

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 298**

DATE:                 **23 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE KINGS HEAD, MAIDEN LANE, 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 public house and to vary the activity and operating hours, and licensable activities, and to increase drinking up time by 10 minutes. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Kings Head public house currently holds a Justice's Licence for retail sale of alcohol for consumption on or off the premises. Drinking up time is currently 20 minutes. The variation is in respect of extending hours for the supply of alcohol, to increase drinking up time to 30 minutes and to retain the right to play live music with two entertainers.

There were representations from eight interested parties the representation were 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 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
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

#### Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

#### Live Music

11:00 to 00:00	Monday to Saturday
12:00 to 22:30	Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

To reflect existing New Years Eve/Day hours.

To retain the right to provide live music amplified and/or unamplified to be played by no more than two entertainers.

### Recorded Music

11:00 to 00:00            Monday to Saturday  
12:00 to 22:30            Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

To reflect existing New Years Eve/Day hours.

### Supply of alcohol

11:00 to 00:00            Monday to Saturday  
12:00 to 22:30            Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

To reflect existing New Years Eve/Day hours.

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:

11:00 to 00:30            Monday to Saturday  
12:00 to 23:00            Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

To reflect existing New Years Eve/Day hours.

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 eight letters of representations from interested parties. Some of which were sent as email attachments and cannot be opened. Representations were received from:

P E Stephens	17 Barn Hill, Stamford
Barbara Gutteridge	5 Blackfriars Street, Stamford
Bryan Nicholls	23 Drift Avenue, Stamford
Ms M E Makin	20 St Mary's Street, Stamford
Pippa Barney	By email – letter attachment can not be opened
Mr M Ward	By email from Pippa Barney on behalf of Mr Ward – letter attachment can not be opened
John Plumb	On behalf of Stamford Civic Society

The interested parties are concerned that music/entertainment will give rise to noise and nuisance to the local residents and increased disturbance at closing time.

**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 Stamford public house and to vary the activity and operating hours, drinking up time and licensable activities. Nine representations have been received from interested parties. They argue the extension to hours will lead to an increase in public nuisance and noise incidents.

## **9. CONTACT OFFICER**

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