

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV290**

DATE:                 **16 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – WAGGON & HORSES, 89 MANTHORPE ROAD, 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 licensable activities and to hold special events. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Waggon & Horses 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 and to include new licensable activities. The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children & Young Persons Act 1933 and Sporting Events (Control of Alcohol etc) Act 1985.

There were representations from the Police on multiple grounds, including that the applicant has included the provision to open for special events at additional times with prior notice to the Police. The Police argue that these events should be covered by Temporary Events Notices. The representations are attached at 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

### Application for Variation Requiring Committee Determination

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

#### Films

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Indoor sporting events

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Live Music

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

#### Recorded Music

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Performance of dance

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Provision of facilities for making music

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Provision of facilities for dancing

11:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Late night refreshment

23:00 to 02:00 Monday to Sunday

When hours for sale of alcohol are extended hereunder these hours are also extended, see box M (supply of alcohol).

Supply of alcohol

11:00 to 02:00 Monday to Sunday

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit the sale of alcohol and such regulated entertainment as authorised hereunder until 02:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at the applicants discretion upon 7 days prior notice to the Police (if required by them).

New Years Eve: 10:00 to New Years Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed on 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting events which is to be shown.

In order to accommodate the above variations and increase drinking up time to 30 minutes, the premises opening times will be:

11:00 to 02:30 Monday to Saturday  
12:00 to 02:30 Sunday

The premises will close 30 minutes after the end of the non-standard timings identified in box M (supply of alcohol).

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, in which they object on a number of grounds including the provision of special events. They argue the requirement for Temporary Events Notices to deal with this type of event. The Police are not satisfied that a risk assessment specific to the premises has been conducted and has requested additional measures be included to comply with South Kesteven current standards in respect of late night openings.

**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 Grantham public house and to vary the activity hours and operating hours generally and during special events and to include new licensable activities.

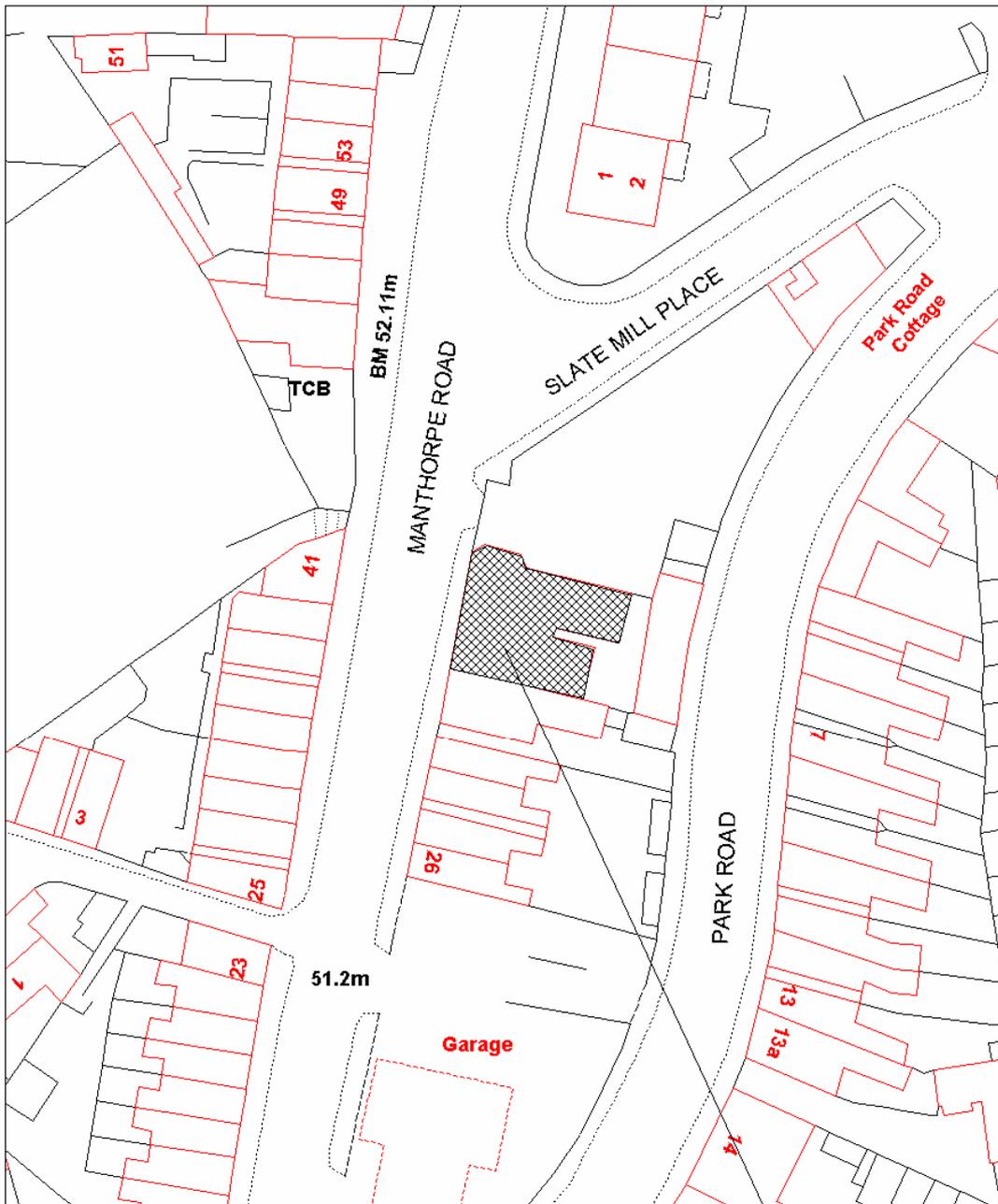
The Council received representations from the Police in respect of the special events and other matters relating to crime and disorder.

## **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 WAGGON AND HORSES,  
MANTHORPE ROAD, GRANTHAM.