

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 306**

DATE: **26 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE GEORGE, 71 HIGH STREET STAMFORD
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 and a Public Entertainment Licence at a hotel and to vary the activity hours and operating hours, to extend drinking up time and to include new activities. The application is attached at Appendix 1, together with a map.

The Licensing Act 2003 transfers responsibility for the licensing of the supply and sale of alcohol 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 George hotel currently holds a Justice's Licence for retail sale of alcohol on and off the premises, and a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind. Drinking up time is currently 20 minutes. They have applied for a variation in activity and operating hours generally and on special occasions and additional licensable activities. Drinking up time will increase by 10 minutes to 30 minutes.

The council received 1 letter of representations from the police. The letter was received 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 between the hours of:

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

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. The PEL is issued 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 noon and midnight Monday to Saturday only.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following maximum occupancy figure: 100 persons – Main Lounge, 100 persons - Garden Room, 60 persons – Porters Lodge

Licence Restriction – This licence covers only parts of the premise for which an occupancy figure has been specified. Parts of the premise for which an occupancy figure has not been specified may not be used for public entertainments.

Standard Condition No.1- (Person in charge) Public entertainment must only take place when a duty manager who holds the BIIAB Entertainment Licensees National Certificate is present.

Application for Variation Requiring Committee Determination

The applicants propose to carry out licensable activities in four main areas of their premises, namely the Business Centre, Monastery Gardens, Main Hotel and the Courtyard as follows:

Live music

Business Centre and Monastery Gardens

12:00 to 01:00	Monday to Saturday
12:00 to 00:00	Sunday

All Areas

To open for regulated entertainment on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Recorded music

Business Centre and Monastery Gardens

12:00 to 01:00	Monday to Sunday
12:00 to 00:00	Sunday

All Areas

To open for regulated entertainment on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Entertainment similar to live music, recorded music, and performance of dance

Business Centre and Monastery Gardens

12:00 to 01:00	Monday to Saturday
12:00 to 00:00	Sunday

All Areas

To open for regulated entertainment on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Provision of facilities for making music

Business Centre and Monastery Gardens

12:00 to 01:00	Monday to Saturday
12:00 to 00:00	Sunday

All Areas

To open for regulated entertainment on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Provision of facilities for dancing

Business Centre and Monastery Gardens

12:00 to 01:00	Monday to Saturday
12:00 to 00:00	Sunday

All Areas

To open for regulated entertainment on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Late night refreshment

Main Hotel including Courtyard

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

To open for provision of late night refreshment on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Late night refreshment

Business Centre

23:00 to 01:00	Monday to Sunday
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To open for provision of late night refreshment on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Supply of alcohol

Main Hotel and Courtyard

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

To open for supply of alcohol on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

Supply of alcohol

Business Centre and Monastery Gardens

23:00 to 01:00	Monday to Saturday
23:00 to 00:00	Sunday

To open for supply of alcohol on days and times to be specified in a notice given to the police at least 7 days before the event for up to 20 days per annum at the discretion of the DPS. The police have the right to give a counter notice to the DPS objecting to the extension for any specific event or proposing modification of hours on the grounds relating to prevention of crime and disorder. Where such a notice is given such an event will not be authorised where there is objection or shall be authorised subject to modification proposed by the police.

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

Main Hotel

07:00 to 00:30	Sunday to Thursday
07:00 to 01:30	Friday & Saturday

On those days when notice is given to the police that the premises should be open for the sale of alcohol on dates and times specified other than above the premises will remain open for 30 minutes after the sale of alcohol ceases.

Business Centre

09:00 to 01:30	Monday to Saturday to Thursday
09:00 to 00:30	Sunday

On those days when notice is given to the police that the premises should be open for the sale of alcohol on dates and times specified other than above the premises will remain open for 30 minutes after the sale of alcohol ceases.

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 is a letter of representations from the police. They object to the applicant's proposal to extend the hours on 20 unspecified occasions. They argue that the proposed variation is unlawful and will not give them sufficient time to plan policing for the special events.

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 and a Public Entertainment Licence at a Stamford hotel and to vary the activity hours and operating hours and to include new activities. The police submitted a letter of representations based on some of the licensing objectives.

9. CONTACT OFFICER

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