

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 309**

DATE:                 **26 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – DANIEL LAMBERT PUBLIC HOUSE, 20 ST. LEONARDS 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 for Daniel & Lambert 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Daniel Lambert 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 in activity and operating hours, an additional 10 minutes drinking up time and to retain the rights to provide live music by 2 entertainers in a bar.

Representations were received from the police and an interested party. The representation relates to the noise and nuisance arising from the premises. The local residents (John & Janice Kellas-Kelly) of Austin Street, who made the representation, consider that the proposed extended hours would have a negative effect on crime, disorder, public safety and public nuisance.

## **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:

#### Live Music

18.00 to 23.00	Thursday
18.00 to 00.00	Friday
18.00 to 00.00	Sunday

The applicant wishes to retain the right to provide live music with two musicians in the bar rule (allowed by Licensing Act 1964).

#### Recorded Music

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday & Saturday
12:00 to 23:30	Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.  
A further additional hour every Boxing Day.  
To reflect existing New Years Eve/Day hours

#### Supply of Alcohol

11.00 to 00.00 Monday to Thursday  
11.00 to 01.00 Thursday & Friday  
12.00 to 23.30 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.  
A further additional hour every Boxing Day.  
To reflect existing New Years Eve/Day hours

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 activity and operating hours, and increase in drinking time, the premises opening time will be:

11:00 to 00:30 Monday to Thursday  
11:00 to 01:30 Friday & Saturday  
12:00 to 00:00 Sunday

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.  
A further additional hour every Boxing Day.  
To reflect existing New Years Eve/Day hours

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 letters of representations from the police and an interested party:

John & Janice Kellas- Kelly            The New House, Austin Street, Stamford

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The representation relates to noise and nuisance arising from the premises. They argue the proposed extended hours would have a negative effect on crime, disorder, public safety and public nuisance.

The police advise they have agreed amended alcohol hours with the applicant:

Monday – Thursday alcohol hours to midnight

Friday and Saturday alcohol hours to 01:00

Sunday alcohol hours to 23:30

Premises to close 30 minutes after these times

An additional hour prior to Good Friday

An additional hour Christmas Eve and Boxing Day

Other bank holidays as stated above

Door to be closed at 23:00 every day, allowing no entry or re-entry after this time.

If the applicant confirms their agreement in writing to the above, the police will withdraw their representation.

#### **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 activities and operating and activity hours of a Daniel Lambert public house. The police and an interested party have made a representation relating to noise and nuisance. The police have negotiated amendments to the proposed application with the applicant.

**9. CONTACT OFFICER**

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