



MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

FRIDAY, 16 SEPTEMBER 2005
9.30AM

COMMITTEE MEMBERS PRESENT

Councillor Mrs Bosworth
Councillor Mrs Gaffigan
Councillor Parkin

Councillor Mrs Percival
Councillor Turner (Vice-Chairman)
Councillor Mrs Wheat (Chairman)

OFFICERS

Corporate Manager Democratic & Legal
Services
Committee Support Officer
Environmental Health Manager (Environment)
Environmental Health Practitioner

60. APOLOGIES

Apologies for absence were received from Councillor Howard, Mrs M Radley, H G Wheat and M G Williams.

61. DECLARATIONS OF INTEREST

The following interest was noted: -

Councillor Mrs Percival – personal and prejudicial interest in the application in respect of The Royal Oak, 27 High Street, Swayfield in view of her business connections with the applicants.

62. MINUTES

The minutes of the meeting held on 9th September 2005 were confirmed as a correct record of decisions taken.

The minutes of the meeting held on 12th September 2005 were confirmed as a correct record of decisions taken, subject to the following amendments: -

Minute 56 – the additional hour at “bank holiday weekends” on a Sunday not “holiday periods”;

Minute 56 - condition three delete the words "and live music" (this condition already in at condition one);

Minute 57 – condition two to be varied to read "no outside drinking or music after 10.30pm";

Minute 58 – delete condition six (already in at condition one).

63. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - TESCO STORES, 46-51 HIGH STREET, STAMFORD

Decision:-

1. *That a hearing into the application for transfer and variation to a licence in respect of Tesco Stores, 46-51 High Street, Stamford is unnecessary*

and
2. *That the Head of Environmental Health and Licensing be authorised to take the appropriate action in respect of the licence, in accordance with the schedule of licensing objectives submitted with the application, noting the deletion of the application for twenty-four hour opening.*

The Environmental Health Manager informed the committee that agreement had been reached between the police and applicants in respect of this application, and the part of the application requesting twenty-four hour opening had been deleted. As such he requested that the committee agree that a hearing would be unnecessary and that he be permitted to take appropriate action in respect of the application. It was proposed and seconded accordingly. On being put to the vote the proposition was carried.

64. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE WAGGON AND HORSES, 89 MANTHORPE ROAD, GRANTHAM

Decision:-

1. *That a hearing into the application for transfer and variation to a licence in respect of The Waggon and Horses, 89 Manthorpe Road, Grantham is unnecessary*

and
2. *That the Head of Environmental Health and Licensing be authorised to take the appropriate action in respect of the licence, in accordance with the schedule of licensing objectives submitted with the application, as now varied.*

The Environmental Health Manager informed the committee that the police and

applicants had reached an agreement with regard to the hours of operation of The Waggon and Horses, in that opening on Sunday to Thursday would be twelve midday to twelve midnight and on Friday and Saturday twelve midday to 1am followed in each case by thirty minutes drinking up time. It had also been agreed that doors would be closed at midnight and that there was no application for a licence to broadcast sporting events outside of opening hours. As such it was requested that the committee agree that a hearing would be unnecessary and that he be permitted to take appropriate action in respect of the licence. It was proposed and seconded accordingly and on being put to the vote the proposition was carried.

65. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE WISHING WELL, 21 MAIN ROAD, DYKE

Decision:-

1. *That a hearing into the application for transfer and variation to a licence in respect of The Wishing Well, 21 Main Road, Dyke is unnecessary*

and
2. *That the Head of Environmental Health and Licensing be authorised to take the appropriate action in respect of the licence, in accordance with the schedule of licensing objectives submitted with the application and subject to the varied times as agreed with the police.*

The Environmental Health Manager informed the committee that the police and applicants had reached an agreement over the opening hours for the premises and it had been agreed that the hours for the sale of alcohol would be 11am to 12 midnight on Sunday to Thursday and 11am to 1am the following morning on Friday and Saturday with thirty minutes drinking up time in each case. As such, it was requested that the committee agree that a hearing would be unnecessary and that he be permitted to take appropriate action in respect of the licence. It was proposed and seconded accordingly and on being put to the vote the proposition was carried.

