

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV321**

DATE: **30 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE DANISH INVADER, EMPINGHAM ROAD, 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 and a Public Entertainment Licence at a public house and to vary the activity hours and operating hours, drinking up time and include new licensable activities. Further to remove embedded restrictions. The application is attached at Appendix 1, together with a map of the premises.

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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Danish Invader public house currently holds a Justice's Licence for retail sale of alcohol for consumption either on or off the premises and a Public Entertainment Licence for the provision of public dancing or music or any other public entertainment of a like kind. Drinking up time is currently 20 minutes. They have applied for a variation in activity and operating hours and an additional 10 minutes drinking up time and to include new licensable activities. In addition, the applicant wishes to remove all embedded restrictions inherent in the licensing Act 1964 and the Cinematograph (Safety) Regulations 1955.

The Council received 1 letter of representation from the Police. The letter was received 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 between the hours of:

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.

The Justices Licence conditions refers to a Special Hours granted in 1982, as the certificate has not been provided with the application it has not been taken into account.

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 applicant holds a Public Entertainment Licence for public dancing or music or any public entertainment of a like kind. The PEL is issued subject to the following conditions:

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 11:00 am and 11:00 pm Monday to Thursday, 11:00 am and midnight Friday to Saturday.

Standard Condition No 5 – (Events Held on Sundays) – The premises shall not be kept or used for public music or dancing or public entertainment of a like kind except between the hours of 12:00 noon and 10:30pm

Standard Condition No.58 & 59 – (Prevention of Noise Nuisance) – It is emphasised that the use of the premises for public entertainments should not cause nuisance to nearby residential properties. The noise limiting device installed should be set and put into operation as recommended in the Acoustic Report dated December 1999 and all windows, doors and fire exits should be kept closed during times of entertainment.

Standard Condition No.7 (Maximum Occupancy Figure) - The fire officer has prescribed the following occupancy figure: 200 persons - whole premises

Application for Variation Requiring Committee Determination

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

Films

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday
10:00 New Year's Eve to 00:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Indoor sporting events

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday
10:00 New Year's Eve to 00:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Live music

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday

Recorded music

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday
10:00 New Year's Eve to 00:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Entertainment similar to live music, recorded music, and performance of dance

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday
10:00 New Year's Eve to 00:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Provision of facilities for making music

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday
10:00 New Year's Eve to 00:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Provision of facilities for dancing

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday
10:00 New Year's Eve to 00:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Supply of alcohol

10:00 to 00:00 Sunday to Thursday
10:00 to 01:00 Friday and Saturday
10:00 New Year's Eve to 00:00 New Year's Day
10:00 to 01:00 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

Drinking up time: drinking up time is increased by 10 minutes to 30 minutes after the last permitted sale of alcohol.

In order to accommodate the above variations, the premises opening times will be:

10:00 to 00:30 Sunday to Thursday
10:00 to 01:30 Friday and Saturday
10:00 New Year's Eve to 00:30 New Year's Day
10:00 to 01:30 the following morning on bank holiday weekends, Christmas Eve and Boxing Day.

The applicant wishes to remove all embedded restrictions inherent in the Licensing Act 1964, and the Cinematograph (Safety) Regulations 1955.

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 is a letter of representation from the Police. They object to the applicant supplying alcohol until 01:00 Sunday to Thursday. They state that they have agreed with the applicant to revise the alcohol hours to 00:00 every day except only when the Function Room at the premises holds a private party (upon 3 weeks notice to Police) in which case the hours will extend to 01:00 on Friday and Saturday.

