

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV280**

DATE: **12 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – ROYAL OAK, 27 MARKET PLACE, 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 and operating hours, drinking up time and to continue with live music as a licensable activity. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Royal Oak public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind, a Special Hours Certificate that allows the supply of alcohol ancillary to music and dancing and substantial refreshment. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours, an additional 10 minutes drinking up time and to continue with live music. The applicant wishes to remove the PEL restriction (standard condition 52) on the use of smoke machines at the premises.

There is one letter of representation from the Police, as responsible authority, and another from an interested party. The letters were submitted within the 28 day time limit and are 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 following hours:

On sales

11:00 to 02:00	Monday to Saturday
12:00 to 00:30	Sundays
12:00 to 02:00	Sunday prior to a Monday Bank Holiday, except Easter Monday
12:00 to 22:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 02:00	New Year's Eve
12:00 to 00:30	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

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind film exhibitions. The PEL is issued subject to the standard terms conditions and restrictions contained in regulations made by the authority. Additional conditions of the current licence are:

Standard Condition No.5 (Permitted hours) - The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 11 am and 2.00 am the following morning, Monday to Saturday.

Standard Condition No.5 (Events held on Sundays) - The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 12 noon and 12:30 am the following morning.

Standard Condition No.5 (Events held on Sundays- Bank Holidays) –Where the following Monday is a bank holiday the times of entertainment on the Sunday are extended until 2:00 am the following morning, except Easter Monday.

Standard Condition No.52-(Special Effects Equipment) – Note the fire officer has objected to the use of smoke machines on these premises.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: 200 persons- whole premises.

Standard Condition No 58 & 59 – Prevention of Noise Nuisance – The licence issued subject to compliance with the recommendations in the acoustic report provided by Brierley Associates, dated October 1999.

A noise limiting device controlling noise levels from music within the premises shall be installed and set so that the music level within the premises does not exceed the levels specified in the acoustic report at all times when public entertainments are held.

Additional Safety Requirements – A CCTV system shall be installed and operated in the reception area and to footpaths and car parks outside the premises within 50 metres of the entrance/exits to the satisfaction of the Police.

The Special Hours Certificate permits the sale of alcohol ancillary to substantial refreshment and the provision of music and dance.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Live Music

11:00 to 04:00	Monday to Saturday
12:00 to 02:00	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 for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Recorded music

11:00 to 04:00	Monday to Saturday
12:00 to 02:00	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 for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Provision of facilities for dancing

11:00 to 04:00	Monday to Saturday
12:00 to 02:00	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 for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Provision of facilities for entertainment similar to making music and dancing

11:00 to 04:00 Monday to Saturday

12:00 to 02:00 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 for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

Supply of alcohol

11:00 to 04:00 Monday to Saturday

12:00 to 02:00 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 for Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve /Day hours

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:

11:00 to 04:30 Monday to Saturday

12:00 to 02:30 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 for Christmas Eve.

A further additional hour every Boxing Day
To reflect existing New Year's Eve /Day hours

The applicant wishes to remove Standard Condition 52 from the PEL, to allow the use of smoke machines at the premises. The Fire Officer has previously objected to their use.

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 representations from the Police and another from Mr R Widdowson of 26a Market Place, Grantham. The Police are of the view that younger drinkers who frequent the premises are likely to cause crime, disorder, public nuisance and risk to public safety caused as a result of the proposed longer drinking hours. They propose that the hours proposed by the applicant be reduced. The interested party on the other hand fears that extending the hours will result in noise pollution both from the music played at the premises and the patrons coming to and leaving the premises.

