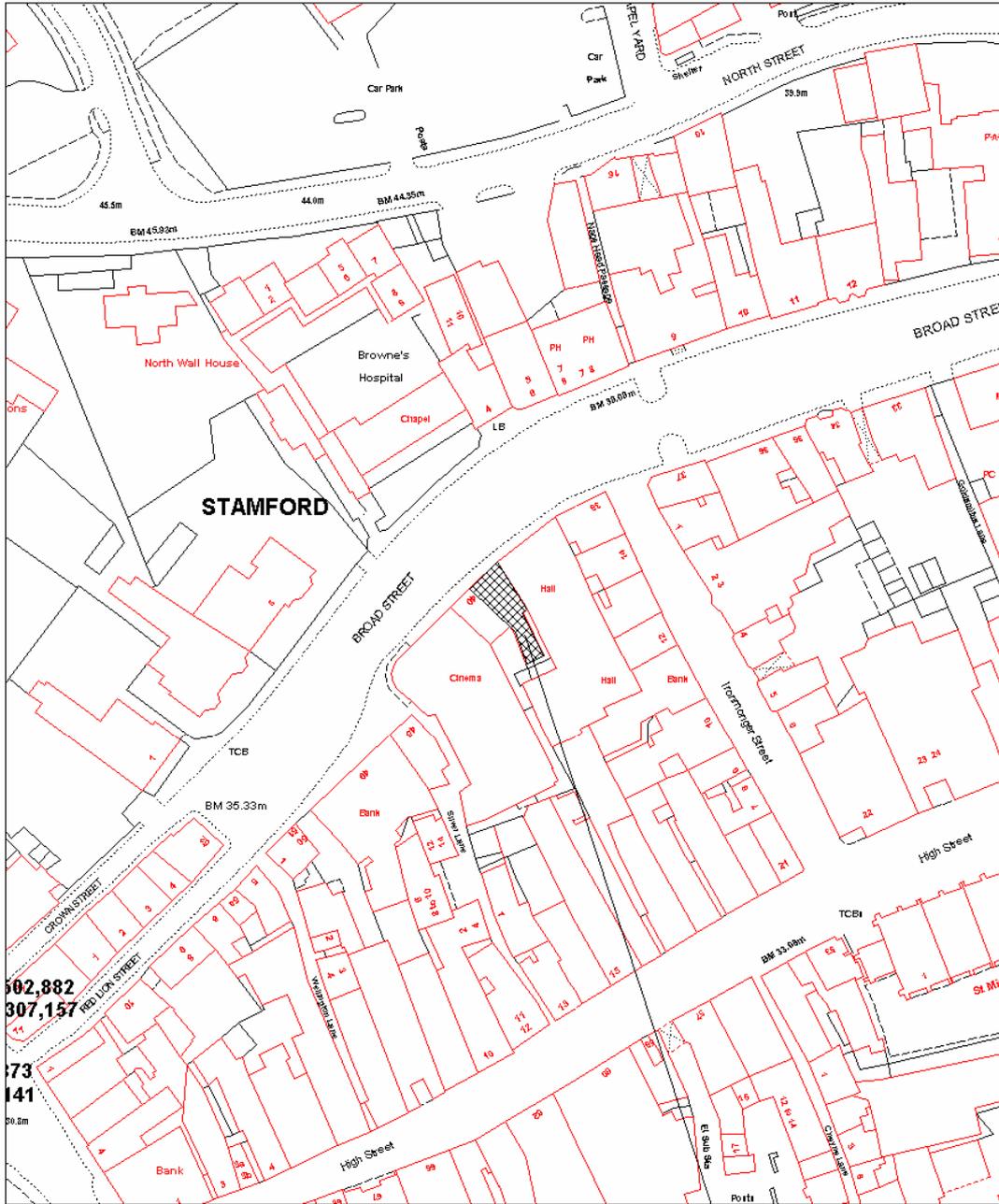
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Stamford public house. An interested party made a representation based on the prevention of public nuisance.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
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APPENDIX 1



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THE TOWN HOUSE
 38 BROAD STREET, STAMFORD