

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV275**

DATE:                 **9 SEPTEMBER 2005**

|   |  |
|---|--|
| TITLE:  | THE LICENSING ACT 2003<br>APPLICATION FOR CONVERSION AND VARIATION TO<br>A LICENCE – THE BASKERVILLES, MAIN STREET,<br>BASTON, |
| FORWARD<br>PLAN ITEM:                                 | NOT APPLICABLE   |
| DATE WHEN<br>FIRST<br>APPEARED IN<br>FORWARD<br>PLAN: | NOT APPLICABLE   |
| KEY DECISION<br>OR POLICY<br>FRAMEWORK<br>PROPOSAL:   | NOT APPLICABLE   |

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|--|--|
| COUNCIL AIMS/<br>PORTFOLIO<br>HOLDER NAME<br>AND<br>DESIGNATION: | COUNCILLOR P MARTIN-MAYHEW (COMMUNITY<br>SAFETY) |
| CORPORATE<br>PRIORITY:   | LICENCING CATEGORY 'Y'                           |
| CRIME AND<br>DISORDER<br>IMPLICATIONS:                           | SEE REPORT DETAILS                               |
| FREEDOM OF<br>INFORMATION<br>ACT<br>IMPLICATIONS:                | NOT APPLICABLE                                   |
| BACKGROUND<br>PAPERS:  | STATEMENT OF LICENCING POLICY                    |

## **1. INTRODUCTION**

The application is for the conversion of an existing Justices' Licence at a public house/hotel and to vary the permitted hours, drinking up time 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Baskervilles public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind. 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, and some of the conditions on the Public Entertainment Licence.

There was one letter of representations from an interested party and another from the Police, as a responsible authority. The representations from the interested party relate to the advert itself, the lack of notice displayed on the premises, together with the potential nuisance arising from noise from the premises and patrons leaving. The representations from Police relate to the premises' occupancy figure and the potential risk of overcrowding in the premises. 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 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 24 hours a day for residents and their guests and between the following hours for non residents:

#### 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   |

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. In addition to the standard conditions, the PEL requires that all doors and windows are to be kept closed and locked at all times whilst entertainment/music is on. Additional conditions of the current licence are:

*Standard Condition No.5 (Permitted hours)* - The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 7.00 pm and midnight Friday and Saturday only.

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 200 persons- whole premises.

#### Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

#### Films

|                |                    |
|----------------|--------------------|
| 10:00 to 00:00 | Sunday to Thursday |
| 10:00 to 01:00 | Friday & Saturday  |

10:00 New Year's Eve to 24:00 New Year's Day  
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Indoor sporting events

10:00 to 00:00 Sunday to Thursday  
10:00 to 01:00 Friday & Saturday  
10:00 New Year's Eve to 24:00 New Year's Day  
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Live Music

10:00 to 00:00 Monday to Sunday

Recorded music

10:00 to 00:00 Sunday to Thursday  
10:00 to 01:00 Friday & Saturday  
10:00 New Year's Eve to 24:00 New Year's Day  
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

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

10:00 to 00:00 Sunday to Thursday  
10:00 to 01:00 Friday & Saturday  
10:00 New Year's Eve to 24:00 New Year's Day  
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Provision of facilities for making music

10:00 to 00:00 Sunday to Thursday  
10:00 to 01:00 Friday & Saturday  
10:00 New Year's Eve to 24:00 New Year's Day  
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Provision of facilities for dancing

10:00 to 00:00 Sunday to Thursday  
10:00 to 01:00 Friday & Saturday  
10:00 New Year's Eve to 24:00 New Year's Day  
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Supply of alcohol

10:00 to 00:00 Sunday to Thursday  
10:00 to 01:00 Friday & Saturday  
10:00 New Year's Eve to 24:00 New Year's Day  
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.  
Outside drinking will end at 23:00 hours.

Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

Further, the applicant proposes to increase the maximum occupancy figure of the premises from 200 to 300. See section Q (c) Public Safety of Licensing objectives.

The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955, and the conditions on the Public Entertainment Licence relating to permitted hours and the requirement to keep windows and doors closed whilst entertainment / music is on.

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

10:00 to 00:30            Monday to Thursday  
10:00 to 01:30            Friday & Saturday  
10:00 to 00:30            Sunday  
10:00 New Year's Eve to 00:30 2 January  
10:00 to 01:30 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

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 M L Trotman, a local resident of 1 Hadrian Drive and another from the Police. The interested party states that the application is irregular because:

- (a) the applicant has failed to indicate in their notice that they shall sell alcohol until 01:00 on Fridays and Saturdays when such is in fact their intention
- (b) as at 01/08/05, the applicant had not displayed at the premises a notice of their proposed variations

Further, he states that the proposed variations will only promote public nuisance and crime and disorder. The letter is attached as Appendix 2.

