

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV279**

DATE: **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ROYAL OAK, 27 HIGH STREET, SWAYFIELD, NR 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 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Royal Oak public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Supper Hours Certificate. Drinking up time is currently 30 minutes. They have applied to vary the licensable activities, and activity and operating hours, together with an additional 10 minutes drinking up. The Police and two interested parties have submitted representations. 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.

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

The Supper Hours Certificate permits the sale and supply of alcohol as ancillary to the provision of substantial refreshment.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation in their activities as follows:

Films

10:00 to 00:00 Monday to Sunday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Live Music

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Recorded Music

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Performances of dance

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Entertainment similar to live music, recorded music or performances of dance

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Provision of facilities for making music

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Provision of facilities for dancing

10.00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Late night refreshment

23.00 to 05:00 Sunday to Monday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Supply of Alcohol

10.00 to 00:30 Sunday to Thursday

10:00 to 01:30 Friday & Saturday

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3.

Further, alcohol will be supplied 24 hours a day to bona fide residents and their personal guests.

Adult entertainment, services or activities

Striptease performances ancillary to stag and hen nights

The applicant has prohibited children from the premises during these performances.

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

08.00 to 01:00 Sunday to Thursday

08:00 to 02:00 Friday & Saturday

Drinking up time will be increased to 30 minutes.

An additional hour to the finish time on celebration days as listed on the schedule attached as Appendix 3

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 two letters from local residents. The Police have made observations relating to the meaning of `personal guests` as used by the applicant in the application.

The interested parties

Mrs S Pontin	40 High Street, Swayfield
Mrs KM Clay	Old School, Swayfield

On the other hand consider that extending the hours will encourage public nuisance and crime and disorder.

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 Swayfield Village centre public house. There are letters of representations from the Police and interested parties.

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