(9.43am – Councillor Mrs Percival left the meeting, having declared an interest).

66. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE ROYAL OAK, 27 HIGH STREET, SWAYFIELD

Decision:-

That the application for conversion and variation to a licence in respect of The Royal Oak, 27 High Street, Swayfield be agreed as submitted for the following hours for the sale of alcohol:-

08.00hrs to 00.00hrs – Sunday to Thursday

08.00hrs to 01.00hrs – Friday and Saturday

and subject to thirty minutes drinking up time, and subject also to the following conditions:-

- 1. That the extension of hours in section “M” be for bona fide residents only and that “personal guests” be excluded;*
- 2. That there shall be no outside music played after 10pm on any evening;*
- 3. That any music/entertainment on the inside of the premises shall cease on the close of alcohol sales;*
- 4. There shall be no outside drinking after 10.30pm on any evening.*

Note – applicant to be asked to provide suitable notices requesting customers to leave the premises quietly.

The committee had before them the Head of Environmental Health and Licensing’s report ENV279 in relation to an application for conversion and variation to a licence for The Royal Oak, 27 High Street, Swayfield. A full copy of the application was attached at appendix one together with a plan showing the location of the premises. Representations from the police and two interested parties were attached at appendix two.

Present at the meeting were representatives of the police (PC Stanley) and an objector. The applicant was not present. The Environmental Health Manager, in introducing the report, drew attention to the objections which had been received, and the representations from the police.

PC Stanley commented on the application and drew attention to the police request for the exclusion of “personal guests” from within the section on non-standard timing in the section “M” of the application and asked that this be excluded as it was imprecise and not capable of definition.

The Committee then heard representations from Mrs S Pontin of 40 High Street, Swayfield in relation to her objection to the application. During the ensuing discussion, and questions to the objector, it was confirmed that music was occasionally played outside the premises.

The Environmental Health Manager summed up his report, following which the officers, objector and police then left the room.

During the ensuing general discussion on the application, members discussed the police request and it was agreed to support it. It was then proposed and seconded that the application be approved as applied for, subject to the conditions mentioned and subject also to a note regarding consideration to local residents when leaving the premises, and with an explanation that the licence was reviewable in the light of any problems. On being put to the vote, the proposition was agreed.

The officers, objector and police then returned to the meeting, and were advised of the decision, as noted above. The Corporate Manager also advised the objector that the decision could be reviewed at any time by any interested party.

(10.20am – Councillor Mrs Percival returned to the meeting).

67. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE WHISTLE STOP, MAIN ROAD, TALLINGTON

Decision:-

That the application for conversion and variation to a licence in respect of The Whistle Stop, Main Road, Tallington be agreed as submitted for the following hours for the sale of alcohol:-

11.00hrs to 00.00hrs – Monday to Thursday

11.00hrs to 01.00hrs – Friday and Saturday

11.00hrs to 00.00hrs – Sunday

and subject to thirty minutes drinking up time, and subject also to the following conditions:-

- 1. There shall be no admission or re-admission to the premises after twelve midnight on any day;*
- 2. That the non standard timings listed in section “M” be not granted;*
- 3. That there be no outside music or entertainment after 10.30pm.*

The committee had before them the Head of Environmental Health and Licensing's report ENV281 in relation to an application for conversion and variation to a licence for The Whistle Stop, Main Road, Tallington. A full copy of the application was attached at appendix one together with a plan showing the location of the premises. Comments from Lincolnshire Police and representations from Tallington Parish Council were attached at appendix two.

The Environmental Health Manager introduced the report and said that agreement had been reached between the police and applicant in relation to timings for alcohol sales, although confirmation had not yet been received from the applicant. PC Stanley attended the meeting and confirmed that the applicant had been spoken to and had agreed amendments to restrict the sale of alcohol on Friday and Saturday to 1am instead of 2am.

The applicant was not present and the Corporate Manager confirmed the agreement in relation to the police representations with PC Stanley.

The officers and police representative then left the meeting.

The committee then discussed the application and it was proposed and seconded that it be agreed as varied. On being put to the vote the proposition was agreed. The officers and police representative then returned to the meeting and were advised of the decision, as noted above.

