

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV276**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –WISHING WELL, 21 MAIN ROAD, BOURNE
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. In addition the applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964.

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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Wishing Well 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. Drinking up time is currently 20 minutes. They have applied for a variation in operating hours, an additional 10 minutes drinking up time and additional licensable activities; and the removal of all embedded restrictions inherent in the Licensing Act 1964. Within the application (A3 page 5) reference is made to extended permitted hours, by virtue of a Supper Hours Certificate; the Supper Hours Certificate has not been included with the application.

There were representations from the Police as a responsible authority. They object to the extension of hours generally and to an extension on Bank Holiday weekends and Christmas holidays. However, they state in their letter that they agreed with the applicant to amend the alcohol hours. The applicant has confirmed the existence of this arrangement. The letter from Police is 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 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

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. The PEL requires all doors and windows to be kept closed at all times entertainment/music is on. 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 7pm and 11:30 Monday to Thursday and 7pm and 12 midnight, Friday to Saturday

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 172 persons- Function Room

*Licence Restriction* – This licence covers only parts of the premises for which an occupancy figure has been specified. Parts of the premises for which an occupancy figure has not been specified may not be used for public entertainments.

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

## Application for Variation Requiring Committee Determination

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

### Films

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Indoor sporting events

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Live music

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Recorded music

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Entertainment of a like kind

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Provision of facilities for making music

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Provision of facilities for dancing

07:00 to 01:30 Sunday to Thursday  
07:00 to 02:30 Friday & Saturday

### Late night refreshment

23:00 to 01:30 Sunday to Thursday  
23:00 to 02:30 Friday & Saturday

### Supply of alcohol

07:00 to 01:00 Sunday to Thursday  
07:00 to 02:00 Friday & Saturday  
07:00 New Year's Eve to 02:00 on 2<sup>nd</sup> January

Part B1 page 8 of the application states supply of alcohol between 07:00 to 02:00 Sunday to Thursday and 07:00 to 02:00 on Fridays & Saturdays, but the operating schedule for M – supply of alcohol states 07:00 to 02:00 Sunday to Saturday. This is a typographical error as the premises opening hours are 07:00 to 01:30 Sunday to Thursday.

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

07:00 to 01:30  
07:00 to 02:30

Sunday to Thursday  
Friday & Saturday

The applicant wishes to remove the special term from the PEL – Licence Restriction, to allow regulated entertainment to take place throughout the premises and in the outside areas.

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 Police object to extending the alcohol hours generally and on Bank Holiday weekends and Christmas holidays. However, they record in their letter that they have agreed with the applicants to revise their alcohol hours as follows:

Sunday to Thursday 11:00 to 00:00 and Friday and Saturday 11:00 to 01:00. Closing time to be 30 minutes after the terminal alcohol hour. The applicant confirmed this arrangement via telephone.

**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.

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

## **8. CONCLUSION**

The application is for the conversion of an existing Justices' Licence of a Bourne public house and to vary the activity hours and operating hours and to include new licensable activities. The police record in their letter that they agreed with the applicant to revise the alcohol hours and closing times.

## **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 WISHING WELL INN  
21 MAIN ROAD, DYKE,  
BOURNE