

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 295**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE DEEPING STAGE HOTEL, 16 MARKET PLACE, MARKET DEEPING
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, Supper Hours Certificate, Special Hours Certificate and a Public Entertainment Licence at a hotel and to vary the activity hours and operating hours, to include new activities and to remove embedded restrictions.

The application is attached at Appendix 1, together with a map of the premises.

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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Deeping Stage Hotel currently holds a Justices' Residential Licence for retail sale of alcohol for consumption on the premises, a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind, a Special Hours Certificate and a Supper Hours Certificate. Drinking up time is currently 30 minutes. They have applied for a variation in activity and operating hours and additional licensable activities. In addition, they wish to remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955.

The council received 1 letter of representations from the police .The letter was received within the 28 day time limit and 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, on the premises between the hours of:

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 23:30	Christmas Day (plus an additional hour between 15:00 and 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.

The Supper Hours Certificate extend the hours of normal permitted hours by one hour as shown above, and between 15:00 and 19:00 on Christmas Day, where alcoholic drinks are served ancillary to music and dancing and substantial refreshment.

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind and a Special Hours Certificate which stipulates that a current PEL is in force and that the alcohol sold will be ancillary to music and dancing and substantial food, and that the premises are structurally adapted.

The PEL 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 08:00pm and 11:00 pm Monday and Tuesday, 08:00pm and 12:00 midnight Wednesday and Thursday and 09:00pm to 01:00am the following mornings, Friday and Saturday.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: 80 persons – Function Room, 200 persons - whole premises.

Standard Condition No.33-(Registration of Door Stewards)– The licence is issued subject to the recommendations made in Environmental Health Services letter dated 19 May 2003.

Standard Condition 58 & 59 (Prevention of Noise Nuisance) – The licence is issued subject to compliance with the recommendations in the report provided by Acoustic Associates, dated June 2000.

A noise limiting device controlling maximum noise levels from music within the premises shall be installed and set so that the music level within the premises does not exceed the levels specified in the acoustic report at all times when public entertainments are held.

Additional Safety Requirements – A CCTV system shall be installed and operated in the reception area and to footpaths and car parks outside the premises within 50 metres of the entrance/exits to the satisfaction of the police.

Standard Condition NO. 37 – (Combustible or Flammable Materials) – The licence is issued subject to the recommendations made in Environmental Health Services letter dated 19 May 2003.

Application for Variation Requiring Committee Determination

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

Films

09:00 to 00:00	Sunday to Wednesday
09:00 to 02:00	Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Indoor sporting events

09:00 to 00:00	Sunday to Wednesday
09:00 to 02:00	Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Live music

09:00 to 00:00	Sunday to Wednesday
09:00 to 01:00	Thursday to Saturday

Recorded music

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

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

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Provision of facilities for making music

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Provision of facilities for dancing

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

When hours for sale of alcohol are extended on Bank Holidays, Christmas Eve & Boxing Day these hours are also extended

Supply of alcohol

09:00 to 00:00 Sunday to Wednesday

09:00 to 02:00 Thursday to Saturday

10:00 New Year's Eve to 00:00 New Year's Day

10:00 to 02:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

In order to accommodate the above variations, the premises opening times will be:

09:00 to 00:30 Sunday to Wednesday

09:00 to 02:30 Thursday to Saturday

01:30 Closing on non standard days listed below 10:00 New Years Eve - 00:30 2nd January 10:00 - 02:30 the following morning bank holiday weekends, Christmas Eve and Boxing Day

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

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.

There is a letter of representations from the police. They object to extending the hours for supply of alcohol until 02:00 on Thursday to Saturday. They state that the police have recorded 16 incidents from the premises and extending the hours will only make matters worse. They propose that if the applicant makes provision for door staff they will be willing to agree with an extension up to 01:00 instead. They also call for a condition to be imposed that no open vessels shall be allowed to leave the premises.

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 the conversion of an existing Justices' Licence and a Public Entertainment Licence at a Market Deeping hotel and to vary the activity hours and operating hours, and to include new activities. The police submitted representations objecting to extension of hours and asking for additional conditions to be imposed.

9. CONTACT OFFICER

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