

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV291**

DATE: **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE PUNCHBOWL, 21 SCOTGATE, 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 and operating hours, drinking up time and licensable 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Punchbowl public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. 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. In addition the applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955 and The Children and Young Persons Act.

The Council received 40 letters of representations from interested parties. All 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 following hours :

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 as follows:

Films

11:00 to 02:00	Monday to Sunday
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When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Indoor sporting events

11:00 to 02:00	Monday to Sunday
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When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Live Music

11:00 to 23:30	Monday to Sunday
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On New Years Eve these hours to 01:30

When hours for the sale of alcohol are extended these hours are to be extended to 01:00

Recorded music

11:00 to 23:30	Monday to Sunday
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When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the sale of alcohol hours. Jukebox or background music to end at 01:00 (after 23:30 volume to be reduced to eliminate noise nuisance). On New Years Eve these hours to run concurrent with the sale of alcohol hours.

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

11:00 to 02:00 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to 01:00.

Provision of facilities for making music

11:00 to 23:30 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run concurrent with the sale of alcohol hours

Provision of facilities for dancing

11:00 to 02:00 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Late night refreshment

23:00 to 02:00 Monday to Sunday

When hours for the sale of alcohol are extended on Bank Holidays and "Event Days", these hours are also extended to run in conjunction with the hours the premises is open to the public

Supply of alcohol

11:00 to 01:30 Monday to Sunday

11:00 New Years Eve to 04:00 New Years Day

11:00 to 02:30 on Friday, Saturday, Sunday, Monday, of Bank Holiday Weekends, Christmas Eve and Boxing Day

11:00 to 02:30 on up to 30 other events at applicant's discretion ("Occasionals")

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 02:00 Monday to Sunday

30 minutes after sale of alcohol hours on the non standard days listed in section M.

The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and The Children and Young Persons Act.

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 40 letters of representations from interested parties as follows:

R & C Humm	1 All Saints' Place, Stamford
	3 Saints All Place, Stamford
Mr L Clayton	12 All Saints Street, Stamford
Mrs S Clayton	12 All Saints Street, Stamford
Mr & Mrs Cumber	17 All Saints Street, Stamford
Mr & Mrs J Kellas-Kelly	Austin Street, Stamford
Ms A James	12A Austin Street, Stamford
D Johnson	10 Austin Street, Stamford
Mr & Mrs GE Szymborski	2 Barn Hill, Stamford
WP Forster	4 Barn Hill, Stamford
JE Simpson	8 Barn Hill, Stamford
TE & TM Story	8A Barn Hill, Stamford
R & J Barry	10 Barn Hill, Stamford
Mrs G Parsley	16 Barn Hill, Stamford
K & A Ellis	2 Barn Hill Mews, Stamford
Ms R Hussey	Melancholy Walk, Stamford
Mr & Mrs Southgate	1 Rock Terrace, Stamford
Ms Olivia Duff????	2 Rock Terrace, Stamford
MC Averdieck	5 Rock Terrace, Stamford
Mr & Mrs Buckley	8 Rock Street, Stamford
Ms J Eastwood	2 Rutland Terrace, Stamford
Mr P Eastwood	2 Rutland Terrace, Stamford
Mr G Thompson	6 Rutland Terrace, Stamford
Ms G Thompson	6 Rutland Terrace, Stamford
Dr MHI Wright	10 Rutland Terrace, Stamford
SP & FM Ayres	24 Scotgate, Stamford
J Cornwell	70 Scotgate, Stamford
Mr & Mrs Johnson	6 St Peter' Court, Stamford
C Meads & J Hopson	2 St Peter's Hill, Stamford
G Parsons	11 St Peter's Hill, Stamford
Ms M Cook	2 St Peter's Street, Stamford
Ms S Eyton Jones	7 St Peter's Street, Stamford
Mr D Rees	33 St Peter's Street, Stamford
TEJ Goddard	34 St Peter's Street, Stamford
M Mc Coll	Stamford
Mrs C Caldecott	Stamford
Mrs SM Webster	42 Torkington Gardens, Stamford
Mr J Blezard	45 Torkington Gardens, Stamford
Mrs OK Marlow	46 Torkington Gardens, Stamford
BP Thornley (<i>on behalf of Torkington Gardens residents</i>)	Stamford

The interested parties' concern is that any extended hours will only compound crime, disorder, and public nuisance, which are allegedly already rife at the moment.

