

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV326**

DATE: **30 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – HORSESHOE, PETERBOROUGH ROAD, THURLBY, 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 public house and to vary the permitted hours, drinking up time and licensable activities. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Horseshoe public house currently holds a Justice's Licence for retail sale of alcohol for consumption either on or off the premises. Drinking up time is currently 20 minutes. They have applied for a variation in the permitted hours generally and on special occasions, an additional 10 minutes drinking up time and additional licensable activities. Further, the applicants apply to remove all embedded restrictions under the Licensing Act 1964, the Children and Young Persons Act 1933, the Cinematograph (Safety) Regulations 1955 and The Sporting Events (Control of Alcohol etc) Act 1985.

There is a letter of representations from the Police. It was submitted 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, either on or off the premises.

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 in their activities as follows:

Films

11:00 to 01:00	Monday to Saturday
12:00 to 01:00	Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Indoor sporting events

11:00 to 01:00 Monday to Saturday
12:00 to 01:00 Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Live music

11:00 to 01:00 Monday to Saturday
12:00 to 01:00 Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Recorded music

11:00 to 01:00 Monday to Saturday
12:00 to 01:00 Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Performances of dance

11:00 to 01:00	Monday to Saturday
12:00 to 01:00	Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Provision of facilities for making music

11:00 to 01:00	Monday to Saturday
12:00 to 01:00	Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Provision of facilities for dancing

11:00 to 01:00	Monday to Saturday
12:00 to 01:00	Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Late night refreshment

23:00 to 01:00	Monday to Sunday
----------------	------------------

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at

Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

Supply of alcohol

11:00 to 01:00	Monday to Saturday
12:00 to 01:00	Sunday

Further, the applicants apply for non – standard timings in the following terms:

To the extent that the variation in part B1 paragraph 4 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and also to the extent that the variation in part B1 paragraph 4 is not granted to open to the same hour on up to 20 occasions per annum at applicants' discretion upon 7 days prior notice to the Police (if required by them)

New Year's Eve: 10:00 to New Year's Day – terminal hour as proposed.

Drinking up time will increase by 10 minutes to 30 minutes.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and sporting event which is to be shown.

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

11:00 to 01:30	Monday to Saturday
12:00 to 01:30	Sunday

Further, when non standard timings are in operation, the premises will close 30 minutes after the end of those timings.

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 was a letter of representations from the Police. They object to the applicant's proposed extension of hours on special occasions as it is in their view, contrary to Temporary Event Notice guidelines. They further state that they have spoken with the applicant and he has agreed to remove this proposed variation from his application.

(However, we have not received the applicant's confirmation yet).

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 at a Bourne public house and to vary the permitted hours, drinking up time and

licensable activities. The Police submitted a letter of representations. The applicant has agreed to remove the variation in respect of temporary events; confirmation in writing has not been received.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
Tel: 01476 406311 e-mail: peter.harrison@southkesteven.gov.uk

APPENDIX 1



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
South Kesteven District Council LA079421 2000

HORSESHOE INN
PETERBOROUGH RD, THURLBY