

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 303**

DATE:                 **23 SEPTEMBER 2005**

|   |   |
|---|---|
| TITLE:  | THE LICENSING ACT 2003<br>APPLICATION FOR CONVERSION AND VARIATION TO<br>A LICENCE – STAGGER INN, GRANTHAM. |
| FORWARD<br>PLAN ITEM:                                 | NOT APPLICABLE  |
| DATE WHEN<br>FIRST<br>APPEARED IN<br>FORWARD<br>PLAN: | NOT APPLICABLE  |
| KEY DECISION<br>OR POLICY<br>FRAMEWORK<br>PROPOSAL:   | NOT APPLICABLE  |

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| COUNCIL AIMS/<br>PORTFOLIO<br>HOLDER NAME<br>AND<br>DESIGNATION: | COUNCILLOR P MARTIN-MAYHEW (COMMUNITY<br>SAFETY) |
| CORPORATE<br>PRIORITY:   | LICENCING CATEGORY 'Y'                           |
| CRIME AND<br>DISORDER<br>IMPLICATIONS:                           | SEE REPORT DETAILS                               |
| FREEDOM OF<br>INFORMATION<br>ACT<br>IMPLICATIONS:                | NOT APPLICABLE                                   |
| BACKGROUND<br>PAPERS:  | STATEMENT OF LICENCING POLICY                    |

## **1. INTRODUCTION**

The application is for the conversion of an existing Justices' Licence at the Stagger Inn public house and to vary the activity and operating hours, drinking up time and licensable activities. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Stagger Inn 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 extend the activity and operating hours and licensable activities with an additional 10 minutes drinking up time.

The Lincolnshire police have submitted a representation and object on several grounds The letter of representations is 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 Stagger 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 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

|                |                    |
|----------------|--------------------|
| 06:00 to 00:00 | Monday to Thursday |
| 06:00 to 01:00 | Friday             |
| 11:00 to 01:00 | Saturday           |
| 11:00 to 00:00 | Sunday             |

Good Friday opening hours as per normal opening times, i.e. 01:00 following morning (Saturday) Christmas Eve opening hours extended until 04:00 on Christmas Day. New Years Eve opening hour extended until 04:00 on New Years Day.

### Recorded Music

06:00 to 00:00 Monday to Thursday  
06:00 to 01:00 Friday  
11:00 to 01:00 Saturday  
11:00 to 00:00 Sunday

Good Friday opening hours as per normal opening times, i.e. 01:00 following morning (Saturday) Christmas Eve opening hours extended until 04:00 on Christmas Day. New Years Eve opening hour extended until 04:00 on New Years Day.

### Provision of facilities for making music

06:00 to 00:00 Monday to Thursday  
06:00 to 01:00 Friday  
11:00 to 01:00 Saturday  
11:00 to 00:00 Sunday

Good Friday opening hours as per normal opening times, i.e. 01:00 following morning (Saturday) Christmas Eve opening hours extended until 04:00 on Christmas Day. New Years Eve opening hour extended until 04:00 on New Years Day.

### Provision of facilities for dancing

06:00 to 00:00 Monday to Thursday  
06:00 to 01:00 Friday  
11:00 to 01:00 Saturday  
11:00 to 00:00 Sunday

Good Friday opening hours as per normal opening times, i.e. 01:00 following morning (Saturday) Christmas Eve opening hours extended until 04:00 on Christmas Day. New Years Eve opening hour extended until 04:00 on New Years Day.

### Late night refreshment

23:00 to 00:00 Sunday to Thursday  
23:00 to 01:00 Friday & Saturday

Good Friday opening hours as per normal opening times, i.e. 01:00 following morning (Saturday) Christmas Eve opening hours extended until 04:00 on Christmas Day. New Years Eve opening hour extended until 04:00 on New Years Day.

*Please note the application states 06:00 to 00:00 Monday to Thursday, 06:00 to 01:00 Friday; 11:00 to 01:00 Saturday and 11:00 to 00:00, but late night refreshments is only a licensable activity from 23:00.*

### Supply of alcohol

06:00 to 00:00 Monday to Thursday  
06:00 to 01:00 Friday  
11:00 to 01:00 Saturday  
11:00 to 00:00 Sunday

Good Friday opening hours as per normal opening times, i.e. 01:00 following morning (Saturday) Christmas Eve opening hours extended until 04:00 on Christmas Day. New Years Eve opening hour extended until 04:00 on New Years Day.

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:

06:00 to 00:30 Monday to Thursday  
06:00 to 01:30 Friday  
11:00 to 01:30 Saturday  
11:00 to 00:30 Sunday

Good Friday opening hours as per normal opening times, i.e. 01:00 following morning (Saturday) Christmas Eve opening hours extended until 04:00 on Christmas Day. New Years Eve opening hour extended until 04:00 on New Years Day.

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 one letter of representations from the Lincolnshire Police. The representation relates to the crime and disorder, public nuisance and requests the licence be subject to additional conditions if granted. The letter of representations is 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 conversion and variation of a Grantham public house. The applicant wishes to vary the activity and operating hours, to extend drinking up time by 10 minutes to allow 30 minutes drinking up time and to provide additional licensable activities. The Police have made a representation based on crime and disorder, public nuisance and increased risk to public safety.

**9. CONTACT OFFICER**

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