

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 308**

DATE: **26 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE ANGEL HOTEL, NORTH 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 hotel and to vary the activity and operating hours, to extend drinking up time add licensable activities. In addition the applicant wishes to remove embedded conditions. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Angel Hotel 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 and additional licensable activities. In addition the applicant wishes to remove the condition that alcohol can only be served to persons having meals after 23:00 and to permit hotel residents and their guests to consume alcohol after the end of normal permitted hours. The Supper Hours Certificate was not included with the application.

By letter dated 4th August 2005, the police objected to the applicant's alcohol hours and opening hours unless the applicant amended the application form to include drinking up time. Subsequently, the applicant resubmitted an amended application showing a 30 minute drinking up time and the police wrote again on 16th August 2005 withdrawing their objections. The letters 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 between the following hours:

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 as follows:

The applicant has applied for separate times for different parts of the hotel:

Public Bar

Live Music

20:00 to 22:30	Monday to Sunday
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Dining areas and function room

Live Music

20:00 to 24:00	Monday to Saturday
20:00 to 23:30	Sunday
20:00 to 00:30	Christmas Eve
20:00 to 00:30	New Year's Eve
20:00 to 00:30	Bank Holidays

Public Bar

Recorded Music

20:00 to 22:30 Monday to Sunday

Dining areas and function room

Recorded Music

20:00 to 24:00 Monday to Saturday

20:00 to 23:30 Sunday

20:00 to 00:30 Christmas Eve

20:00 to 00:30 New Year's Eve

20:00 to 00:30 Bank Holidays

Dining areas and function room

Performances of dance

20:00 to 24:00 Monday to Saturday

20:00 to 23:00 Sunday

20:00 to 00:30 Christmas Eve

20:00 to 00:30 New Year's Eve

20:00 to 00:30 Bank Holidays

Dining areas and function room

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

20:00 to 24:00 Monday to Saturday

20:00 to 23:30 Sunday

20:00 to 00:30 Christmas Eve

20:00 to 00:30 New Year's Eve

20:00 to 00:30 Bank Holidays

Dining areas and function room

Provision of facilities for making music

20:00 to 24:00 Monday to Saturday

20:00 to 23:30 Sunday

20:00 to 00:30 Christmas Eve

20:00 to 00:30 New Year's Eve

20:00 to 00:30 Bank Holidays

Dining areas and function room

Provision of facilities for dancing

20:00 to 24:00	Monday to Saturday
20:00 to 23:00	Sunday
20:00 to 00:30	Christmas Eve
20:00 to 00:30	New Year's Eve
20:00 to 00:30	Bank Holidays

Dining areas and function room

Late night refreshment

23:00 to 24:00	Monday to Saturday
23:00 to 23:30	Sunday

Public Bar

Supply of alcohol

11:00 to 23:00	Monday to Sunday
11:00 to 01:00	Christmas Eve
11:00 to 01:00	New Year's Eve
11:00 to 00:30	Bank Holidays

Dining areas and function room

Supply of alcohol

11:00 to 24:00	Monday to Saturday
11:00 to 23:30	Sunday
11:00 to 01:00	Christmas Eve
11:00 to 01:00	New Year's Eve
11:00 to 00:30	Bank Holidays

Drinking up time: drinking up time will increase by 10 minutes to 30 minutes. For hotel guests consuming alcohol in the designated area the times shall be 11:00 to 02:00 on all days.

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

08:00 to 24:30	Monday to Saturday
08:00 to 24:00	Sunday

For Christmas Eve, New Years Eve and Bank Holidays the closing times will be 30 minutes after the last permitted sale of alcohol.

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.

Following an objection from the police, the applicant amended the application to reflect a 30 minute drinking up time. Consequently, the objection was withdrawn.

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)

Where a hearing may be unnecessary

Where all parties, who are required to do so for these purposes, have returned a notice which states that they consider a hearing to be unnecessary, the Panel shall convene a meeting, which shall not require notice to be given to the parties.

If the Panel agrees that a hearing is unnecessary, then

- (a) The Panel may then proceed to determine the matter on the basis of the relevant representation received, then or at another date; and
- (b) Notice shall be given forthwith to the parties that the hearing has been dispensed with.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

8. CONCLUSION

The application is for a variation of a licence to the activity and operating hours and licensable activities of a Bourne hotel. The police made a representation which was subsequently withdrawn.

9. CONTACT OFFICER

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