

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 294**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –THE ROSE CASTLE, TRENT 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 Rose Castle public house and to vary the activity and operating hours, drinking up time and licensable activities and to remove all embedded restrictions. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Rose Castle public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises and Public Entertainment Licence. 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 to extend opening hours on unspecified occasions with 7 days prior notice to the police. The applicant wishes to remove all embedded restrictions under LA 1964, Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985. The Lincolnshire Police have submitted representations.

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

The Public Entertainment Licence permits public dancing or music or any other public entertainment of a like kind. It 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 18:00 and 23:30 Fridays, and 12:00 and 23:30 Saturdays.

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 15:00 and 22:30.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: Lounge Bar 80 persons

Licence Restriction – This licence covers only parts of the premise for which an occupancy figure has been specified. Parts of the premises for which an occupancy figure has not been specified may not be used for public entertainments.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Films

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Indoor sporting events

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Live Music

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Recorded music

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Performance of dance

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Provision of facilities for making music

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Provision of facilities for dancing

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Late night refreshment

23:00 to 00:00 Monday to Thursday
23:00 to 02:00 Friday & Saturday
23:00 to 22:30 Sunday

When hours of alcohol are extended hereunder these hours are also extended.

Supply of Alcohol

11:00 to 00:00 Monday to Thursday
11:00 to 02:00 Friday & Saturday
11:00 to 22:30 Sunday
New Year Eve: 10.00 to New Years Day.

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 my discretion upon 7 days prior notice to the police (if required by them). New Year's Eve: 10:00 to New Year's Day - terminal hours 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 upon 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 event which is to be shown.

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 00:30 Monday to Thursday
11:00 to 02:30 Friday & Saturday
11:00 to 23:00 Sunday

The premises will close 30 minutes after the end of the non-standard timings.

The applicant wishes to remove all embedded restrictions under LA 1964, Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985.

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 one letter of representations from the Lincolnshire Police, the letter is attached as Appendix 2.

The police object on a number of grounds including the proposed variation to give the applicant to the right to extend activity hours on unspecified occasions. They argue that the proposed variation is unlawful and does not allow for police to plan for these occasions. The Police are concerned that the variation will give rise to public nuisance and crime and disorder. Evidence is provided in relation to numerous incidents and recorded crimes at the premises in the past 12 months.

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 activities and operating and hours of a Grantham public house. The Lincolnshire Police made a representation based on the legality of the proposed variation and the licensing objectives in respect of public nuisance and crime and disorder.

9. CONTACT OFFICER

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