

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV268**

DATE: **9 SEPTEMBER 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – SMITHS', 25 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 premises licence by adding a new activity and extending the operating hours. The application is attached at Appendix 1, together with a location map.

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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Smiths' public house currently holds a Justice's Licence for the retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in the hours to supply alcohol, an additional 10 minutes drinking up time and also to include live music as one of the activities.

The Council has received a representation from The Environment team, as a responsible authority and local residents as an interested party. The letters of representations 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 Justices' Licence under Transitional Arrangements

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

In addition, the Justices' licence is enclosed with the condition/undertaking that:

- Any doormen who are employed to supervise the premises shall be members of the South Kesteven Doorwatch Scheme.
- An internal CCTV system be provided to the satisfaction of the Police

Application for Variation requiring Committee Determination

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

Supply of alcohol

10:00 to 23:00	Monday to Thursday
10:00 to 00:00	Friday & Saturday
11:00 to 23:00	Sunday
11:00 to 00:00	Sundays before Easter Monday, Early May Bank Holiday and Late Summer Bank Holiday
10:00 to 01:00	Christmas Eve
12:00 to 14:00	Christmas Day
11:00 to 01:00	Boxing Day
10:00 to 01:00	New Year's Eve

Live Music

20:00 to 23:00	Monday to Sunday
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In order to accommodate the above extension of operating hours, and additional activity, the premises opening times will be:

10:00 to 23:30	Monday to Thursday
10:00 to 00:30	Friday & Saturday
11:00 to 23:30	Sunday

11:00 to 00:30	Sundays before Easter Monday, Early May Bank Holiday and Late Summer Bank Holiday
10:00 to 01:30	Christmas Eve
12:00 to 14:00	Christmas Day
11:00 to 01:30	Boxing Day
10:00 to 01:30	New Year's 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 has received a representation from the Environment team in their capacity as a responsible authority. It appears they object to both the conversion of the existing Justices' Licence and the variation of the resultant Premises Licence. It must be pointed out at the outset that in terms of the relevant provisions of the Licensing Act 2003 (see Schedule 8 paragraphs 1 to 5) only the police can object to the conversion of an existing Justices' Licence. However, any responsible authority (and this includes the Environmental Health Services Department) is perfectly entitled to raise objections to the variation of the ensuing Premises Licence (see Sections 34 & 35).

The objection raised is in effect that there is an ongoing complaint about noise, which has not been resolved. This is touching on public nuisance and is a relevant representation requiring determination.

The Council also received a letter of representations from an interested party, the following local residents:

Mrs Agnes S Jacob of 31 North Street, Grantham.

She objects to the proposed variation, arguing that it will encourage public nuisance, and crime and disorder.

This view is supported by an email representation from Mrs Jacobs' husband. These representations are attached as 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 hold a hearing to determine the application, unless both the applicant and the responsible authority in question agree that such a hearing can be dispensed with.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

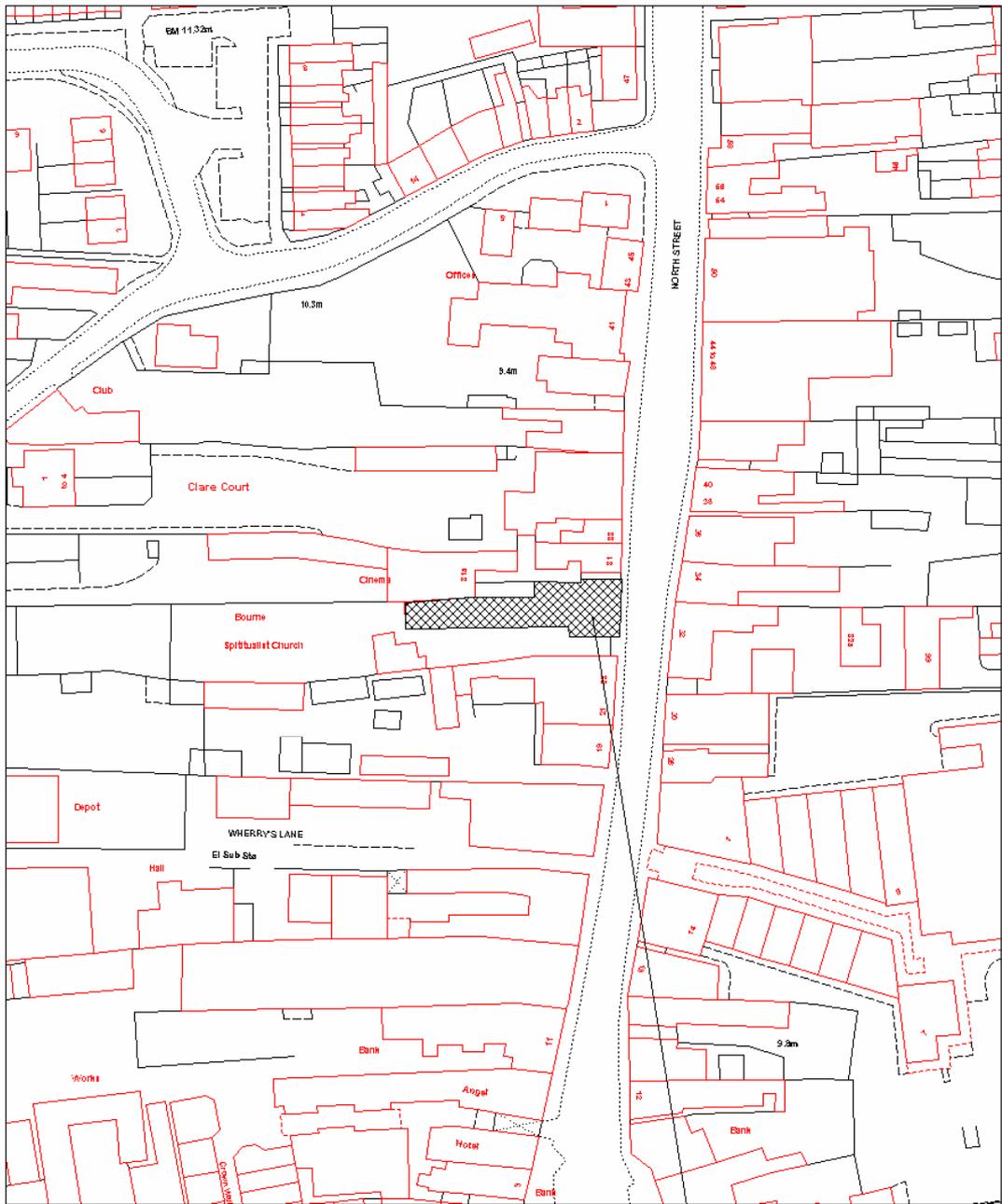
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Bourne public house. There has been a letter of representation from one responsible authority and an interested party. They object to the variation on the ground of public nuisance and crime and disorder.

9. CONTACT OFFICER

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

APPENDIX 1



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SMITHS
 25 NORTH STREET, BOURNE