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

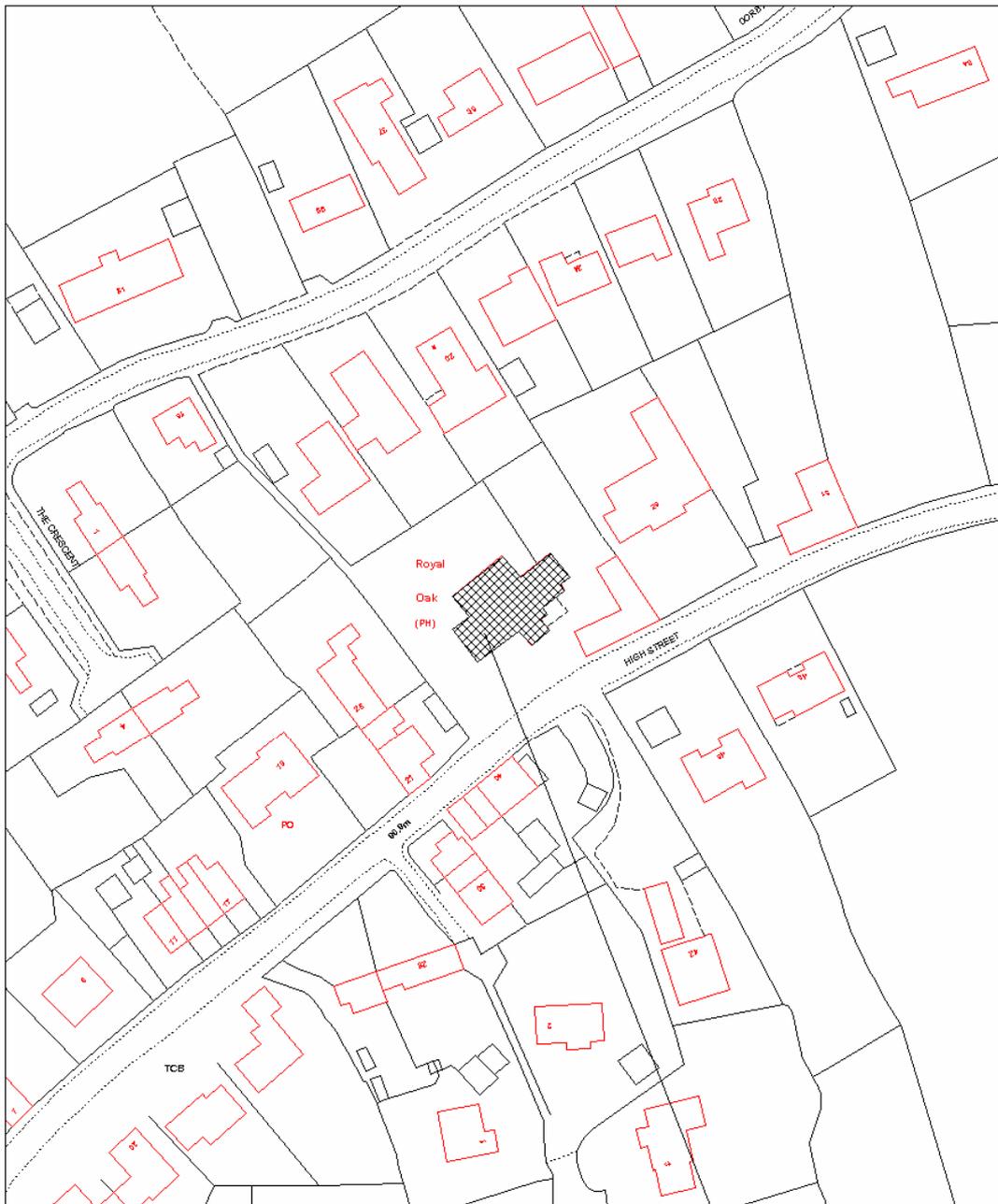
8. CONCLUSION

The application is for the conversion of an existing Justices' Licence at a Grantham centre public house and to vary the permitted hours, drinking up time and to continue with live music as a licensable activity. The Police and an interested party made representations based on crime, disorder, public nuisance and public safety.

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 ROYAL OAK,
27 HIGH STREET, SWAYFIELD,
GRANTHAM