

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV274**

DATE: **7 OCTOBER 2005**

TITLE:	THE LICENSING ACT 2003 APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE –CENTRAL NIGHT CLUB, 9 SILVER LANE 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, Special Hours Certificate and Public Entertainment Licence, at a nightclub and to extend the operating and activity hours. 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the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.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 Central Night Club currently holds a Justice's Licence for the retail sale of alcohol, on and off the premises. A Special Hours Certificate for the provision of music and dancing and substantial refreshment, to which the sale of intoxicating liquor is ancillary and a Public Entertainment Licence is also held for the provision of public dancing or music or any other public entertainment of a like kind. Drinking up time is currently 30 minutes. They have applied for a variation in operating and activity hours.

The Council received representations from 43 (some of which were made jointly) local residents' addresses as interested parties. The representations are attached as Appendix 2.

In summary the interested parties are objecting to an extension of the hours, arguing that the variation will promote public nuisance, crime and disorder and harm to children.

The Police have also raised objections. This is also 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 Arrangements

The nightclub 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.

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

Further, there is a Special Hours Certificate that extends these hours to 12 midnight on Sundays, 12.30 am on Easter Sunday and 2.00 am on Bank Holiday Sundays. The Public Entertainment Licence is issued, subject to the Standard terms and conditions and the following additional 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 8.00 pm and 2.00 am the following morning Monday – Thursday 8.00 pm and 2.30 am the following morning Friday and Saturday and noon and 12.30 am the following morning Sundays.

Standard Condition No 5 (Events held on Sundays – Bank Holidays): Where the following Monday is a Bank Holiday, the times of entertainment on the Sunday are extended until 2.00 am the following morning, except Easter Monday.

Standard Condition No 7 (Maximum Occupancy Figure): The fire officer has prescribed the following maximum occupancy figures: First Floor – 600 persons, Ground Floor – 200 persons.

Additional Safety Requirements: A CCTV system shall be installed and operated within the premises and to footpaths and car parks outside the premises within 50 metres of the entrance/exits to the satisfaction of the Police.

Standard Condition No 52 (Special Effects Equipment): Permission is granted for the use of a smoke machine in accordance with manufacturers instructions and any additional requirements from the fire officer.

Additional Condition to Prevent Noise Nuisance: All doors to the ground floor bar area shall be closed at 11.30 pm except for use in the event of an emergency.

Standard Condition No 36: An additional steward shall be employed to steward the stairway between the ground floor and first floor areas, and shall monitor occupancy in accordance with the written system of operation to prevent overcrowding.

Standard Condition Numbers 58 & 59 (Measures to reduce noise levels when people leave): Between the hours of 2.00 – 2.30 am the volume and tempo of music shall be reduced to achieve a ‘winding down’ towards the end of the session as favoured by the Portman Group report entitled “Keeping the Peace” published in 1998.

Application for Variation requiring Committee Determination

The applicant has applied for a variation to extend the hours and permit regulated entertainment (films, live music, provision of facilities for making music, provision of facilities for dancing) and supply of alcohol every day from 11:00 to 03:00.

Further, the applicant has applied for the following non – standard timings:

New Year’s Eve: from the start of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

An additional hour to the standard and non – standard times when British Summertime commences.

In order to accommodate the above variations, the premises opening times will be 11:00 to 03:30 every day, with the following non standard timings:

New Year’s Eve: from the start of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

An additional hour to the standard and non – standard times when British Summertime commences.

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 letters of representations from interested parties as follows:

Occupant	1 St Peter's Vale, Stamford
PM Stean	1 Barn Hill Mews, Stamford
Jean Orpin	1 St Peter' Street Stamford
Paul Eastwood	2 Rutland Terrace
Jane Eastwood	2 Rutland Terrace
Olivia Daffodn	2 Rock Terrace
Carol Meads & John Hopson	2 St Peter's Hill
Christopher O Sims	2 All Saints Mews Stamford
Keith & Ann Ellis	2 Barn Hill Mews, Stamford
Occupant	3 Rutland Terrace, Stamford
Dr David Langridge	3 Exeter Court, Stamford
Margaret ? ? ?	3 All Saints' Place Stamford
L Gwinnel	4 St Peter's Court ,Stamford
Miles & Mary Napier	5 Rutland Terrace, Stamford
Fiona Wheatley	6 St Peter's Hill, Stamford
Dr Graham Wheatley	6 St Peter's Hill, Stamford
Gwen Thompson	6 Rutland Terrace, Stamford
Graham Thompson	6 Rutland Terrace, Stamford
Allan & Marilyn Buckley	8 Rock Terrace, Stamford
Ian Robertson	9A St Peter's Street,Stamford
Peter & Julia Walker	9 Barn Hill, Stamford
Richard & Jenny Barry	10 Barn Hill, Stamford
Dr MHI Wright	10 Rutland Terrace,Stamford
James Parsons	11 St Peter's Hill, Stamford
James Davies	12 St Peter's Street Stamford
Deanna Davies	12 St Peter's Street,Stamford
Mr & Mrs Hopkinson &	12 Barn Hill Stamford
Mrs Evans Golden	15 Barn Hill, Stamford
Mrs Glenda Parsley	16 Barn Hill, Stamford
Shirley & Ken McKay	16 All Saints Street,Stamford
Philip & Jane Hainey	16 Bath Row Stamford
Dr Graddon Rowlands	35 St Peters Street Stamford
BP Thornley	35 Torkington Gardens,Stamford
Marie ?? ??	44 Torkington gardens, Stamford
John Pini	38 St Peters' Street, Stamford
J Cornwell	70 Scotgate ,Stamford
John 7 Janice Kellas- Kelly	Austin Street, Stamford
Nicky Lambert	Austin Street Stamford
TE Story	Barn Hill, Stamford
Rosalind & Charles Hussey	Stamford
David Lankester	Stamford
Mrs Christine Caldecott	Stamford
Pam Sharp	Stamford
Philipa Barney	Stamford
Anonymous	Stamford

In summary the interested parties are objecting to an extension of the hours, arguing that the variation will promote public nuisance, crime and disorder and harm to children.

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 variation of licence conditions to the operating and activity hours of a Stamford nightclub, close to a residential area. There are representations from interested parties. They argue that extending the hours for the applicant will have a negative impact on some of the licensing objectives.

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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CENTRAL NIGHTCLUB, 9 SILVER LANE,
STAMFORD