

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 297**

DATE:                 **23 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE CAPER, 36 NORTH 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 at a public house 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Caper café, restaurant and bar currently holds a Justice's Licence for retail sale of alcohol for consumption either on or 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 and licensable activities. There is no provision for drinking up time on the variation application as sale of alcohol hours are identical to the opening hours.

There were representations from the police and from an interested party submitted within the 28 day time limit. The representations are 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 café, restaurant bar currently holds a Justices' Licence for the sale of alcohol (which is extended by virtue of the Supper Hours Certificate), for consumption 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 23:30	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.

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 in their activities as follows:

#### Live Music

10:00 to 02:00	Monday to Saturday
12:00 to 00:00	Sunday

NOTE: *although the applicant have indicated an intention to have some non standard timings "Sundays only on high days and holidays", they have not indicated the times the variation will operate.*

### Recorded music

10:00 to 02:00      Monday to Saturday  
12:00 to 00:00      Sunday

NOTE: *although the applicant have indicated an intention to have some non standard timings "Sundays only on high days and holidays", they have not indicated the times the variation will operate.*

### Late night refreshment

10:00 to 01:00      Monday to Saturday  
10:00 to 24:00      Sunday

*Although the applicant indicates in their form that the activity will commence at 10:00, late night refreshment under the Act only starts at 23:00.*

### Supply of Alcohol

10:00 to 02:00      Monday to Saturday  
12:00 to 00:00      Sunday

NOTE: *although the applicant have indicated an intention to have some non standard timings "Sundays only on high days and holidays", they have not indicated the times the variation will operate.*

In order to accommodate the above extension of activity hours, the premises opening time will be:

10:00 to 02:00      Monday to Saturday  
12:00 to 00:00      Sunday

NOTE: *although the applicant have indicated an intention to have some non standard timings "Sundays only on high days and holidays", they have not indicated the times the variation will operate.*

There is no provision for drinking up time within the application.

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 representation from the police and from an interested party.

Mrs Agnes Jacob of 31 North Street, Bourne. She objects to extending the hours arguing that it will result increased noise pollution from both the music played at the premises and the patrons.

The police comment that they received an incomplete application, no copies of the current licences, nor plans of the premises. The police are concerned with the apparent change in the customer base from a restaurant to a late night entertainment venue, and have requested additional conditions should be attached to the licence.

**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 café, restaurant bar and to vary the activity and operating hours, and licensable activities. Representations have been received from the police and an interested party.

**9. CONTACT OFFICER**

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