

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 302**

DATE: **23 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – SHIRLEY CROFT HOTEL, HARROWBY ROAD, GRANTHAM.
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 Shirley Croft Hotel and to vary the activity and operating hours, drinking up time and licensable activities and the removal of embedded conditions. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Shirley Croft Hotel 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; and to increase drinking up time by 10 minutes. The applicant wishes to remove all embedded conditions by the Licensing Act 1964.

Representations have been received from Environmental Health and five interested parties. 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:

Live music

11:00 to 00:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good Friday opening hours extended until 00:00 midnight.

Recorded music

11:00 to 00:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good Friday opening hours extended until 00:00 midnight.

Performance of dance

11:00 to 00:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good
Friday opening hours extended until 00:00 midnight.

Provision of facilities for making music

11:00 to 00:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good
Friday opening hours extended until 00:00 midnight.

Provision of facilities for dancing

11:00 to 00:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good
Friday opening hours extended until 00:00 midnight.

Late Night Refreshment

23:00 to 00:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good
Friday opening hours extended until 00:00 midnight.

*Please note the application states 11:00 to 00:00, but late night refreshments
is only a licensable activity from 23:00.*

Supply of alcohol

11:00 to 00:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good
Friday opening hours extended until 00:00 midnight.

Residents and their bonafide guest may be sold alcohol for consumption on
the premises at all times.

Drinking up time: an additional 10 minutes, to allow 30 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 Sunday

Christmas Eve opening hours extended until 02:00 hours (Christmas Day).
New Year's Eve hours extended until 01:00 hours (New Year's Day). Good Friday opening hours extended until 00:00 midnight.

The applicant wishes to remove all conditions embedded into the Licensing Act 1964.

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 Environmental Health and five interested parties:

Mr James Smith	14 Croft Drive, Grantham
C Brosnan	16 Croft Drive, Grantham
T A Fraher	21 Croft Drive, Grantham
Mr J Myers	9 St Vincents Road, Grantham
Mrs P Spear	15 St Vincents Road, Grantham

All the representations relate to noise nuisance.

Environmental Health object to the application, believing any extension of hours and use of the premises for recorded or live music is likely to lead to a breach of a Noise Abatement Notice served in November 2004.

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 Grantham Hotel. Representations have been received from Environmental Health and interested parties. All parties are concerned at the levels of noise emanating from the premises.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
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