

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV278**

DATE: **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE HOLE IN THE WALL & CHARLIES NIGHT CLUB, 5 CHEYNE LANE, STAMFORD
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.

The application is attached at Appendix 1, together with a map of the premises, and a letter in respect of an amended opening hours, and amendments to schedule P – protection of children from harm statement.

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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Hole in the Wall public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises, a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind and a Special Hours Certificate allowing the supply of alcohol ancillary to music and dancing and substantial refreshment. Drinking up time is currently 30 minutes. They have applied for a variation in operating hours, an additional 30 minutes drinking up time and additional licensable activities. In addition, the applicant wishes to remove the restriction requiring the provision of substantial refreshments under the Special Hours Certificate and any conditions restricting children from entering the premises.

The Council received 1 letter of representations from the Police and 4 from interested parties. The letters were received 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 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 has submitted an expired PEL (date of expiry 31st March 2005) with the application. The Public Entertainment Licence is for public dancing or music or any public entertainment of a like kind. The PEL is issued subject to the following conditions:

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 11:00 am and 11:00 pm Monday to Thursday, 11:00 am and 2 pm the following mornings, Friday 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 noon and 10:30.

Standard Condition No. 1 (Person in charge) – The licensee and any duty manager must obtain the BIIAB Entertainment Licensee's National Certificate before 31 March 2004

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: 120 persons- 1st floor level (Charlie's Bar)

Additional Fire Safety Requirements – the licence is issued subject to the requirements of the Fire Officer in his letter dated 20th March 2001.

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

Notes 2 - This licence shall only apply to those areas for which a maximum occupancy figure has been specified.

The Special Hours Certificate submitted with the application is relevant if

- a) Public Entertainment Licence is in force as respects the premises and
- b) That the premises are structurally adapted and bona fide/intended to be used for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor in ancillary.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation to have a single premises licence for both the ground floor and the first floor, and to allow activities permitted under the Public Entertainment Licence to take place on the ground floor. They wish to vary the hours and activities as follows:

Indoor sporting events

11:00 to 01:00	Monday & Tuesday
11:00 to 10:00	Wednesday
11:00 to 03:00	Thursday to Saturday
11:00 to 01:00	Sunday

Live music

11:00 to 01:00	Sunday to Wednesday
11:00 to 03:00	Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00.

Recorded music

11:00 to 01:00	Sunday to Wednesday
11:00 to 03:00	Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Performances of dance

11:00 to 01:00	Sunday to Wednesday
11:00 to 03:00	Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Entertainment similar to live music, recorded music, and performance of dance

11:00 to 01:00 Sunday to Wednesday
11:00 to 03:00 Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Provision of facilities for making music

11:00 to 01:00 Sunday to Wednesday
11:00 to 03:00 Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Provision of facilities for dancing

11:00 to 01:00 Sunday to Wednesday
11:00 to 03:00 Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends dancing will be performed until 03:00

Provision of facilities for entertainment similar to making music and dancing

11:00 to 01:00 Sunday to Wednesday
11:00 to 03:00 Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

Supply of alcohol

11:00 to 00:00 Sunday to Wednesday
11:00 to 02:00 Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00

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

11:00 to 01:00 Sunday to Wednesday
11:00 to 03:00 Thursday to Saturday

New Year's Eve, Christmas Eve and Sundays of all Bank Holidays weekends the entertainment will be available until 03:00.

Drinking up time will be increased to 60 minutes.

In addition, the applicant wishes to remove the restriction requiring the provision of substantial refreshments under the Special Hours Certificate and any conditions restricting children from entering the premises.

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.

There is a letter of representations from the Police and four from interested parties. The Police state in their letter that they have agreed with the applicant to revise the closing time to 02:30 on Friday, Saturday and Sunday mornings. Mr Wakefield the applicant was contacted by telephone. He however denies that any such agreement was ever reached and he was out of the country when the Police visited the premises.

The interested parties on the other hand object to the extended hours because they fear that they will result in increased crime, disorder and public nuisance. The interested parties who raised objections are as follows:

Mr & Mrs Kellas – Kelly	Austin Street, Stamford
Mr & Mrs Southgate	1 Rock Terrace, Stamford
Mr & Mrs Buckley	8 Rock Terrace, Stamford
Mr & Mrs Beradsall	26 Scotgate, Stamford

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 Stamford town centre public house and to vary the activity hours and operating hours and to include new activities. There were representations from the Police and interested parties. The applicant and the Police are in disagreement over the proposed amended hours suggested by the Police.

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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HOLE IN THE WALL,
 CHEYNE LANE, STAMFORD.