

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO.         **ENV327**

DATE:                 **30 SEPTEMBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – TODDS,13 MARKET PLACE, MARKET DEEPING
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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Todd's 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, an additional 25 minutes drinking up time and additional licensable activities.

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:

#### Entertainment similar to live music, recorded music or performances of dance

09:00 to 01:00	Monday to Saturday
10:30 to 00:00	Sunday

***(Note: It appears that the applicant had intended to have the licensable activity on when major sporting events are showing on television. However, apart from merely stating this intention they have not carried it out by including it in their non standard timings i.e. specifying the events and to what extent the standard timings will be varied. Therefore, it will not be considered when dealing with the proposed variations)***

#### Late night refreshment

23:00 to 01:00	Monday to Saturday
23:00 to 00:00	Sunday

New Year's Eve: 23:00 to 01:00 2<sup>nd</sup> January

***(Note that this proposed variation may not be acceptable as it has the effect of including times that late night refreshment is not available as a licensable activity under the Act)***

#### Supply of Alcohol

09:00 to 01:00	Monday to Saturday
10:30 to 00:00	Sunday

New Year's Eve: 23:00 to 01:00 2<sup>nd</sup> January

Drinking up time will increase by 25 minutes to 45 minutes.

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

09:00 to 01:45 Monday to Saturday  
09:00 to 01:45 Sunday

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 state that they have no objections to the hours proposed by the applicants provided that SIA registered door staff are deployed on Friday and Saturday nights in line with current PEL conditions. The applicant has confirmed telephonically that he had a discussion with the Police and he agrees with their proposals.

**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 Market Deeping town centre public house and to vary the permitted hours, drinking up time and licensable activities. There was a letter from Police in which they state that they have agreed with the applicant to deploy door staff on Friday and Saturday nights. The applicant confirmed his agreement by telephone.

## **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

TODDS  
13 MARKET PLACE  
MARKET DEEPING