

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV324**

DATE: **30 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – GRANTHAM MARRIOT HOTEL, SWINGBRIDGE ROAD, 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 Grantham Marriot Hotel and to vary the activity and operating hours, drinking up time and licensable activities, and to remove all embedded restrictions under the Licensing Act 1964. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Grantham Marriot Hotel currently holds a Justice's Licence for retail sale of alcohol on and off the premises; a Supper Hours Certificate; a Special Hours Certificate, a PEL and an Extended Hours Order. Drinking up time is currently 30 minutes. They have applied to vary the activity and operating hours, drinking up time, provide new licensable activities and to remove all embedded restrictions under the licensing Act 1964.

The Police have submitted a letter of representation within the 28 days 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 Grantham Marriot Hotel 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 00:00	Weekdays
12:00 to 23:30	Sundays
12:00 to 23:30	Good Friday
12:00 to 23:30	Christmas Day
11:00 to 00:00	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.

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 Supper Hours Certificate extend the hours of normal permitted hours by one hour as shown above, and between 15:00 and 19:00 on Christmas Day, where alcoholic drinks are served ancillary to music and dancing and substantial refreshment. The Extended Hours Order provides for an extension to the above hours for the sale of alcohol in the restaurant until 01:00 Thursday – Saturday.

The sale of alcohol hours is further extended in certain parts by virtue of the Special Hours Certificate, see below.

The applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. The PEL requires all doors and windows to be kept closed at all times entertainment/music is on. Additional conditions of the current licence are:

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 noon and 1:00 am the following mornings Monday - Saturday.

Standard Condition No.5 (Events held 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 noon and 2:30 pm.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: Lounge: - 88 persons, Board Room – 92 persons, Restaurant – 234 persons, Bar area 420 persons.

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.

The Special Hours Certificate permits the sale of alcohol to 01:00 Thursday to Saturday, where the sale of alcohol is ancillary to the provision of music, dancing and substantial refreshments.

Application for Variation Requiring Committee Determination

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

Films

00:00 to 23:59 Monday to Sunday

Live music

08:00 to 02:00 Monday to Sunday

The premises may vary either the start or the end of the standard hours on up to 15 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily at least 10 days notice, has been provided to both the Police and the Licensing Authority.

Performance of dance

08:00 to 02:00 Monday to Sunday

The premises may vary either the start or the end of the standard hours on up to 15 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily at least 10 days notice, has been provided to both the Police and the Licensing Authority.

Anything of similar description to that falling within those above

08:00 to 02:00 Monday to Sunday

The premises may vary either the start or the end of the standard hours on up to 15 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily at least 10 days notice, has been provided to both the Police and the Licensing Authority.

Provision of facilities for making music

08:00 to 02:00 Monday to Sunday

The premises may vary either the start or the end of the standard hours on up to 15 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily at least 10 days notice, has been provided to both the Police and the Licensing Authority.

Provision of facilities for dancing

08:00 to 02:00 Monday to Sunday

The premises may vary either the start or the end of the standard hours on up to 15 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily at least 10 days notice, has been provided to both the Police and the Licensing Authority.

Provision of facilities for entertainment of a similar description to that falling within those above

08:00 to 02:00 Monday to Sunday

The premises may vary either the start or the end of the standard hours on up to 15 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily at least 10 days notice, has been provided to both the Police and the Licensing Authority.

Late night refreshment

23:00 to 02:00 Monday to Sunday

On New Years Eve in line with the converted right late night refreshment may be provided without limitation.

Supply of alcohol

07:30 to 02:00 Monday to Sunday

The premises may vary either the start or the end of the standard hours on up to 15 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily at least 10 days notice, has been provided to both the Police and the Licensing Authority.

Drinking up time: an additional 40minutes, to allow 60 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:

07:00 to 03:00 Monday to Sunday

In accordance with the converted right, the premises may be open to the public without restriction for non licensable activities/purposes.

The applicant wishes to remove all embedded restriction of the Licensing Act 1964.

