

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 304**

DATE: **23 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – MASONS ARMS, 15 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 a public house and to vary the permitted 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Masons Arms public house currently holds a Justice's Licence for retail sale of alcohol for consumption either on or off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in the permitted hours generally and on special occasions, an additional 10 minutes drinking up time and additional licensable activities. Further, the applicants apply to remove all embedded restrictions under the Licensing Act 1964, the Children and Young Persons Act 1933, the Cinematograph (Safety) Regulations 1955 and The Sporting Events (Control of Alcohol etc) Act 1985 and to amend the conditions, restrictions and limitations applicable to the licensable activities.

There is a letter of representations from the police. It was submitted within the 28 day time limit and 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 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:

Films

10:00 to 01:00	Sunday to Thursday
10:00 to 03:00	Friday & Saturday

Further the applicants apply for the following non standard timings:

10:00 to 02:00 Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27th December.

10:00 on New Year's Eve to 01:00 on January 2nd.

If applicable an additional hour to the standard and non standard times on the day when British Summer Time commences.

In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

Indoor sporting events

10:00 to 01:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

Further the applicants apply for the following non standard timings:

10:00 to 02:00 Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27th December.

10:00 on New Year's Eve to 01:00 on January 2nd.

If applicable an additional hour to the standard and non standard times on the day when British Summer Time commences.

In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

Live music

10:00 to 01:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

Further, the applicants apply for the following non standard timings:

10:00 to 02:00 Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27th December.

10:00 on New Year's Eve to 01:00 on January 2nd.

If applicable an additional hour to the standard and non standard times on the day when British Summer Time commences.

In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

Recorded music

10:00 to 01:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

Further the applicants apply for the following non standard timings:

10:00 to 02:00 Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27th December.

10:00 on New Year's Eve to 01:00 on January 2nd.

If applicable an additional hour to the standard and non standard times on the day when British Summer Time commences.

In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

Provision of facilities for making music

10:00 to 01:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

Further the applicants apply for the following non standard timings:

10:00 to 02:00 Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27th December.

10:00 on New Year's Eve to 01:00 on January 2nd.

If applicable an additional hour to the standard and non standard times on the day when British Summer Time commences.

In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

Supply of alcohol

10:00 to 01:00 Sunday to Thursday
10:00 to 03:00 Friday & Saturday

Further the applicants apply for the following non standard timings:

10:00 to 02:00 Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27th December.

10:00 on New Year's Eve to 01:00 on January 2nd.

Drinking up time will increase by 10 minutes to 30 minutes.

If applicable an additional hour to the standard and non standard times on the day when British Summer Time commences.

In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

In order to accommodate the above variations, the premises opening times will be:

10:00 to 01:30	Sunday to Thursday
10:00 to 03:30	Friday & Saturday

Further, when non standard timings are in operation, the premises will close 30 minutes after the end of those timings.

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.

There was a letter of representations from the police. They state that they spoke with the applicant and they agreed on the following revised hours for supply of alcohol:

10:00 to 00:00	Sunday to Thursday
10:00 to 01:00	Friday and Saturday, the doors closing to entry/re-entry at 00:00

Drinking up time on all days to be 30 minutes. (***We have not received the applicant's confirmation yet***).

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 Bourne public house and to vary the permitted hours, drinking up time and licensable activities. There is a letter from the police in which they state that they have agreed on revised hours with the applicant. ***(We have not received the applicant's confirmation yet).***

9. CONTACT OFFICER

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