

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV322**

DATE:                 **30 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – MARQUIS OF GRANBY, 27 ABBEY ROAD, 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 activity and operating 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Marquis of Granby public house 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 in the activity and operating hours, an additional 10 minutes drinking up time and additional licensable activities.

The Police submitted representations. The letter 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:

#### Live Music

Music from live musicians will be made available on certain nights depending upon demand. It is likely that this will be amplified. The music will be provided in one of the downstairs bars. It is proposed that such music will end no later than the time shown for the end of alcohol sales. Such music would not be provided on a daily basis and so it is not possible to give standard times. The music would not start earlier than 20:00.

On New Year's Eve if there are live musicians provided, they would end at 02:00.

#### Anything similar to live music, recorded music and performances of dance

The entertainment will end no later than the last time for providing alcohol and commence no earlier than 20:00. There will be no standard timings as it will be provided on a demand led basis.

On New Year's Eve such entertainment would be provided until one hour before the end of alcohol provision.

#### Provision of facilities for making music

The entertainment will end no later than the last time for providing alcohol and commence no earlier than 20:00. There will be no standard timings as it will be provided on a demand led basis.

On New Year's Eve such entertainment would be provided until one hour before the end of alcohol provision.

### Provision of facilities for dancing

The entertainment will end no later than the last time for providing alcohol and commence no earlier than 20:00. There will be no standard timings as it will be provided on a demand led basis.

On New Year's Eve such entertainment would be provided until one hour before the end of alcohol provision.

### Late night refreshment

11:00 to 01:00	Monday to Sunday
11:00 to 03:30	New Year's Eve

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

### Supply of Alcohol

11:00 to 00:00	Monday to Sunday
11:00 to 04:00	New Year's Eve

Drinking up time: drinking up time will increase from 10 minutes to 30 minutes 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:

11:00 to 01:30	Sunday to Monday
11:00 to 04:30	New Year's Eve

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 representation from the Police. They state in their letter that the applicant has agreed to amend their alcohol hours as follows:

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

The premises will close 30 minutes after the sale of alcohol but the doors of the premises will close to entry or re - entry at 00:00 on Friday and Saturday. We have not yet received the applicant's confirmation.

**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 activity and operating hours, drinking up time and licensable activities. The Police submitted a letter of representation.

**9. CONTACT OFFICER**

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

APPENDIX 1



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 South Kesteven District Council LA079421 2000

THE MARQUIS OF GRANBY,  
 27 ABBEY ROAD, BOURNE.

