

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV267**

DATE: **9 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE HURDLER, 93 NEW CROSS ROAD, 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 extend the activity hours and operating hours and to add 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Hurdler public house currently holds a Justice's Licence for the sale of alcohol both on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in opening hours and operating hours, an additional 10 minutes drinking up time and to continue with occasional live music and introduce other licensable activities. There were representations the Police as a responsible authority.

The Police object to the extension of hours as applied for by the applicant. They state that while they have no problem with the applicants extending their hours on Christmas Eve and New Year's Eve they object to an extension over all other bank holidays because this is likely to cause public nuisance and crime and disorder. The letter 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 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

Application for Variation requiring Committee Determination

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

Live music

19:30 to 00:00	Friday to Sunday
19:30 to 02:00	Bank Holidays

An additional 2 hours for both Christmas Eve and New Year's Eve

Recorded music

19:30 to 00:00	Friday to Sunday
19:30 to 02:00	Bank Holidays

An additional 2 hours for both Christmas Eve and New Year's Eve

Provision of facilities for making music

19:30 to 00:00	Friday to Sunday
19:30 to 02:00	Bank Holidays

An additional 2 hours for both Christmas Eve and New Year's Eve

Supply of alcohol

10:00 to 00:00	Friday to Sunday
10:00 to 02:00	Bank Holidays

An additional 2 hours for both Christmas Eve and New Year's Eve

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

10:00 to 00:30	Friday to Sunday
10:00 to 02:30	Bank Holidays

An additional 2 hours for both Christmas Eve and New Year's

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 a letter of representation from the Police. They state that while they have no problem with the applicants extending their hours on Christmas Eve and New Year's Eve they object to an extension over all other bank holidays because this is likely to cause public nuisance and crime and disorder.

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

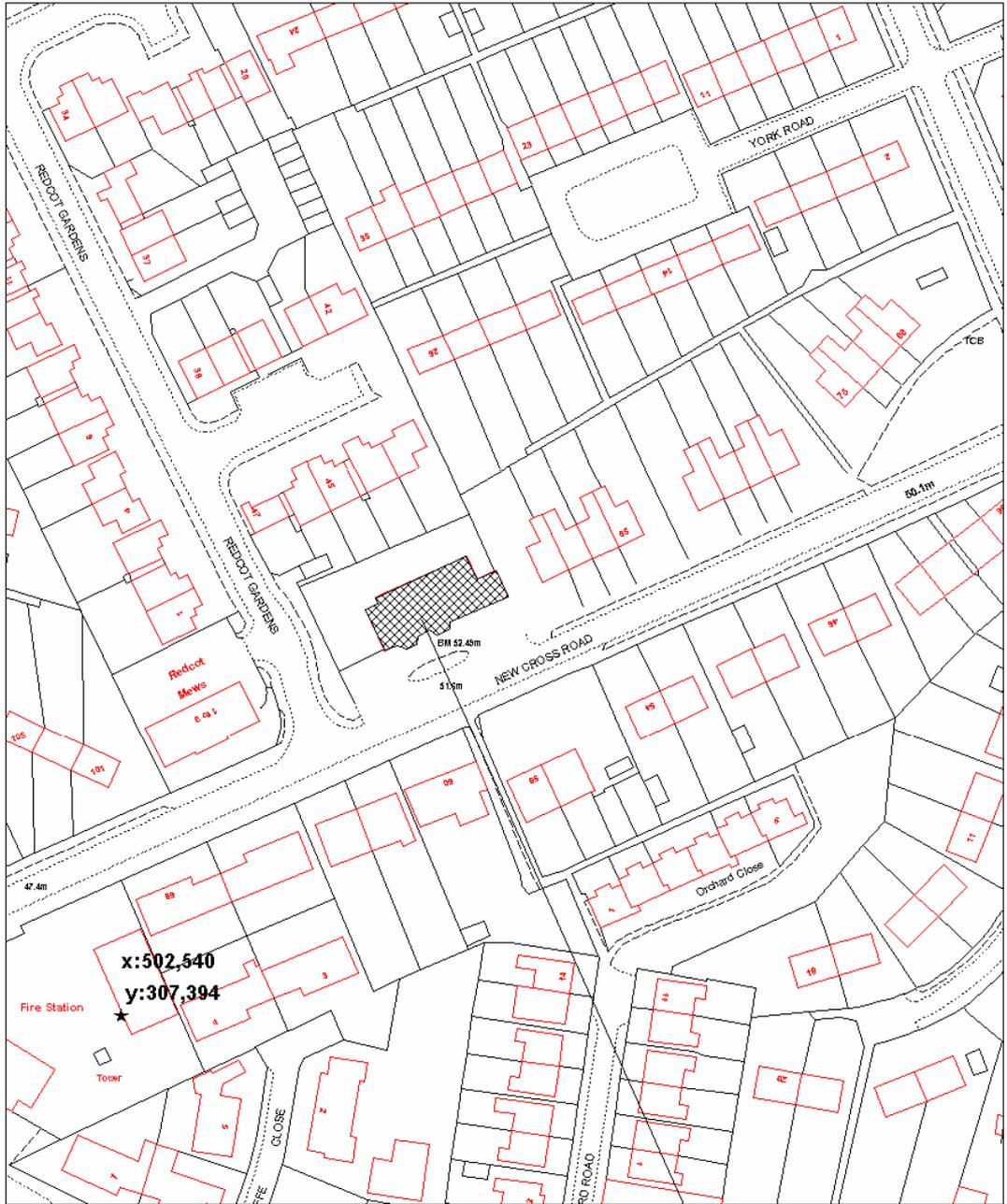
8. CONCLUSION

The application is for the conversion of an existing Justices' Licence at a Stamford residential area public house and to extend the operating and activity hours and also to include new activities. The Police have raised objections to the extension of hours over Bank Holidays.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
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APPENDIX 1



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THE HURDLER
93 NEW CROSS ROAD, STAMFORD