

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV281**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE WHISLE STOP, MAIN ROAD, TALLINGTON
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 generally and during special events 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Whistle Stop 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 hours generally and during special events and to include new licensable activities.

There were representations from the Police and from Tallington Parish Council. They have all been submitted within the 28 day time limit and are attached as Appendix 2. In their letter of 28 July 2005, the Police state that they have agreed with the applicant to amend the proposed alcohol hours. We do not have confirmation from the applicant. Further, the Police state that they object to the proposed variation relating to special events, arguing that this can be catered for by a Temporary Event Notice. On the other hand, the parish Council fear that extending the hours will cause noise pollution, especially from the music to be played at the premises.

## **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:

Live music

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Recorded music

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or

proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Entertainment of a similar description

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Provision of facilities for making music

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Provision of facilities for dancing

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday
15:00 to 22:00	Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Provision of facilities for entertainment similar to provision of facilities for making music and for dancing

19:00 to 23:30	Monday to Thursday
19:00 to 00:00	Friday & Saturday

15:00 to 22:00            Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Late night refreshment

23:00 to 00:30            Monday to Thursday  
23:00 to 02:30            Friday & Saturday  
23:00 to 00:00            Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

Supply of alcohol

11:00 to 00:00            Monday to Thursday  
11:00 to 02:00            Friday & Saturday  
12:00 to 00:00            Sunday

Please note the variation section M only shows the additional hours requested.

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

In order to accommodate the above variations, the premises opening times will be:

11:00 to 00:30            Monday to Thursday  
11:00 to 02:30            Friday & Saturday  
11:00 to 00:30            Sunday

For regulated entertainment on days and times to be specified in a notice to be given to the Police at least seven days before the event for up to 20 days per annum at the discretion of the DPS, the Police having the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modifications of hours on the grounds relating to the prevention of crime and disorder. Where such a counter notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the Police.

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 and another from Tallington Parish Council. The Police object to the proposed extension of hours generally and for particular events arguing that the proposal to vary the hours for particular events is unlawful. They however state that they have agreed with the applicant to amend the alcohol hours as follows:

Friday and Saturday to supply alcohol until 01:00 and the premises to be open to the public until 01:30. Doors to close at midnight on both days. We do not have the applicant's confirmation on this, however. On the other hand, the parish Council fear that extending the hours will cause noise pollution, especially from the music to be played at 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**

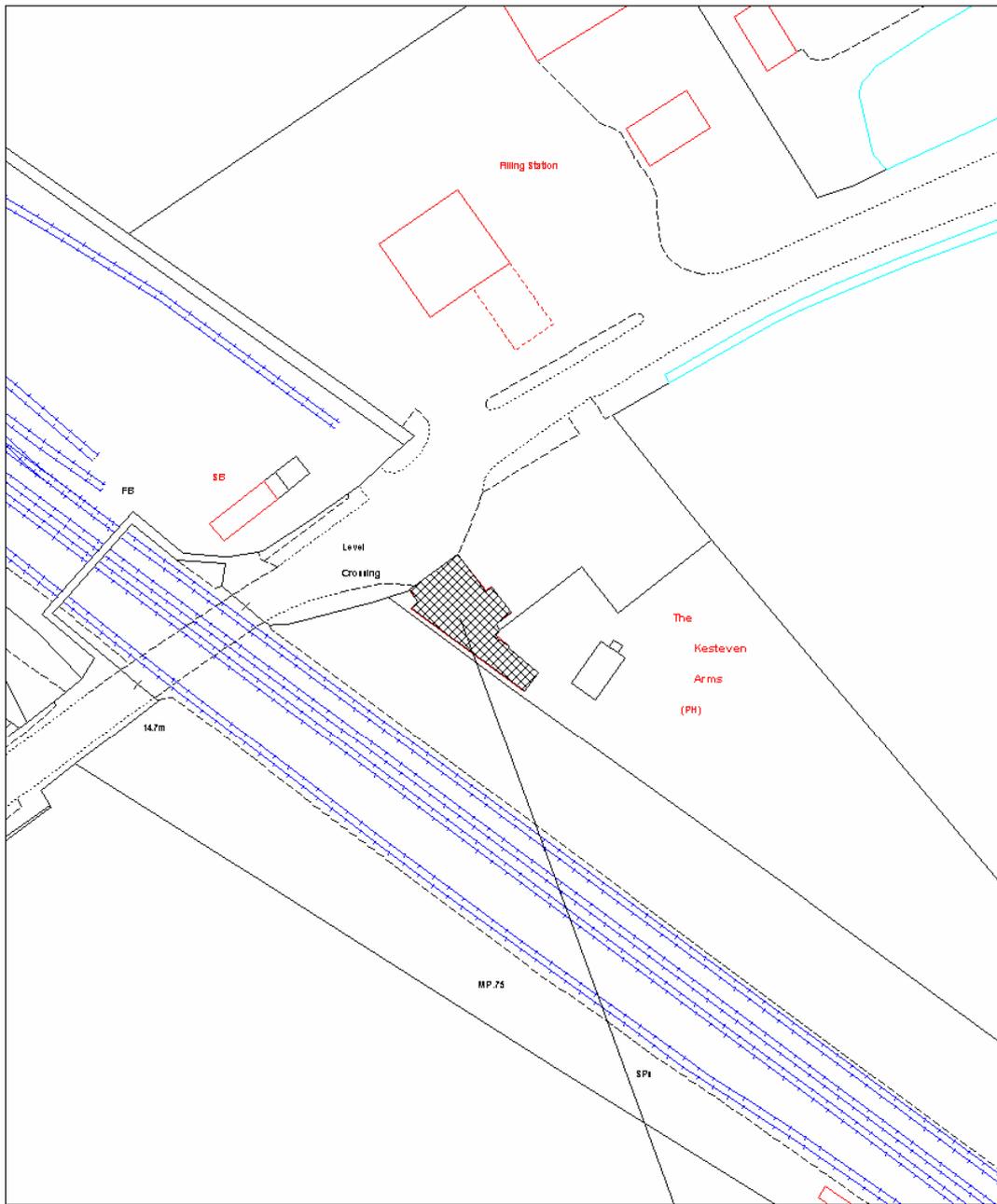
This is an application is for the conversion of an existing Justices' Licence for a Tallington public house and to vary the activity hours and operating hours generally and during special events and to include new licensable activities

The Council received letters of representations from the Police and the local parish Council.

**9. CONTACT OFFICER**

P Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 e-mail: [peter.harrison@southkesteven.gov.uk](mailto:peter.harrison@southkesteven.gov.uk)

APPENDIX 1



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South Kesteven District Council LA079421 2000

THE WHISTLE STOP  
MAIN ROAD, TALLINGTON