

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 299**

DATE: **23 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – TOWNGATE INN, 3 TOWNGATE EAST, PETERBOROUGH.
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 Towngate Inn public house and to vary the activity and operating hours, drinking up time and licensable activities and remove embedded conditions. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Towngate Inn public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises; a Supper Hours Certificate; a Special Hours Certificate, a PEL and Childrens 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 are applying for seasonal and non standard times for the retail sale of alcohol, regulated entertainment and late night refreshment. They wish to open to the public 24 hours a day and to remove existing conditions, terms and restrictions.

There have been representations from the police and from five interested parties. The letters of representations are attached as Appendix 2.

As a result the applicant has been amended, as shown in Appendix 3 (email confirmation).

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 Towngate Inn 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 00:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 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

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 sale of alcohol hours is further extended in certain parts by virtue of the Special Hours Certificate, see below.

The Childrens Certificate permits persons under fourteen to be admitted to the restaurant and lounge bar area, accompanied by an adult, and to be present and that meals and beverages other than intoxicating liquor is available for sale for consumption in that area.

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 Special Hours Certificate extends the hours for the supply of alcohol and is granted for the 1st floor function room on Thursdays, Fridays and Saturdays 7pm to 2am and is granted to the ground floor on Fridays and Saturdays from 7pm to 1am.

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. The PEL is 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 7pm and midnight Monday to Thursday and 7pm to 1am on the following morning Friday and Saturday.

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 7pm and 10:30 pm.

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.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figures: Ground floor - 220 persons. First floor – 240 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 in their activities as follows:

Films

08:00 to 00:00 Sunday to Thursday
08:00 to 01:00 Friday & Saturday

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

Live Music

08:00 to 00:00 Sunday to Thursday

08:00 to 01:00 Friday & Saturday

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

To retain the embedded rights to provide live music by solo or duos and to vary to include groups.

Recorded music

08:00 to 00:00 Sunday to Thursday

08:00 to 01:00 Friday & Saturday

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

Anything of a similar description to that falling within those mentioned above

08:00 to 00:00 Sunday to Thursday

08:00 to 01:00 Friday & Saturday

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

Provision of facilities for making music

08:00 to 00:00 Sunday to Thursday
08:00 to 01:00 Friday & Saturday

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

Provision of facilities for dancing

08:00 to 00:00 Sunday to Thursday
08:00 to 01:00 Friday & Saturday

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

Provision of facilities for entertainment of a similar description to that falling within those mentioned above

08:00 to 00:00 Sunday to Thursday
08:00 to 01:00 Friday & Saturday

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

Late night refreshment

23:00 to 05:00 Monday to Sunday

Supply of alcohol

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

These hours have been amended following discussions with the police, these are the hours shown in Appendix 3.

New Years' Eve and New Years Day: The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions. To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's night, Valentine's Day, St. David's Day, St. Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St. Georges Day, Christmas Eve, Boxing day, and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday.

SUMMER TIME: To extend by one hour the standard finish time for any authorised period ending between 0:59 and 04:00 on the day on which the period of summer time starts.

In addition on every day of the year – sale of alcohol by retail only

To authorise without time restriction, the sale of alcohol by retail:

To any person staying at the premises, for consumption either on or off the premises

To any guest of a person staying at the premises, for the consumption on the premises

To persons employed on the premises for the purposes of the business carried on there, if the liquor is supplied at the expense of their employer or of the person carrying on in charge of the business on the premises, for consumption on the premises.

Drinking up time: unlimited as the premise will open to the public 24 hours per day, seven days a week.

Following discussions with the police the extension in respect of Saints Days, Burns Night, Christmas Eve and Boxing Day if they do not fall on a Friday or Saturday as currently licensed an extension to 1am instead of 2am as in the original application. See Appendix 3.

In order to accommodate the above extension of operating hours, and increase in drinking time, the premises opening time will be:

24 hours Monday to Sunday

The applicant wishes to remove:

All conditions, which reproduce the effect of any restrictions imposed on the use of the premises for licensable activities under the Licensing Act 1964, the Cinematography (Safety) Regulations 1953 and the Children and Young Persons Act 1933.

All conditions, subject to which the existing licence/s had effect at the time the application for the premises licence was granted and in particular all the standard terms, conditions and restrictions of South Kesteven District Council subject to which the Public Entertainment Licence for the Premises was granted.

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.

Following discussions with the police, the applicant has agreed to provide SIA registered staff for non private events held in the first floor function room.

The application has been advertised and the statutory consultees consulted.

The council received letters of representations from the police and the following five interested parties.

Mr & Mrs Woods	2 Towngate East, Market Deeping
M L Worsdall	5 Towngate East, Market Deeping
W K Hussey	10 Towngate East, Market Deeping
R Leibscher	15A Towngate East, Market Deeping
Chris & Kelly Olsen	

They object to the proposed extension of operating hours. They argue that the proposed changes will increase public nuisance, noise and crime and disorder.

The police objected on a number of grounds, including the alcohol hours, which the applicant has agreed to amend. See Appendix 3. In addition the police have made a request for SIA door supervisors to be present if public events are held in the first floor function room. The applicant has not agreed to amend the application in respect of serving drinks to residents 24 hours per day.

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 activity hours of a Market Deeping public house. There are representations from the police and interested parties. The police object on a number of grounds and argue that a relaxation in alcohol hours would lead to increased public disorder. The interested parties are equally concerned; they argue that extending the hours will have a negative impact on some licensing objectives. The applicant has agreed to most of the revisions put forward by the police and confirmed their consent by email.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
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