

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 316**

DATE:                 **27 SEPTEMBER 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – ROCK FILLING STATION, 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 Off Licence at a petrol forecourt store and to vary the activity hours for the retail sale of alcohol, to provide late night refreshments and to deposit a revised layout plan with the licensing authority. The application is attached at Appendix 1, together with a location map.

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<sup>th</sup> November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Rock Filling Station, Stamford currently holds a Justices Off Licence. They have applied for a variation in activity hours for the retail sale of alcohol, to provide late night refreshments and to deposit a revised layout plan with the licensing authority.

The Council received five letters of representations from interested parties which were received within the 28 day limit. The letters of representations 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 premises currently hold a Justices Off Licence for the sale of alcohol for consumption off the premises between the hours of:

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 applicants have applied for a variation in their activity hours as follows:

##### Late Night Refreshment

23:00 to 05:00                      Monday to Sunday

##### Supply of alcohol

08:00 to 23:00                      Monday to Sunday

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

00:01to 00:00                      Monday to Sunday

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 has received a representation from five interested parties as follows:

John & Janice Kellas -Kelly	The New House, Austin Street, Stamford
Mrs Glenda Parsley	16 Barn Hill, Stamford
Cannon Donald Gray	3 Barn Hill Mews, Stamford
Ivor Stroud, Chairman	Newcomb Court Residents Association
Beth & Peter Southgate	1 Rock Terrace

The interested parties raised objections on the grounds, of noise, public nuisance and crime and disorder.

**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 activity hours of a Stamford Petrol forecourt store. Representations have been received from five interested parties.

**9. CONTACT OFFICER**

P Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 e-mail: [p.Harrison@southkesteven.gov.uk](mailto:p.Harrison@southkesteven.gov.uk)