

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV325**

DATE: **30 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – CLUB IT, WESTGATE HALL, 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 at a nightclub and to vary the activity and operating hours, drinking up time and licensable activities. To remove existing licence conditions. 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 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Club IT nightclub currently holds a Justice's Licence for retail sale of alcohol on and off the premises. Drinking up time is currently 20 minutes. They have applied for a variation to extend the activity and operating hours, add an additional 10 minutes drinking up time and provide new licensable activities. The applicant wishes to remove the requirement for new members not to be admitted to the club for at least 48 hours.

The Lincolnshire Police have submitted a representation within the 28 day limit. The letter 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 Club IT nightclub currently holds a Justices' Licence for the sale of alcohol for consumption, either on or off the premises, granted in June 2005.

However the conditions attached to the licence include:

No intoxicating liquor shall be supplied or sold for consumption off the premises.

*The Club will be open between the hours of 8pm to 2am on weekdays subject to there being a Special Hours Certificate in force and 7pm to 10.30pm on Sundays. **(No Special Hours Certificate was submitted with the application, nor PEL)***

Any new member shall not be admitted to the Club for at least a period of 48 hours.

Application for Variation Requiring Committee Determination

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

Recorded Music

21:00 to 04:00 Monday to Thursday
21:00 to 05:00 Friday & Saturday
21:00 to 03:00 Sunday

Extended hours on Bank Holiday weekends, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday and Easter Sunday.

Performance of dance

21:00 to 04:00 Monday to Thursday
21:00 to 05:00 Friday & Saturday
21:00 to 03:00 Sunday

Extended hours on Bank Holiday weekends, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday and Easter Sunday.

Provision of facilities for dancing

21:00 to 04:00 Monday to Thursday
21:00 to 05:00 Friday & Saturday
21:00 to 03:00 Sunday

Extended hours on Bank Holiday weekends, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday and Easter Sunday.

Late night refreshment

21:00 to 04:00 Monday to Thursday
21:00 to 05:00 Friday & Saturday
21:00 to 03:00 Sunday

Extended hours on Bank Holiday weekends, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday and Easter Sunday.

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

Supply of alcohol

21:00 to 04:00 Monday to Thursday
21:00 to 05:00 Friday & Saturday
21:00 to 03:00 Sunday

Extended hours on Bank Holiday weekends, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday and Easter Sunday.

Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

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

21:00 to 04:30 Monday to Thursday
21:00 to 05:30 Friday & Saturday
21:00 to 03:30 Sunday

Extended hours on Bank Holiday weekends, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day, Good Friday and Easter Sunday.

The applicant wishes to remove the requirement for new members not to be admitted to the club for at least 48 hours.

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 Lincolnshire Police. The representation relates to the crime and disorder, public nuisance and risk to public safety. The Police state they are frequently called to the premises for a variety of reasons, including fights and assaults within the premises. The letter is attached as Appendix 2.

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

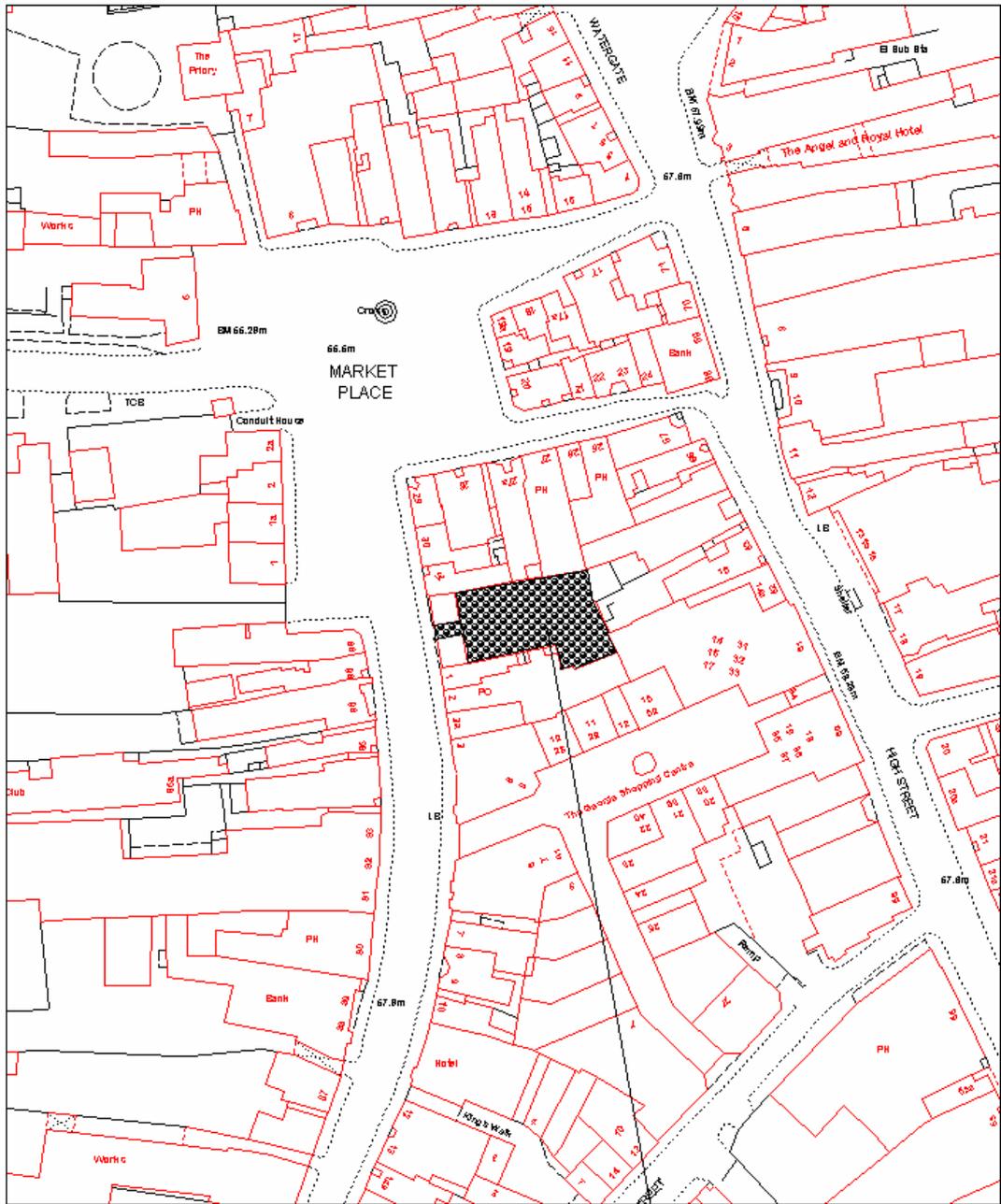
8. CONCLUSION

The application is for a variation of a licence to the activities and operating and activity hours of a Grantham nightclub. The Police have made a representation based on the risk of crime and disorder, public nuisance and risk to public safety.

9. CONTACT OFFICER

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

APPENDIX 1



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CLUB IT
WESTGATE HALL
WESTGATE
GRANTHAM