

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV269**

DATE: **9 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – MODEL FISH BAR & RESTAURANT, 52 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 and a Late Night Refreshment Licence at a hot food premises and to vary the permitted hours. The application and map are attached at Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of alcohol sales 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Model Fish Bar & Restaurant currently holds a Justice's Licence for retail sale of alcohol with table meals on the premises and a Late Night Refreshment House Licence for the provision of public refreshment, resort and entertainment. They have applied for a variation in the operating hours in relation to late night refreshment. Thirty-eight interested parties have submitted representations in respect of the proposed variations. 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 Licences under Transitional Arrangement

The premises currently holds a Justices' Licence permitting the sale of alcohol with table meals for consumption on the premises between the following hours:

10:00 to 00:00	Weekdays
12:00 to 23:30	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.

The Justices' Restaurant Licence is subject to the following conditions:

- Intoxicating liquor shall not be sold on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to his meal. Suitable beverages other than intoxicating liquor, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.

The Premises also hold a Late Night Refreshment House Licence for provision of public refreshment, resort and entertainment within the meaning of Section 1 of the Late Night Refreshment Houses Act 1969, and shall not be open between the following times:

Monday to Friday	any time except between 01:00 to 05:00
Saturday & Sunday	any time except between 02:00 to 05:00

The Licence is subject to a further condition that a tariff of charges shall be kept displayed so that it can conveniently be read by persons frequenting the premises before entering.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Late night refreshment from the take away area

On sales of hot food and hot drinks

23:00 to 01:00	Sunday to Thursday
23:00 to 02:00	Friday & Saturday

Off sales of hot food and hot drinks

23:00 to 04:00	Sunday to Monday
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The premises will be open to the public everyday from 08:00 to 04:00.

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.

Thirty-eight representations (Appendix 2) from interested parties have been received within 28 days from the date the application was made to the council.

The representations were received from:

Mrs M Sims	3 All Saints' Place
J& J Kellas – Kelly	Austin Street, Stamford
Mrs C Firkin	1A Barn Hill, Stamford
Mrs TM Story	8A Barn Hill, Stamford
Mr & Mrs P Walker	9 Barn Hill, Stamford
Mr & Mrs R Barry	10 Barn Hill, Stamford
Giles Hopkinson	12 Barn Hill, Stamford
Mrs E Gardner	15 Barn Hill, Stamford
Mrs Glenda Parsley	16 Barn Hill, Stamford
Mr & Mrs K Ellis	2 Barn Hill Mews, Stamford
Mrs R Veitch	Mission House, Broad Street, Stamford
Mr & Mrs Sharp	1 Castle Dyke, Stamford
Dr D Langridge	3 Exeter Court, Stamford
Mrs E E Thomas	North Street, Stamford
Beth & Peter Southgate	1 Rock Terrace, Stamford
O Daffurn	2 Rock Terrace, Stamford
M C Anerdleck	5 Rock Terrace, Stamford
Mr & Mrs Buckley	8 Rock Terrace, Stamford
J Eastwood	2 Rutland Terrace, Stamford
P Eastwood	2 Rutland Terrace, Stamford
G Thompson	6 Rutland Terrace, Stamford
J Orpin	1 St Peter's Street, Stamford
C Meads & J Hopson	2 St Peter's Hill, Stamford
L Gwinne	4 St Peter's Court, Stamford
F Wheatley	6 St Peter's Hill, Stamford
Dr G Wheatley	6 St Peter's Hill, Stamford
I Robertson,	9A St Peter's Street, Stamford
J Parsons	11 St Peter's Hill, Stamford
J Davies	12 St Peter's Street, Stamford
D Davies	12 St Peter's Street, Stamford
M Ward	1 St Peter's Vale Stamford
P B Thornley	35 Torkington Gardens, Stamford
M Mc Coll	44 Torkington Gardens, Stamford
J Blezard	45 Torkington Gardens, Stamford
Mr & Mrs Fox	47 Torkington Gardens, Stamford
Mr & Mrs C Hussey	e-mail
D Lankester	e-mail
Mrs C Caldecott	e-mail

The representations relate to the noise and nuisance allegedly caused by patrons coming from the premises. The local residents who made the representations consider that the proposed extended hours would have a negative effect on crime, disorder, public safety and public nuisance.