(The meeting adjourned from 10.35am to 10.52am).

68. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE HOLE IN THE WALL AND CHARLIE'S NIGHTCLUB, 5 CHEYNE LANE, STAMFORD

Decision:-

That the application in respect of The Hole in the Wall and Charlie's Nightclub, 5 Cheyne Lane, Stamford be agreed, subject to varied hours for the sale of alcohol as follows:-

*11.00hrs to 02.00hrs – Thursday, Friday, and Saturday
11.00hrs to 00.00hrs – Sunday to Wednesday*

and subject to thirty minutes drinking up time, and also to a condition requiring that all external windows shall be kept closed when regulated entertainment is being provided, except in the case of an emergency.

The committee had before them the Head of Environmental Health and Licensing's report ENV278 in relation to an application for conversion and variation to a licence for The Hole in the Wall and Charlie's Nightclub, 5 Cheyne Lane, Stamford. A full copy of the application was attached at appendix one together with a plan showing the location of the premises. A number of representations from nearby residents and comments from Lincolnshire Police were attached at appendix two. Circulated to members at the meeting was a page with further details of the application, which had been omitted from the report originally circulated to members.

The Corporate Manager introduced the application and clarified who would be speaking for the applicants. It was noted that the police representative was present but that there were no local residents who had commented.

The applicant was present at the meeting, accompanied by Counsel, and the Chairman sought and received confirmation from the applicants that they had received and understood the procedure to be followed.

In introducing the report the Environmental Health Manager drew the attention of members to the proposed hours of operation and other variations from the existing situation. He reminded members that the public entertainment licence current at the time of the application would be converted if this application was approved. He also drew the attention of members to the representations included at appendix two to the report.

The applicant's representative, on behalf of the applicant, said that they were

content with the police comments regarding hours and agreed that here was an advantage in staggering closing times from a public order point of view to provide flexibility to assist in policing of the town at closing times. The applicant confirmed that he had been licensee of the premises since 1992 and that no problems had been experienced with any of the public authorities, such as planning, police or licensing.

The police representative confirmed no objection to the amended hours of 2am (plus thirty minutes drinking up time) on Friday, Saturday and Sunday.

The applicant's representative addressed the committee on the matter of the objectors. He produced and circulated maps showing the premises and the location of the objectors, pointing out that these were not close to The Hole in the Wall and there were many other licensed premises nearer to the objectors' location. Significantly there had been no objection from residents near to The Hole in the Wall. He suggested that the objections were immaterial to the applicant and his case.

Members asked questions of the applicant in relation to numbers permitted in Charlie's Nightclub and in The Hole in the Wall, and in relation to CCTV and door staff.

The Environmental Health Manager summed up the report, pointing out that agreement had been reached over the timing of alcohol sales, and asked the committee to determine the application. The applicant's representative said that he had nothing to add, other than to point out that the applicant was a very experienced licensee who had operated for more than ten years in the area with no problems.

The Corporate Manager clarified the hours and other suggested conditions and the applicants, officers and police representative then left the room.

During the ensuing general discussion on the application, it was proposed and seconded that the application be approved, as varied, and subject to the conditions mentioned. On being put to the vote the proposition was agreed.

The applicants, officers and police then returned to the meeting and were advised of the decision, as noted above.

69. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE WHITE HORSE, 27 CHURCH STREET, MARKET DEEPING

Decision:-

That the application in respect of The White Horse, 27 Church Street, Market Deeping, as submitted, be agreed subject to varied hours for the sale of alcohol as follows:-

11.00hrs to 00.00hrs – Monday to Saturday

12.00hrs to 00.00hrs – Sunday

and subject to twenty minutes drinking up time, and to the removal of non-standard timings.

The committee had before them the Head of Environmental Health and Licensing's report ENV289 in relation to an application for conversion and variation to a licence for The White Horse, 27 Church Street, Market Deeping. A full copy of the application was attached at appendix one together with a plan showing the location of the premises. Representations from Lincolnshire Police were attached at appendix two.