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

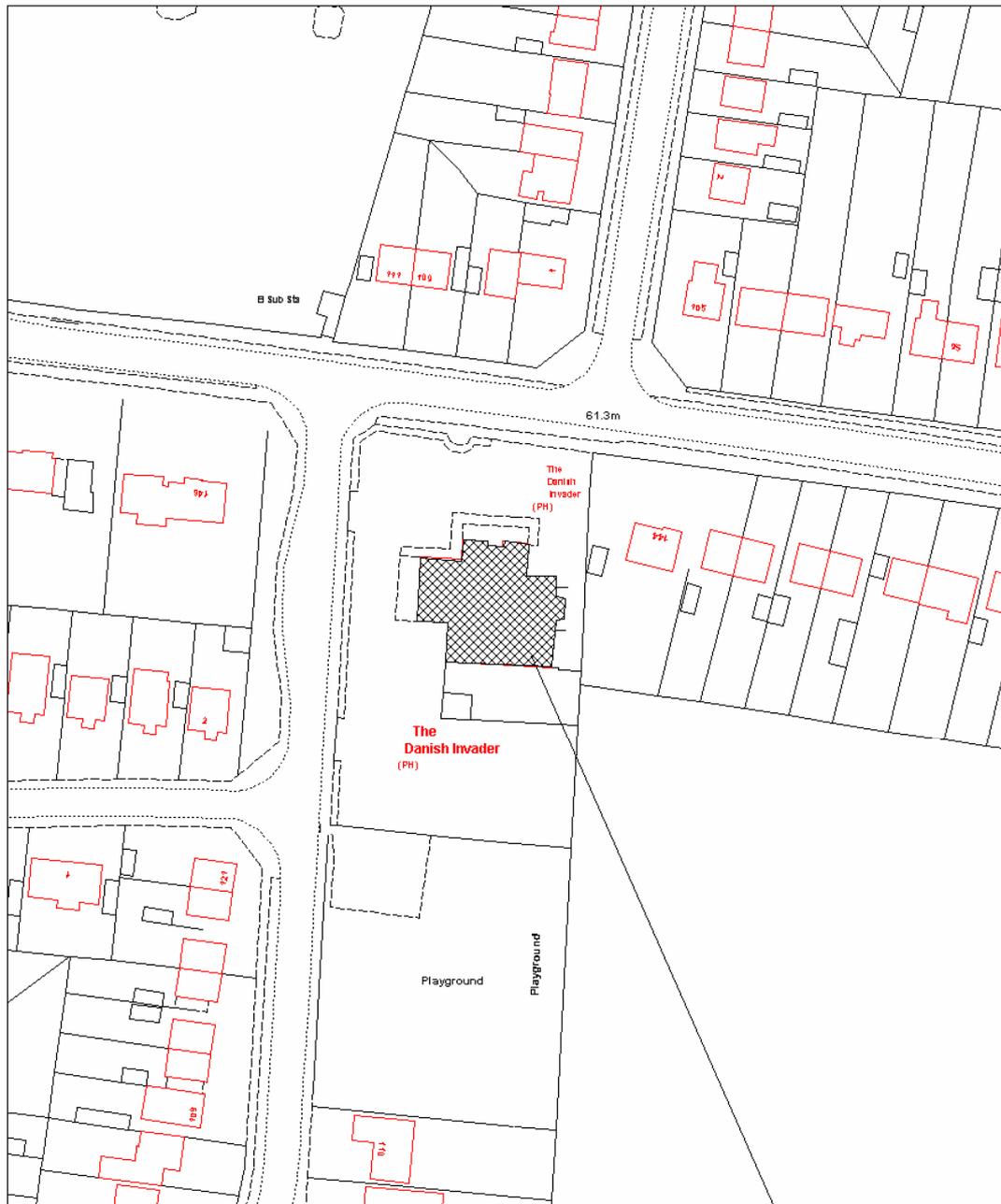
8. CONCLUSION

The application is for the conversion of an existing Justices' Licence and a Public Entertainment Licence at a Stamford public house and to vary drinking up time, the activity hours and operating hours. The Police made representations which will be withdrawn when the applicant confirms their acceptance in writing.

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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South Kesteven District Council LA079421 2000

THE DANISH INVADER INN,
EMPINGHAM ROAD, STAMFORD.