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

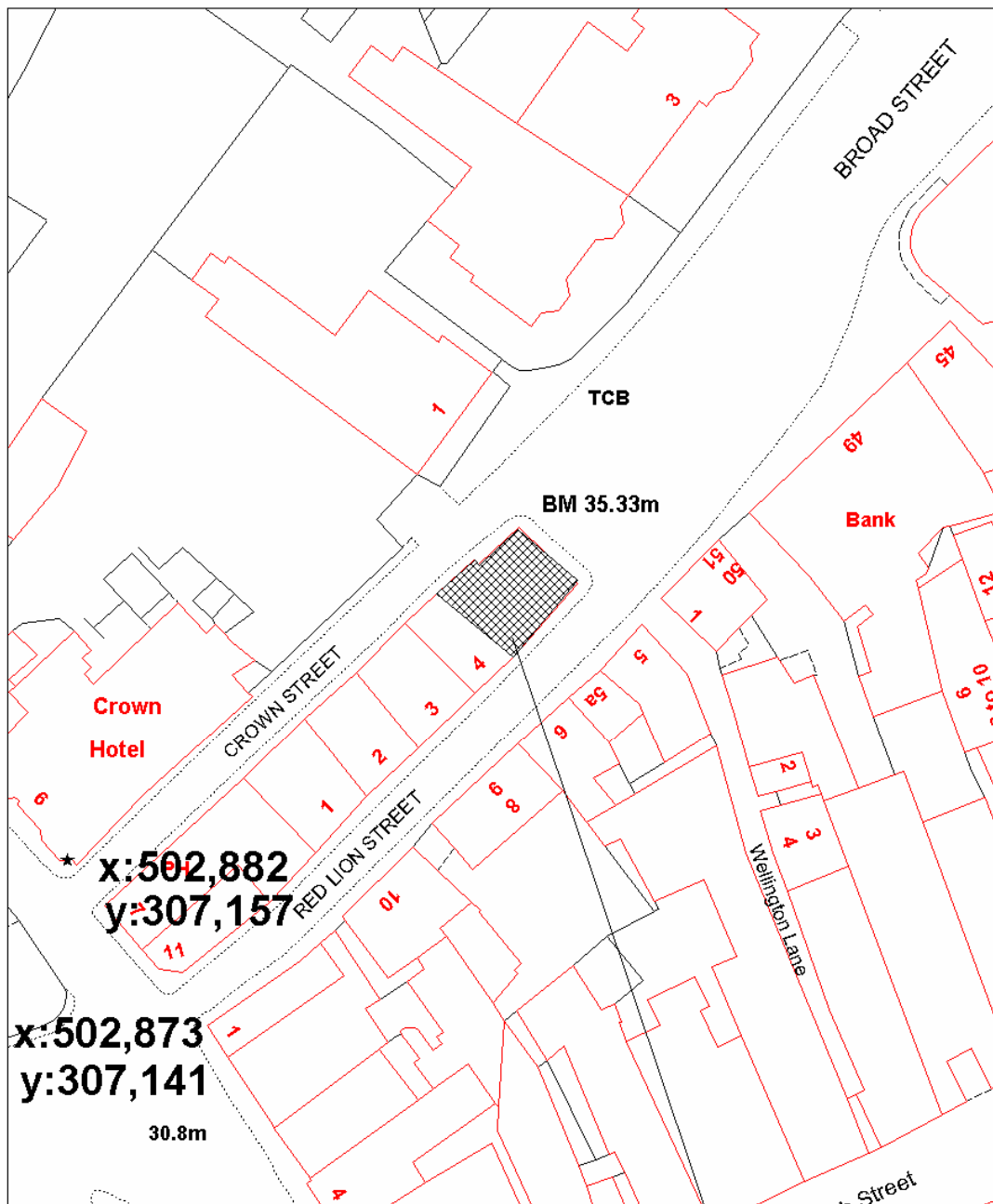
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Stamford fish bar and restaurant. Thirty-eight interested parties made representations based on the prevention of public nuisance, crime and disorder and public safety.

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

THE MODEL FISH BAR,
52 BROAD STREET, STAMFORD.