

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 – THE LINCOLNSHIRE POACHER, 5 – 8 BROAD 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 at a public house and to vary the activity and operating hours, drinking up time and to include a new licensable activity. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Lincolnshire Poacher 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 activity and operating hours, an additional 10 minutes drinking up time and to include new licensable activities.

Representations have been received from the police and 13 interested parties; the letters of representations were submitted within the 28 day time limit. They 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 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 00:00	Sunday to Thursday
08:00 to 01:00	Friday
10:00 to 01:00	Saturday

10:00 New Year's Eve to 02:00 2nd January

Live Music

10:00 to 00:00	Sunday to Thursday
08:00 to 01:00	Friday
10:00 to 01:00	Saturday

10:00 New Year's Eve to 02:00 2nd January

Recorded music

10:00 to 00:00 Sunday to Thursday
08:00 to 01:00 Friday
10:00 to 01:00 Saturday

10:00 New Year's Eve to 02:00 2nd January

Supply of Alcohol

10:00 to 00:00 Sunday to Thursday
08:00 to 01:00 Friday
10:00 to 01:00 Saturday

10:00 New Year's Eve to 02:00 2nd January

Drinking up time; drinking up time increases by 10 minutes to 30 minutes.

In order to accommodate the above extension of activity and operating hours, and increase in drinking time, the premises opening time will be:

10:00 to 00:30 Sunday to Thursday
08:00 to 01:30 Friday
10:00 to 01:30 Saturday

10:00 New Year's Eve to 02:30 2nd January

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 the following interested parties:

Robert & Clare Humm	1 All Saints Street, Stamford
Margaret Simms	3 All Saints Street, Stamford
Mrs R Veitch	Broad Street, Stamford
Peter & Julia Walker	9 Barn Hill, Stamford
Richard & Jenny Barry	10 Barn Hill, Stamford
Giles Hopkins	12 Barn Hill, Stamford
D & J M Devlin	28 Casterton Road, Stamford
Mr AJ Springett	North Street, Stamford (two letters)
Mrs E Thomas	North Street, Stamford
Mr & Mrs J Perrin	67 Scotgate, Stamford
Anne ?	4 Torkington Gardens, Stamford
BP Thornley	35 Torkington Gardens, Stamford
On behalf of Stamford residents	
Marie McGill	44 Torkington Gardens, Stamford

The interested parties object to the proposed extended hours arguing that it will promote crime, disorder and public nuisance.

The police have negotiated with the applicant to implement a policy of closing the doors at midnight on Friday and Saturday to prevent other persons entering for a late drink. The applicant has not confirmed his acceptance in writing.

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 Stamford public house and to vary the activity and operating hours and drinking up time. The police and thirteen interested parties have submitted representations based on crime, disorder and public nuisance. The police will withdraw their representation on receipt of written confirmation from the applicant in respect of the agreed amendments.

9. CONTACT OFFICER

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