

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV287**

DATE: **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – ANCHOR INN, 44 EASTGATE, 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 operating hours, extend drinking up time by 10 minutes and to include new licensable activities. The application is attached as 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Anchor Inn 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 opening hours and operating hours and to add new activities.

The Police objected to the extension of hours as applied for by the applicant. They however record in their letter of objections dated 28 July 2005 that they reached an agreement with the applicant to amend the hours to 11:00 to 00:00 from Sunday to Thursday; 11:00 to 01:00 on Friday and Saturday; on Thursday before Good Friday, and Sunday before a Bank Holiday the premises to have an additional hour and on Christmas Eve and Boxing Day (if on any day from Sunday to Thursday) to extend by an additional hour. The letter from police 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 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 as follows:

Indoor sporting events

11:00 to 23:00	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Live Music

11:00 to 23:00	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 22:30	Sunday

Recorded music

11:00 to 00:00	Monday to Thursday
11:00 to 02:00	Friday & Saturday
12:00 to 23:30	Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day

To reflect New Year's Eve/Day hours

Provision of facilities for entertainment similar to provision of facilities for making music or dancing

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
12:00 to 22:30 Sunday

Supply of alcohol

11:00 to 23:00 Monday to Thursday
11:00 to 01:00 Friday & Saturday
12:00 to 23:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day

To reflect New Year's Eve/Day hours

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 Thursday
11:00 to 02:30 Friday & Saturday
12:00 to 00:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday, and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day

To reflect New Year's Eve/Day hours

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 representations from the police as a responsible authority. Discussions were subsequently held between the applicant and the police. The matters raised in the representations have been clarified and the police wish to withdraw their representations subject to the four licensing objectives being adhered to. The applicant has not confirmed his acceptance in writing to amend the hours.

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

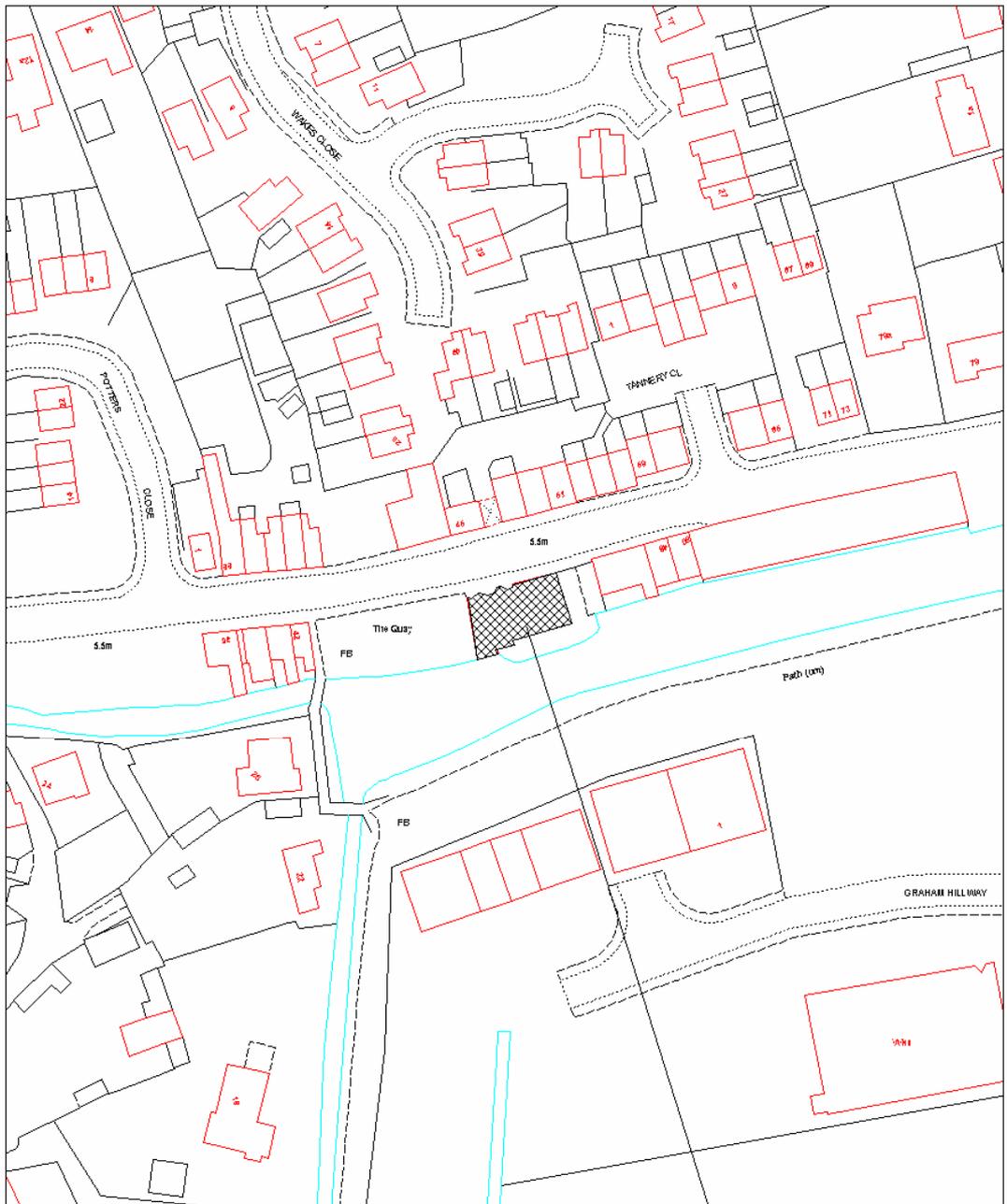
8. CONCLUSION

The application is for the variation of licence conditions to the operating and activity hours of a Bourne public house. The police submitted a letter of representations which states amendments to the hours applied for have been agreed, this is not supported in writing by the applicant.

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 ANCHOR INN,
44 EASTGATE, BOURNE.