

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV 315**

DATE:                 **27 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – NAGS HEAD, 2 ABBEY ROAD, 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, and a Public Entertainment Licence at a public house and night club and to vary the activity hours and operating hours, to extend drinking up time and to include new activities and to remove embedded restrictions to allow children onto the premises.

The application is attached at Appendix 1, together with a map of the premises.

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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Nags Head Public House /Lesters Night Club currently holds a Justices' Licence for retail sale of alcohol for consumption on and off the premises, a Public Entertainment Licence for the provision of public dancing or music or any other entertainment of a like kind. Drinking up time is currently 20 minutes. They have applied for a variation in activity and operating hours, to extend drinking up time and provide additional licensable activities. In addition, they wish to remove all embedded restrictions inherent in the Licensing Act 1964 to allow children onto the premises.

The council received 1 letter of representations from the police .The letter was received within the 28 day time limit and 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 public house currently holds a Justices' Licence for the sale of alcohol for consumption, on and off the premises between the hours of:

#### 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
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

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind and a Special Hours Certificate which stipulates that a current PEL is in force and that the alcohol sold will be ancillary to music and dancing and substantial food, and that the premises are structurally adapted.

The PEL is issued subject to the following conditions:

*Standard Condition No.5 (Permitted hours)* - The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 09:30pm and midnight - Monday to Wednesday and 09:30pm to 02:00am the following mornings, Thursday to Saturday.

*Standard Condition No.5 (Events on Sundays)* - The premises shall not be kept or used for public music or dancing or other public entertainment of a like kind except between the hours of 08:30pm and 12:30am the following morning.

*Standard Condition No.5 (Events on Sundays – Bank Holiday)* – Where the following Monday is a bank holiday the times of entertainment on a Sunday are extended until 02:00 am the following morning, except Easter Monday.

*Standard Condition No 52-(Special Effects Equipment )* – Permission is granted for the use of a smoke machine in accordance with manufacturers instructions and any additional requirements from the fire officer.

*Additional Safety Requirements* – A CCTV system shall be installed and operated in the reception area and to footpaths and car parks outside the premises within 50 metres of the entrance/exits to the satisfaction of the police.

*Standard Condition No.7 (Maximum Occupancy Figure)* - The fire officer has prescribed the following occupancy figure: 150 persons – 1<sup>st</sup> Floor, 100 persons – Ground Floor.

*Standard Condition No.36-( Stewarding )*– An additional steward should be employed to steward the stairway between ground floor and 1<sup>st</sup> floor area, and shall monitor the occupancy to prevent overcrowding.

*Licence Restriction* - The licence only covers those parts of the premises for which an occupancy figure has been specified. Parts of the premises for which an occupancy figure has not been specified may not be used for public entertainment.

#### Application for Variation Requiring Committee Determination

The applicant has applied for a variation in their hours and activities as follows:

##### Indoor sporting events

10:00 to 04:00                      Monday to Sunday

##### Live music

10:00 to 04:00                      Monday to Sunday

##### Recorded music

10:00 to 04:00                      Monday to Sunday

##### Performance of dance

10:00 to 04:00                      Monday to Sunday

##### Entertainment similar to live music, recorded music, and performance of dance

10:00 to 04:00                      Monday to Sunday

##### Provision of facilities for making music

10:00 to 04:00                      Monday to Sunday

Provision of facilities for dancing

10:00 to 04:00 Monday to Sunday

Entertainment similar to making music, facilities for dancing

10:00 to 04:00 Monday to Sunday

Supply of alcohol

10:00 to 03:00 Monday to Sunday

Drinking up time: drinking up time will increase by 40 minutes to provide 60 minutes after the last permitted sale of alcohol.

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

10:00 to 04:00 Monday to Sunday

09:00 to 00:30 Sunday to Wednesday

09:00 to 02:30 Thursday to Saturday

The applicant wishes to remove implicit restrictions under the Licensing Act 1964, restricting children on the ground floor of the premises.

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.

There is a letter of representations from the police. They object to extending the hours for supply of alcohol until 03:00 seven days of week. They report 14 separate incidents occurring in the past 14 months, all related to assaults and drunkenness. They state that such incidents would probably increase if the licence is granted. They also request sufficient door staff are employed in line with the current PEL policy.

**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 and a Public Entertainment Licence at a Bourne public house/nightclub and to vary the activity hours and operating hours, and drinking up time. The police submitted representations objecting to the extension of hours and asking for additional conditions to be imposed.

**9. CONTACT OFFICER**

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