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

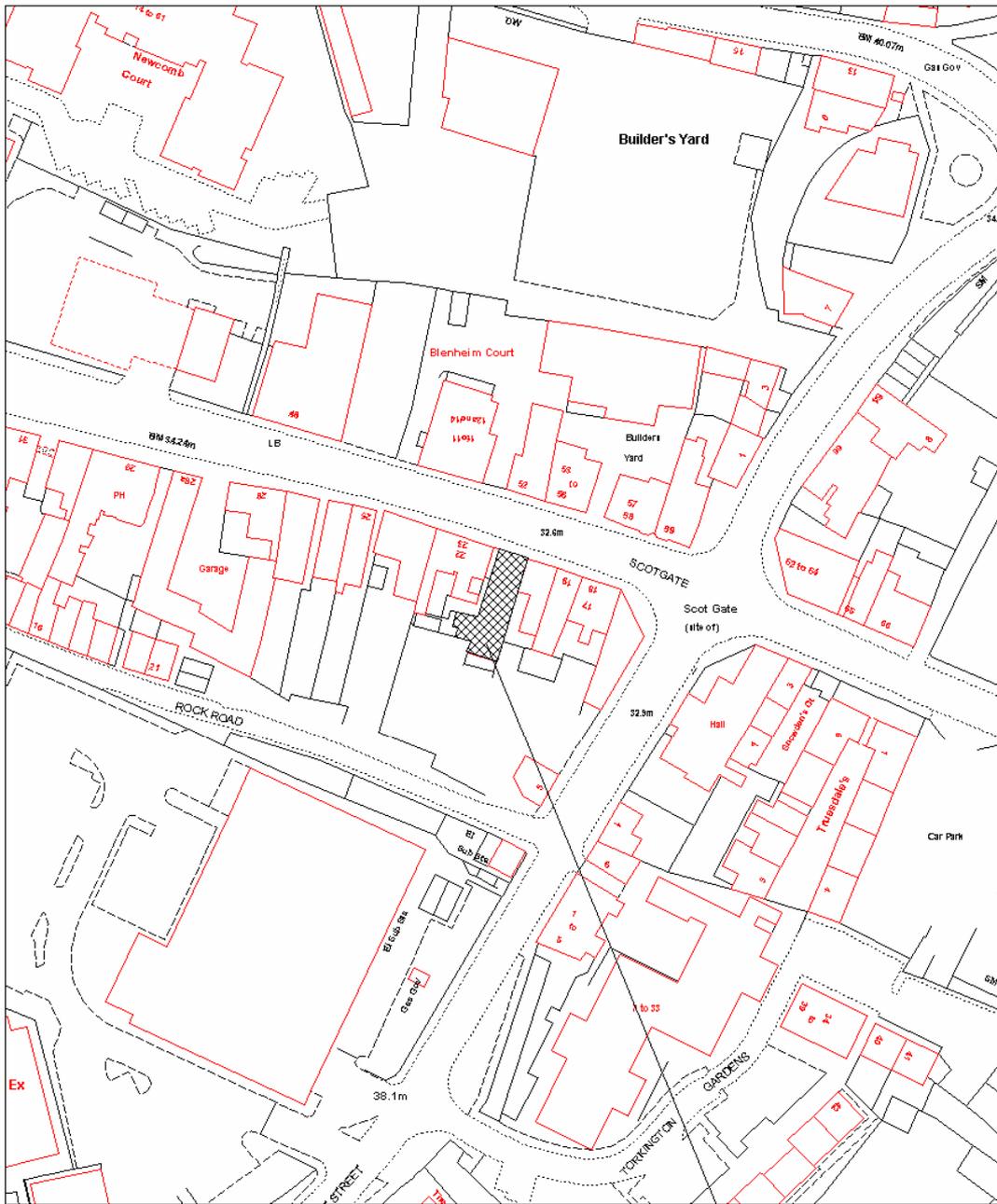
8. CONCLUSION

The application is for a variation of a licence to the licensable activities and activity and operating of a Stamford public house. Interested parties made representations based on some of the licensing objectives.

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 PUNCHBOWL,
 21 SCOTGATE, STAMFORD.