

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 301**

DATE: **23 September 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – RED LION PUBLIC HOUSE, 14 SOUTH 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 Red Lion public house and to vary the activity and operating hours, drinking up time and licensable activities and to allow children onto the premises by removing any implicit conditions under the Licensing Act 1964 restricting children on the premises. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Red Lion public house currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation to in respect of activity and operating hours and licensable activities; to increase drinking up time to 60 minutes premises and to allow children onto the premises. Representations have been received from the police, the Lincolnshire County Council Trading Standards and an interested party. The letters of 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 Red Lion 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 23:00	Weekdays
12:00 to 22:30	Sundays
12:00 to 22:30	Good Friday
12:00 to 15:00	Christmas Day
19:00 to 22:30	Christmas Day
11:00 to 23:00	New Year's Eve
12:00 to 22:30	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 in their activities as follows:

Indoor sporting event

10:00 to 02:00	Sunday to Thursday
10:00 to 03:00	Friday & Saturday

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 03:00

Live music

10:00 to 02:00	Sunday to Thursday
10:00 to 03:00	Friday & Saturday

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 03:00

Recorded music

10:00 to 02:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 03:00

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

10:00 to 02:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 03:00

Provision of facilities for making music

10:00 to 02:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 03:00

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

10:00 to 02:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 03:00

Supply of alcohol

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

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 02:00

Drinking up time: an additional 40 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 02:00 Sunday to Thursday

10:00 to 03:00 Friday & Saturday

New Years Eve, Christmas Eve and Sunday of all Bank Holiday weekend, indoor sporting events could continue until 03:00

The applicant wishes to remove any implicit conditions under the Licensing Act 1964 restricting 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.

Representations have been received from the police and Trading Standards and an interested party:

Angela & David Higgs

12 South Street, Bourne

They report long standing noise problems from the premises and anti social behaviour.

The police have negotiated amended hours with the applicant and additional conditions as follows:

10:00 to 00:00 Sunday to Thursday

10:00 to 01:00 Friday & Saturday

If these hours are granted, the applicant will not require extensions on Bank Holidays.

Door staff will be used when alcohol hours go past midnight and CCTV cameras will be fitted by Christmas 2005.

The Lincolnshire County Council Trading Standards representation requires additional measures in respect of prevention of underage sales of alcohol. Trading Standards are report they expect the applicant to comply. Confirmation from the applicant has not been received.

The letters of representations are attached as Appendix 2.

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 activity and operating hours of a Bourne public house. The Lincolnshire County Council Trading Standards have submitted a representation. The representation relates to the protection of children from harm.

9. CONTACT OFFICER

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