

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV282**

DATE: **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – RED LION, 48 KING STREET, WEST DEEPING.
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 Red Lion public house and to vary the activity and 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Red Lion 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 activity and operating hours, an additional 10 minutes drinking up time and additional licensable activities.

Two representations (Appendix 2) have been received from interested parties, received within 28 days of the application been made to the Council.

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 as follows:

Live Music

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

Please note B1 of the variation requests activity hours for regulated entertainment (live and recorded music) and entertainment facilities (making music) on Sunday – Thursday from 11:00 to 23:00, but in the operating schedule for E Live Music on Sunday, it is typed as 12:00 to 23:30.

In addition:

26 January	23:00 to 24:00
14 th February	23:00 to 24:00
17 th March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 rd April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 th and 28 th December	23:00 to 24:00

Recorded Music

11:00 to 23:00	Sunday to Thursday
11:00 to 00:30	Friday & Saturday

In addition:

26 January	23:00 to 24:00
14 th February	23:00 to 24:00
17 th March	23:00 to 24:00

Good Friday	22:30 to 24:00
23 rd April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 th and 28 th December	23:00 to 24:00

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

11:00 to 23:00	Sunday to Thursday
11:00 to 00:30	Friday & Saturday

In addition:

26 January	23:00 to 24:00
14 th February	23:00 to 24:00
17 th March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 rd April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 th and 28 th December	23:00 to 24:00

Provision of facilities for making music

11:00 to 23:00	Monday to Sunday
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In addition:

26 January	23:00 to 24:00
14 th February	23:00 to 24:00
17 th March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 rd April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 th and 28 th December	23:00 to 24:00

Late night refreshment

23:00 to 00:30	Friday & Saturday
23.00 to 23.30	Sunday

In addition:

26 January	23:00 to 24:00
14 th February	23:00 to 24:00
17 th March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 rd April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 th and 28 th December	23:00 to 24:00

Supply of Alcohol

23.00 to 00.30	Friday & Saturday
22.30 to 23.30	Sunday

In addition:

26 January	23:00 to 24:00
14 th February	23:00 to 24:00
17 th March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 rd April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00
Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 th and 28 th December	23:00 to 24:00

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

In the schedule for alcohol, the applicant has shown the extension hours requested only.

In order to accommodate the above extension of activity hours, and increase in drinking time to 30 minutes, the premises opening time will be:

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

In addition:

26 January	23:00 to 24:00
14 th February	23:00 to 24:00
17 th March	23:00 to 24:00
Good Friday	22:30 to 24:00
23 rd April	23:00 to 24:00
May Bank Holiday	23:00 to 24:00

Spring Bank Holiday	23:00 to 24:00
Summer Bank Holiday	23:00 to 24:00
Christmas Eve	23:00 to 24:00
Boxing Day	23:00 to 24:00
27 th and 28 th December	23:00 to 24:00

The applicant's solicitor has been contacted to review the proposed operating hours as there is conflict with the activity hours for some of the activities.

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 two letters of representations from interested parties:

Arthur Dethick	46A King Street, West Deeping
P. Fairman	50 King Street, West Deeping

The representations relate to the noise and nuisance arising from the premises. The local residents who made the representations consider that the proposed extended hours would have a negative effect on public nuisance.

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 Red Lion public house, located in West Deeping. Two interested parties have made representations based on the prevention of public nuisance, noise and disorder.

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 RED LION,
WEST DEEPING.