

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 296**

DATE: **19TH SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE BULL INN, 3 HIGH STREET, BOURNE
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 and Supper Hours Certificate at a public house and to vary the activity and operating hours, and licensable activities, to increase drinking up time and to allow children on the premises by removing inherent 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 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Bull Inn public house currently holds a Justice's Licence for retail sale of alcohol for consumption on or off the premises and a Supper Hours Certificate. Drinking up time is currently 30 minutes. The variation is in respect of extending hours for the supply of alcohol, to increase drinking up time to 60 minutes and to provide indoor games and to allow children onto the premises, by removing any inherent restriction under the Licensing Act 1964.

There were representations from Trading Standards as a responsible authority. The letter of representations 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, either on or off the premises between the hours of:

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 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.

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:

Indoor Sporting Events

10:00 to 01:00	Sunday to Thursday
10:00 to 02:00	Friday and Saturday

Supply of alcohol

10:00 to 00:00	Sunday to Thursday
10:00 to 01:00	Friday and Saturday

Drinking up time: an additional 30 minutes, to allow 60 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:

10:00 to 01:00 Sunday to Thursday

10:00 to 02:00 Friday and Saturday

Christmas Eve, New Years Eve and Sundays of all Bank Holiday weekends the premises will be open until 02:00.

To remove any implicit restrictions under the 1964 Licensing Act preventing children on the premises.

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 joint letter of representations from Trading Standards regarding the measures taken to prevent the sale of alcohol to persons under the age of 18. Trading Standards have contacted the applicant's solicitor and believe the issue can be resolved by negotiation.

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 at a Bourne public house and to vary the activity and operating hours, drinking up time and licensable activities and to permit children onto the premises. Trading Standards have submitted a representation; it is likely the matter will be resolved by negotiation with the applicant's representative.

9. CONTACT OFFICER

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