

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV284**

DATE: **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – DRUM AND MONKEY, 67 CASTERTON 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 vary the 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Drum & Monkey public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation to permit regulated entertainment, to permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours, to allow the sale of alcohol and to remove all embedded restrictions. The Police as a responsible authority have sent in a letter of representation. This 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 Arrangement

The Drum & Monkey public house currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises.

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 operating hours as follows:

Indoor sporting events

11:00 to 23:30	Monday to Wednesday
11:00 to 00:00	Thursday to Saturday
12:00 to 23:00	Sunday

Recorded music

11:00 to 23:30	Monday to Wednesday
11:00 to 00:00	Thursday to Saturday:
12:00 to 23:00	Sunday

Supply of alcohol

11:00 to 23:30	Monday to Wednesday
11:00 to 00:00	Thursday to Saturday
12:00 to 23:00	Sunday

New Years Eve: 10:00 to New Years Day – terminal hour as proposed.

Drinking up time: an additional 40 minutes, to allow 60 minutes drinking up time, after the last permitted sale of alcohol.

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

11:00 to 00:30	Monday to Wednesday
11:00 to 01:00	Thursday to Saturday
12:00 to 00:00	Sunday

The applicant also submits a list of alternative operating times for the sale of alcohol and regulated entertainment on public holidays if the variation is not successful. In addition to remain open until midnight on 20 other occasions at the applicants discretion with seven days prior notice to the Police.

Further the applicant wishes to open for licensable activities to show broadcast of televised sporting events of national or international interest outside normal operating hours, such hours to be confirmed upon seven days prior notice to the Police.

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 representation from the Lincolnshire Police. They argue that there is no provision for the 20 additional late openings nor opening outside of normal licensed hours to show broadcast of televised sporting events, within the Act and this is a clear attempt to circumnavigate the need for Temporary Event Notice (TEN). They further argue that no consultation has been made to the Police, and they can not plan for these events at short notice. The letter is 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

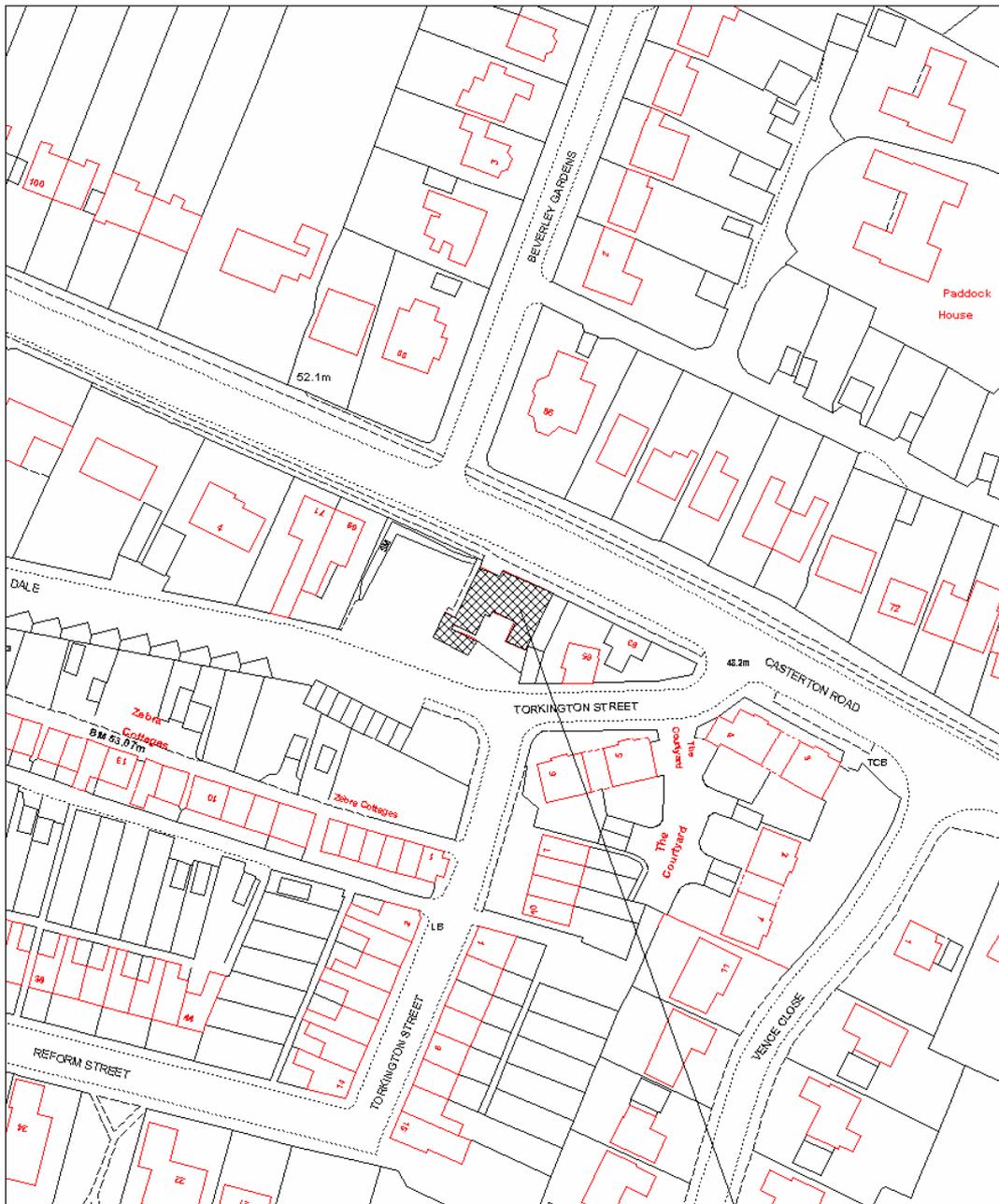
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Drum & Monkey public house in Stamford. The Police have made a representation on the grounds that no consultation has been made to them by the applicant. They argue that allowing the applicant's premises to open outside of the licensed hours in order to show the broadcast of televised sporting events of national or international interest and to permit the applicant's premises to open outside of the licensed hours on up to twenty (20) times per annum at the discretion of the applicant is a clear attempt to circumnavigate the need for Temporary Event Notice (TEN) as there is no provision in the Act for the applicant's requests within the Act.

9. CONTACT OFFICER

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

APPENDIX 1



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South Kesteven District Council LA079421 2000

THE DRUM AND MONKEY,
67 CASTERTON ROAD, STAMFORD.