

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 314**

DATE: **27 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – WOODY’S BAR, WOODLAND WATERS LTD, 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, and a Public Entertainment Licence at a public house and restaurant 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Woody's Bar and restaurant currently holds a Justices' Licence for retail sale of alcohol for consumption on the premises, and 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, and to vary the standard conditions attached to the current PEL.

The council received 1 letter of representations from the Environmental Health and two letter of representation from interested parties. The letters were received within the 28 day time limit and 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, on the premises between the hours of:

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.

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 11:00am and midnight - Monday 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 12:00 noon and 10:30pm.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: Marquee 250 persons, Woody's Bar - 160 persons.

Standard Condition 58 & 59 (Noise Control) – It be emphasised that the use of the premises for public entertainments should not cause nuisance to nearby residential properties.

Any sound system used by live bands or discos should be located as the western end of the marquee and the configuration of the speakers to the amplification system should be such that sound is directed towards the main building of the pub.

A form of portable acoustic barrier should be located as close as possible to the speakers to the amplification system in order to reflect sound emitted from them.

An approved noise-limiting device should be installed and connected to the amplification systems at set level, initially at 100 dB(A), or as specified in writing.

Standard Condition 58 & 59 (Prevention of Noise Nuisance) – The applicant is required to give advance notice of all proposed entertainment to Environmental Health Services.

Application for Variation Requiring Committee Determination

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

Live music

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

Recorded music

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

Provision of facilities for making music

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

Provision of facilities for dancing

11:00 to 00:00	Monday to Thursday
11:00 to 01:00	Friday and Saturday
11:00 to 23:00	Sunday

There are no standard days or times for these activities but they will generally take place in the evenings and be restricted to the standard and non-standard times permitted by this licence for the supply of alcohol. In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00

Bank Holiday Mondays -11:00 to 00:00

Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

Late Night Refreshment

23:00 to 00:00	Monday to Thursday
23:00 to 01:00	Friday and Saturday
23:00 to 23:00	Sunday

In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-11:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -11:00 to start of permitted hours on New Year's Day

Good Fridays - 11:00 to 01:00
Bank Holiday Mondays -11:00 to 00:00
Sundays preceding Bank Holiday Mondays - 11:00 to 23:00

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

Supply of alcohol

10:00 to 00:00	Monday to Thursday
10:00 to 01:00	Friday and Saturday
10:00 to 23:00	Sunday

In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-10:00 to 01:00.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -10:00 to start of permitted hours on New Year's Day

Good Fridays - 10:00 to 01:00

Bank Holiday Mondays -10:00 to 00:00

Sundays preceding Bank Holiday Mondays - 10:00 to 23:00

Drinking up time: drinking up time will increase by 10 minutes to provide 30 minutes after the last permitted sale of alcohol.

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

08:00 to 00:30	Monday to Thursday
08:00 to 01:30	Friday and Saturday
08:00 to 23:30	Sunday

In so far as they are not already covered by the standard timings, the applicant seeks the following non-standard timings on public holidays:

Christmas Eve-08:00 to 01:30.

Christmas Day - as per standard timings

Boxing Day - as per standard timings

New Year's Eve -10:00 to start of permitted hours on New Year's Day

Good Fridays - 08:00 to 01:30

Bank Holiday Mondays -08:00 to 00:30

Sundays preceding Bank Holiday Mondays - 08:00 to 23:30

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

The PEL is subject to *Standard Condition No.5 (Permitted hours)* - The applicant is content for this condition to apply but for permitted hours to be varied in accordance with the hours sought in the application.

The PEL is subject to *Standard Condition 58 & 59 (Noise Control)* which states that any sound system used by live bands or discos should be located at the western end of the marquee. The applicant is content for this condition to remain but seeks to vary the condition to allow live music and discos in the main lounge bar area as well as the marquee.

The applicant seeks to vary the PEL *Standard Condition 58 & 59 (Prevention of Noise Nuisance)* – as follows: “The applicant is required to give advance notice of any proposed entertainments which will continue beyond 23:00 to Environmental Health Services.

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 Environmental Health and two interested parties:

Mr Neil Sansom
Mr Richard Shireby

The Old Vicarage, Ermine Street
Norwood, Rookery Lane

They object on grounds of noise and public nuisance. Whereas Environmental Health object to the variation, due to the number of toilet facilities.

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 Grantham bar and restaurant to vary the activity hours and operating hours, and drinking up time. Environmental Health and two interested parties have submitted representations objecting to the extension of hours on the ground of noise and public nuisance.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
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