The applicant was not present at the meeting and, following a brief introduction of the application from the Environmental Health Manager, the police representative confirmed the objection to the non-standard timings as specified in the application. It was the police view that these should be covered under Temporary Event Notices.

The officers and police representative then left the meeting. The committee then discussed the application and it was proposed and seconded that the application be agreed with the omission of the non standard timings. On being put to the vote the proposal was agreed.

The officers and police representative then returned to the meeting and were advised of the decision, as noted above.

70. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE PUNCHBOWL, 21 SCOTGATE, STAMFORD

Decision:-

That the application in respect of The Punchbowl, 21 Scotgate, Stamford be agreed in accordance with the amended application as circulated at the meeting, subject to varied hours for the sale of alcohol as follows:-

11.00hrs to 00.00hrs – Monday to Sunday

and subject to thirty minutes drinking up time, and to withdrawal of the non-standard timings part of the application.

Note – applicant be asked to display a suitable notice requiring customers to show consideration to local residents when leaving the premises.

The committee had before them the Head of Environmental Health and Licensing's report ENV291 in relation to an application for conversion and variation to a licence for The Punchbowl, 21 Scotgate, Stamford. A full copy of the application was attached at appendix one together with a plan showing the location of the premises. A significant number of objections from local residents were attached as appendix two.

The Corporate Manager introduced the application and clarified who would be speaking for the applicants. It was noted that there was no representative from the police present but a local resident attended on behalf of other local residents.

The Chairman, in introducing the application, sought and received confirmation from the applicants that they had received and understood the procedure to be followed.

In introducing his report, the Environmental Health Manager drew the attention of members to the proposed hours of operation and to the special events listed in section "M" of the application, and also mentioned the forty objections which had been received from local residents.

The applicants then presented their case, advising the committee that the application had been amended and the hours for the sale of alcohol had been reduced from 2am to twelve midnight with the addition of thirty minutes drinking up time. Reference was made to the forty letters of objection which had been received and the applicants asked the committee to consider the location of many of the objectors. It was pointed out that some appeared to be several streets away from the application premises and there was only one specific objection related to the premises. The applicants considered that their application suffered from unsubstantiated objections which were in the main related to other premises nearer to the centre of the town. No complaints had been made relating to patrons of The Punchbowl, and they had never had to call for the police in relation to any noise or nuisance from the premises. Nevertheless, they had amended the application in an attempt to reduce the effect of the suggested problems. It was confirmed that all windows and doors would be kept closed after 10.30pm when entertainment was being provided. In conclusion the applicants said that the premises were more of a wine bar and had a more mature clientele. There was no apparent problem with underage drinking and they operated a responsible pricing structure with no special offers which would encourage "binge" drinking.

The committee then heard representations from Mr R Barry of Barn Hill, Stamford, on his own behalf and on behalf of other local residents. Mr Barry said that he appreciated the changes made by the applicants in an attempt to alleviate the effect of problems allegedly coming from their premises. He pointed out that there were twelve pubs and seven takeaways within a hundred and fifty metres band of The Barn Hill/Scotgate area. There was considerable traffic to and from the pub but he accepted that it could not all be related to The Punchbowl directly. He suggested as a compromise that there would be less problems if premises closed, including drinking up time, at twelve midnight. Also referred to was a letter from an objector who was unable to be present which reiterated many of the points raised.

The Environmental Health Manager summed up his report and asked members to consider the application as varied by an e-mail from the applicants which was circulated to those present at the meeting. It was also suggested that the committee might consider removal of the section of the application relating to

non-standard timings and special events.

The applicant summed up and accepted the representations which had been made. He confirmed that they would have no objection to the removal of the non-standard timings element of the application.

The Corporate Manager clarified the position with the applicants and objector in relation to matters which the committee was considering and the applicants, officers and objector then left the room.

During the ensuing general discussion, it was proposed and seconded that the application be approved as varied, subject to the conditions mentioned. On being put to the vote the proposition was agreed.

The applicants, officers and objector then returned to the meeting and were advised of the decision, as noted above.

The Corporate Manager also advised the applicant and objector that the decision could be reviewed at any time by any interested party.

71. CLOSE OF MEETING

The meeting closed at 12.13p.m.