

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 311**

DATE: **26 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – SIAM GARDEN, 59A LONDON ROAD, GRANTHAM.
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 Siam Garden restaurant and to vary the activity and operating hours, and licensable activities. The application and map are attached at Appendix 1.

The Licensing Act 2003 transfers responsibility for the licensing of the supply and sale of alcohol 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Siam Garden restaurant currently holds a Justice's Restaurant Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 30 minutes. They have applied for a variation in activity and operating hours, and to provide additional licensable activities. There is no provision for drinking up time. In addition, to remove all conditions embedded in the Licensing Act 1964, and the removal of the requirement that the sale of alcohol be ancillary to the sale of food.

The Lincolnshire Police have submitted a letter of representations within the 28 day limit. The letter 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 restaurant currently holds a Justices' Restaurant Licence for the sale of alcohol for consumption, on the premises.

On sales

11:00 to 24:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 to 23:30	Christmas Day
11:00 to 24:00	New Year's Eve
12:00 to 23:30	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.

The licence is subject to the following conditions:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor including drinking water shall be equally available for consumption with or ancillary to a meal.

Application for Variation Requiring Committee Determination

The applicant has applied for a variation as follows:

Recorded music

11:00 to 01:00 Monday to Sunday

Christmas Eve opening hours extended until 02:00 (Christmas Day). New Years Eve opening hours extended until 02:00 (New Years Day). Good Friday opening hours extended until 01:00 (Saturday)

Late Night refreshment

23:00 to 01:00 Monday to Sunday

Christmas Eve opening hours extended until 02.00 (Christmas Day). New Years Eve opening hours extended until 02.00 (New Years Day). Good Friday opening hours extended until 01.00 (Saturday)

The applicant stated 11:00 to 01:00 in the application, schedule L page 21.

Please note: late night refreshment provision is only a licensable activity between the hours of 23:00 to 05:00.

Supply of alcohol

11:00 to 01:00 Monday to Sunday

Christmas Eve opening hours extended until 02.00 (Christmas Day). New Years Eve opening hours extended until 02.00 (New Years Day). Good Friday opening hours extended until 01.00 (Saturday)

The applicant wishes to remove all conditions embedded in the Licensing Act 1964, and the removal of the requirement that the sale of alcohol be ancillary to the sale of food.

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

11:00 to 01:00 Monday to Sunday

Christmas Eve opening hours extended until 02.00 (Christmas Day). New Years Eve opening hours extended until 02.00 (New Years Day). Good Friday opening hours extended until 01.00 (Saturday)

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 representation from the Lincolnshire Police.

The Police stated that they would like to see a period of 30 minutes after the final sale of alcohol to allow customers to consume their drink steadily. They also stated that there is outside seating area at these premises that is used by patrons to eat meals and drink alcohol. This area is not shown on the map as being licenced.

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 Grantham restaurant. The Lincolnshire Police have made a representation relating to the provision of 30 minutes drinking up time and an outside area of the premises used to eat meal and drink alcohol which is not shown on the map as being licensed.

9. CONTACT OFFICER

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