

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 293**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE GREEK AFFAIR, 9 St MARY’S STREET, 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 restaurant and to vary the activity and operating hours, and licensable activities. The application and map are attached at Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of the supply and sale of alcohol 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Greek Affair restaurant currently holds a Justice's Licence for retail sale of alcohol on and off the premises and a Supper Hours Certificate. Drinking up time is currently 30 minutes. They have applied for a variation in the activity and operating hours generally and on special occasions and licensable activities.

There is one letter of representations from the police which was submitted within the 28 day time limit. It 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 (which is extended by virtue of the Supper Hours Certificate), either on or off the premises between the following hours:

On sales

11:00 to 00:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day (plus an extra hour between 15:00 & 19:00)
11:00 to 00:00	New Year's Eve
12:00 to 23:30	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 Justices' on Licence is issued subject to the following conditions:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such persons as an ancillary to his meal.

Suitable beverages other than intoxicating liquor including drinking water shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.

No application shall be made under the authority of the licence for the grant of an occasional licence.

The Supper Hours Certificate which the applicant also holds is issued subject to the condition that sale and supply of intoxicating liquor is ancillary to substantial refreshment.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Live Music

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Recorded music

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Performances of dance

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Provision of facilities for making music

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Provision of facilities for dancing

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

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Late night refreshment

Clarification has been requested from the applicant's solicitor in respect of the variation for late night refreshment.

Supply of alcohol

To open for the sale of alcohol and regulated entertainment on days and times to be specified in a notice given to the police at least seven days before the event for up to 20 days per annum at the discretion of the Designated Premises Supervisor. The police have the right to give a counter notice to the club secretary objecting to the extension for any specific event or proposing modification of hours on the grounds relating to the prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

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 activities and operating and activity hours of a Stamford centre restaurant. The police made a representation based on the legality of the proposed variation and the licensing objectives. Ms Heesom's objection related to activity and operating hours, however the hours stated in her representation are incorrect.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
Tel: 01476 406311 e-mail: p.Harrison@southkesteven.gov.uk