

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV285**

DATE: **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ODD HOUSE, 4 FLETCHER STREET, GRANTHAM.
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 The Odd House and to vary (extend) the opening hours, operating hours 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Odd House 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 in operating hours, an additional 10 minutes drinking up time and additional licensable activities. Two representations (Appendix 2) have been received. One from the Lincolnshire Police which was later withdrawn as a result of an agreement reached between the Police and the licensee. The other from a local resident, Cllr Yvonne B. Gibbins.

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.

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 activities as follows:

Live Music

10.00 to 23.00 Monday to Friday
10.00 to 23.30 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 Christmas Eve.

A further additional hour every Boxing Day.

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.

Recorded Music

10.00 to 00.00 Monday to Thursday
10.00 to 01.00 Friday to Saturday
10.00 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 Christmas Eve.

A further additional hour every Boxing Day.

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.

Supply of Alcohol

10.00 to 00.00 Monday to Thursday

10.00 to 01.00 Friday to 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 Christmas Eve.

A further additional hour every Boxing Day.

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.

Drinking up time: an additional 10 minutes, to allow 30 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:

10.00 to 00.30 Monday to Thursday

10.00 to 01.30 Friday & Saturday

12.00 to 01.30 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 Christmas Eve.

A further additional hour every 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.

Two representations have been received. The other representation is from a local resident, Cllr Yvonne B. Gibbins (an interested party). All letters of representation / withdrawal are attached, Appendix 2.

The Lincolnshire Police submitted a representation which was later withdrawn as a result of an agreement reached between the Police and the licensee, see letter dated 18 August 2003, copied to the Janet Birch, designated premises supervisor (DPS). A request to amend the application has not been received from the applicant; hence the operating/closing times provided above are those as stated in the original application.

The Police initially objected to this request on the ground that it will increase the risk of Crime and Disorder, and Public Nuisance in the residential area.

However, through consultation with the licensee, agreement has been reached. The DPS is mindful of customers and local residents and does not want the further hours over the whole of the Bank Holiday weekend. The licensee would like a further hour into the morning on the Sunday of all Bank Holiday weekends – selling alcohol until 01.00 (Monday) and closing to the public at 01.30 on these days. In addition the DPS would like to continue with the application for an additional hour every Christmas Eve and Boxing Day.

Cllr Yvonne B. Gibbins, a local resident of 74 Grantley Street. She states that

- a. The applicant occasionally plays loud music until 2.30am in the pub which is situated in a densely populated, terraced residential area.
- b. Another concern raised is that the pub is approximately 20 feet away from a house which accommodates adults with mental health/ learning difficulties.

Further, she states that the applicant is already flouting the law, and has no consideration for the residents of Norton St. Fletcher St. and Grantley St.

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

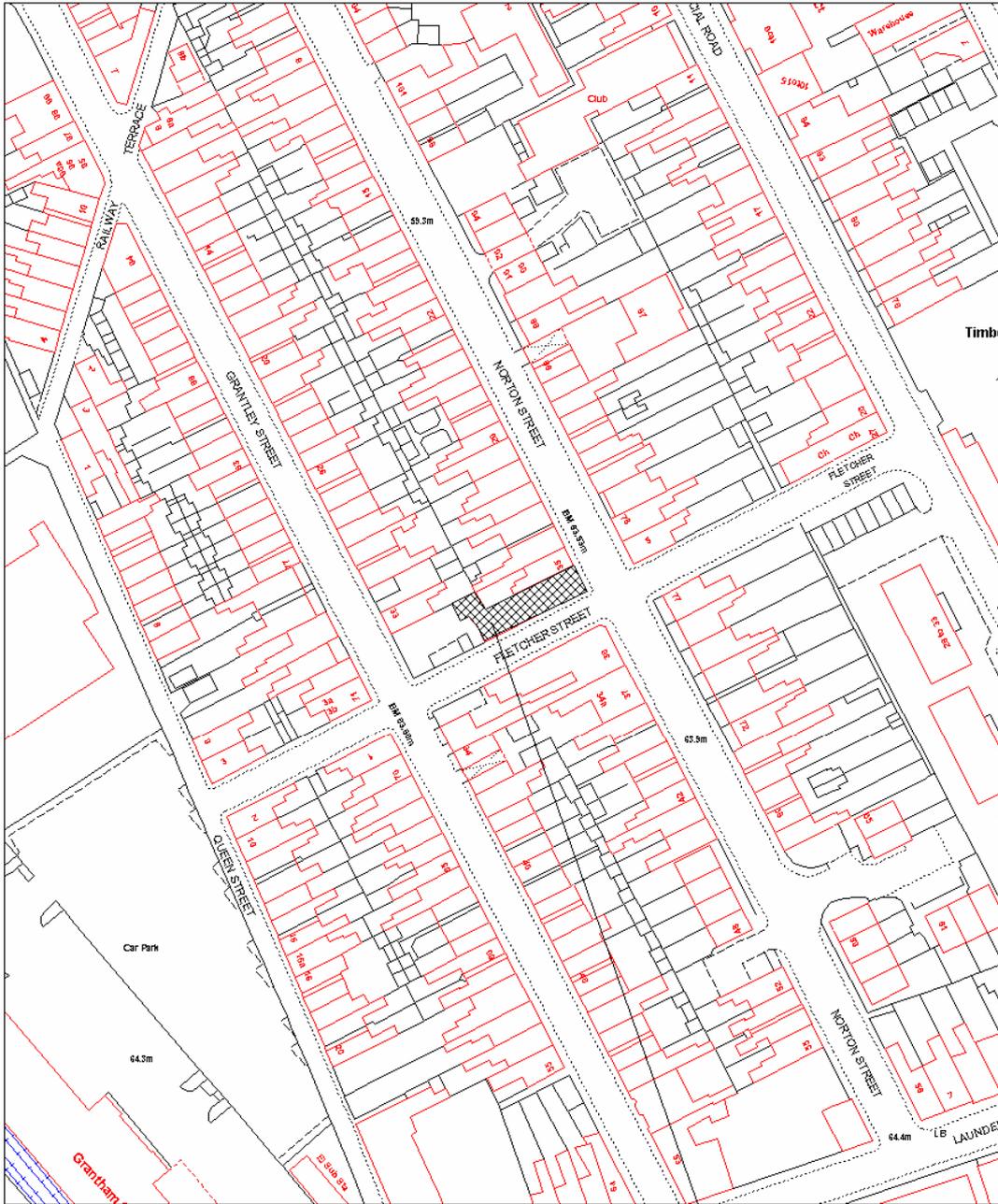
The application is for the variation of licence conditions to extend operating hours and to add new activities to the public house.

Two representations have been received. One from the Lincolnshire Police which was later withdrawn as a result of an agreement reached between the Police and the DPS. The other from a local resident, Cllr Yvonne B. Gibbins (an interested party). She argues that extending the hours for the applicant will have a negative impact on some of the licensing objectives.

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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THE ODD HOUSE,
4 FLETCHER STREET,
GRANTHAM