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 proposed variation to hold special events with prior consultation with the Police of between 2 and 10 days. The Police advise this is not allowed under the provisions of the Act, and the Police will not be able to plan for the events. 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 activity and operating hours of a Grantham Marriot Hotel. The Police have made a

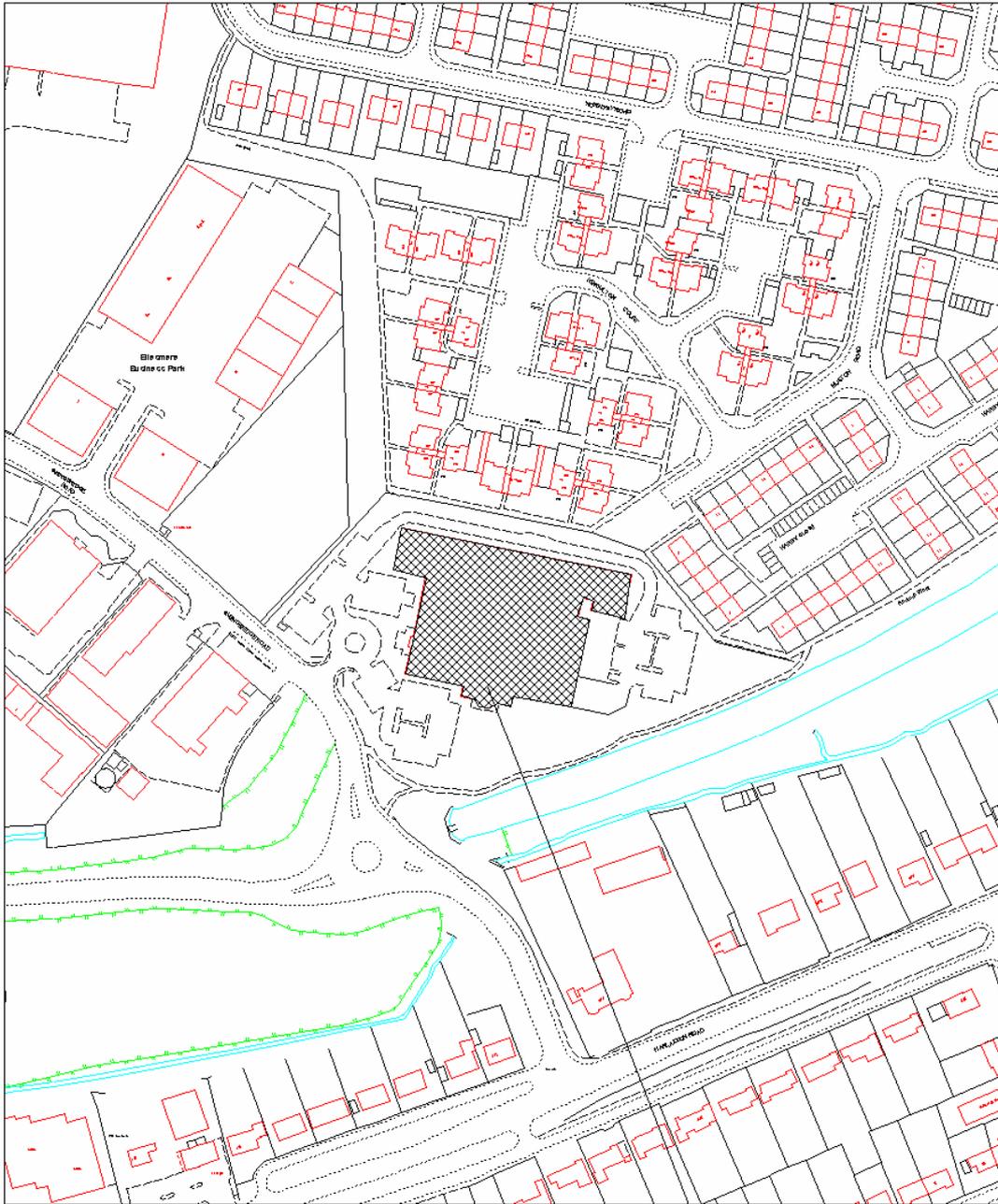
representation based on the proposed variation to circumvent the requirements of Temporary Events Notices.

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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GRANTHAM MARRIOTT,
SWINGBRIDGE ROAD, GRANTHAM.