

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV288**

DATE: **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –THE WHITE LION, 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 a public house and to vary the activity hours and operating hours and to include 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 White Lion public house 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 activity hours and operating and to include new licensable activities. The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children & Young Persons Act 1933.

There were representations from the police which were after agreement was reached with the applicant in respect of closing times on Sundays and Bank Holiday Mondays. The letters are attached at 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 in their hours and activities as follows:

Films

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

Indoor sporting events

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

Live Music

10:00 to 00:00 Monday to Thursday
10:00 to 01:00 Friday to Sunday

Recorded Music

10:00 to 00:00 Monday to Thursday
10:00 to 01:00 Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

Anything of a similar description to that falling within e, f or g

10:00 to 00:00 Monday to Thursday
10:00 to 01:00 Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

Provision of facilities for dancing

10:00 to 00:00 Monday to Thursday
10:00 to 01:00 Friday to Sunday

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended.

Supply of alcohol

10:00 to 00:00 Monday to Thursday
10:00 to 01:00 Friday to Sunday

10:00 New Years Eve - 01:00 2nd January
10:00 - 01:00 the following morning on Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

In order to accommodate the above variations and allow 30 minutes drinking up time, the premises opening times will be:

10:00 to 00:30 Monday to Thursday
10:00 to 01:30 Friday to Sunday

10:00 New Years Eve - 01:00 2nd January
10:00 - 01:00 the following morning on Sunday and Monday 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 a letter of representations from the police which was withdrawn after agreement was reached with the applicant in respect of closing times on Sundays and Bank Holiday Mondays.

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

This is an application is for the conversion of an existing Justices' Licence for a Grantham public house and to vary the activity and operating hours generally and during special events and to include new licensable activities.

The council received representations from the police which were subsequently withdrawn after agreement was reached with the applicant. The letter withdrawing the representation was copied to the applicant.

9. CONTACT OFFICER

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