The Police are of the view that increasing the maximum occupancy figure may result in an increase in crime and disorder, risk to public safety and public nuisance. The letters 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 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

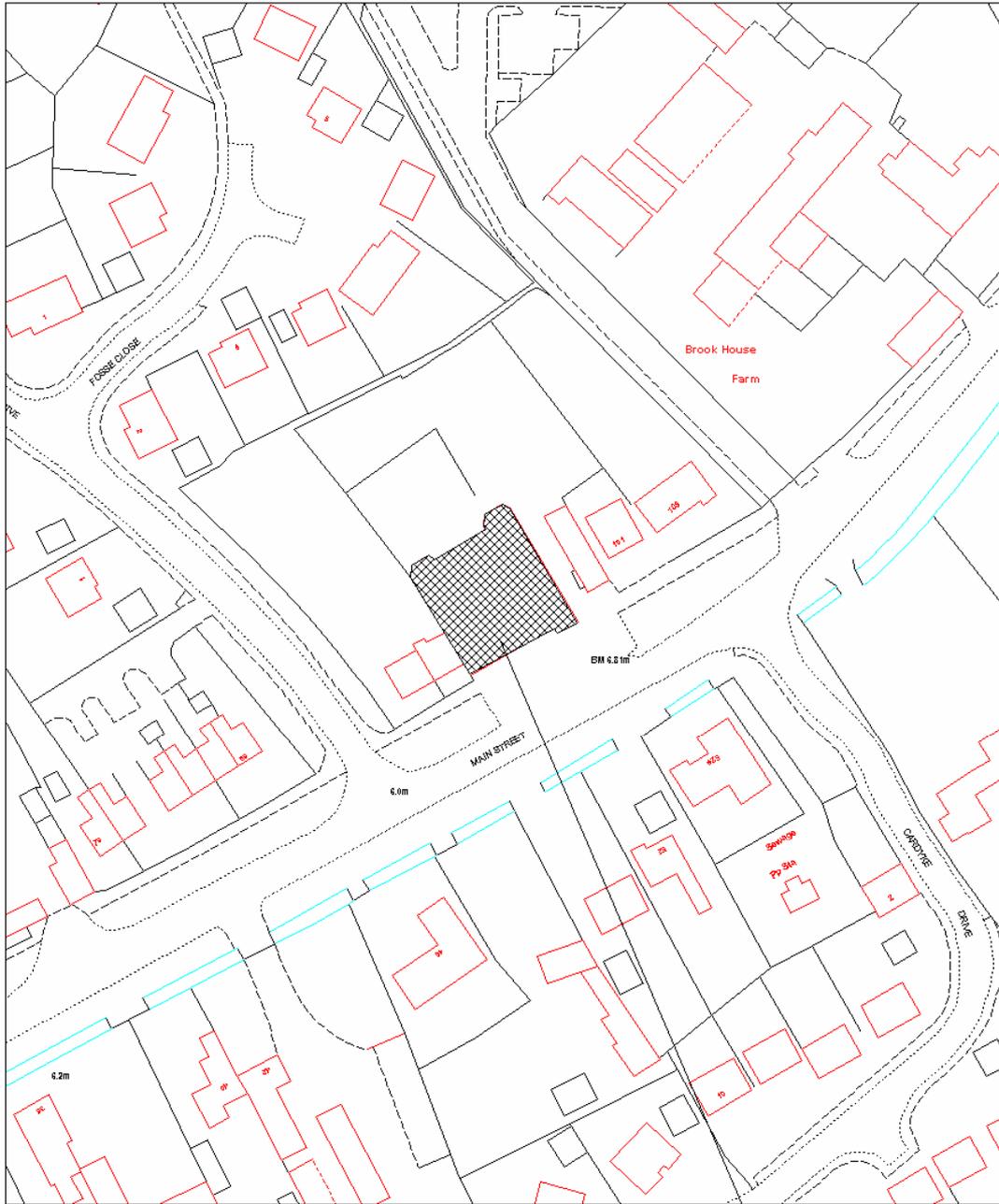
**8. CONCLUSION**

The application is for a variation of a licence to the activities and operating and activity hours of a Baston Village Centre public house. An interested party made a representation based on the validity of the application and the prevention of public nuisance and crime and disorder.

**9. CONTACT OFFICER**

P Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 e-mail: [p.Harrison@southkesteven.gov.uk](mailto:p.Harrison@southkesteven.gov.uk)

APPENDIX 1



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South Kesteven District Council LA079421 2000

THE BASKERVILLES,  
MAIN STREET, BASTON.