

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 317**

DATE: **27 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – FRATELLI RESTAURANT, 13 ST MARY'S HILL. 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' Licence at a restaurant to vary the activity and operating hours and the 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Fratelli Restaurant currently holds a Justices' Restaurant Licence permitting retail sale of alcohol for consumption on the premises with table meals. Drinking up time is currently 30 minutes. They have applied for a variation in the activity and operating hours and to include the provision of late night refreshments.

The police submitted a letter of representations within the 28 day time limit. It is attached as Appendix2.

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' Restaurant Licence permitting the sale of alcohol for consumption on the premises between the hours of:

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 Justices' Restaurant Licence was issued 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 persons as an ancillary to his meal.

Suitable beverages other than intoxicating liquor including drinking water shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.

Application for Variation Requiring Committee Determination

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

Late night refreshment

23:00 to 02:00	Monday to Saturday
23:00 to 01:00	Sunday

Supply of Alcohol

12:00 to 02:00	Monday to Saturday
12:00 to 01:00	Sunday

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

12:00 to 02:30	Monday to Saturday
12:00 to 01:30	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 received one letter of representations from the police. They object to the applicant's alcohol hours. They however state in the same letter that they have agreed with to applicant to revise the hours as follows:

12:00 to 00:00 Monday to Sunday, the premises closing at 00:30 everyday.

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' Restaurant Licence at a Stamford restaurant to vary the activity and operating hours. The police made representations which will be withdrawn following an agreement with the applicant for revised alcohol hours, once the applicant confirms their agreement in writing.

9. CONTACT OFFICER

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