

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 292**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – NOBODY INN, 9 NORTH STREET, 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 Nobody Inn 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Nobody Inn 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 activity and operating hours, additional licensable activities, and an additional 10 minutes drinking up time and to remove any embedded restrictions which were placed on the licence. The Lincolnshire Police have submitted a letter of representation in respect of the proposed variations.

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.

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:

Live

11:00 to 00:00 Monday to Sunday

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, details of which to be notified in writing to the police 14 days before hand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor that they object to the event.

New Year Eve- from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Supply of Alcohol

11:00 to 00:00 Monday to Sunday

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, details of which to be notified in writing to the police 14 days before hand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor that they object to the event.

New Year Eve- from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

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 activity hours, and increase in drinking time, the premises opening times will be:

11:00 to 00:30 Monday to Sunday

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, details of which to be notified in writing to the police 14 days before hand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor that they object to the event.

New Year Eve- from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The applicant wishes to remove any conditions limiting the times alcohol can be sold, late night refreshment provided or regulated entertainment provided. In addition, to remove any restrictions which are placed on the licence by virtue of S8 paragraph 6 (8) of the Licensing Act 2003, except:

1) The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day.

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 Lincolnshire Police have submitted a letter of representation. The representation relates to the applicants request to permit the premises to open outside of licensed hours in order to cater for the transmission of any recognised international event. The police argue this is an attempt to circumnavigate the need for a Temporary Event Notice, and that the proposed variation is unlawful and does not allow for police to plan for these occasions. The letter is attached as Appendix 2.

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 increase licensable activities and vary the activity and operating hours of a Grantham public house. The Lincolnshire Police have submitted a representation.

9. CONTACT OFFICER

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