



MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE FRIDAY, 4 NOVEMBER 2005

COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth
Councillor Mrs Joyce Gaffigan
Councillor Reginald Howard
Councillor Alan Parkin
Councillor Mrs Angeline Percival

Councillor Frank Turner (Vice-Chairman)
Councillor Graham Wheat
Councillor Mrs Mary Wheat (Chairman)
Councillor Mike Williams

OFFICERS

Head of Environmental Health and Licensing
Environmental Health Practitioner
Committee Support Officer
Trainee Democratic Support Officer

P.C. Stanley

141. APOLOGIES.

Apologies for absence were received from Councillors Mrs. Radley and Mrs. Jalili

142. DECLARATIONS OF INTEREST.

There were none declared.

143. MINUTES OF MEETING HELD ON 21ST OCTOBER 2005

The minutes of the meeting held on 21st October 2005 were confirmed as a correct record of the decisions taken.

144. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE GOLDEN FLEECE, SHEEPMARKET, STAMFORD

Decision: -

- 1. That a hearing into the applications for variation and transition of a licence in respect of The Golden Fleece, Sheepmarket, Stamford is unnecessary;*

and

- 1) *That the Head of Environmental Health and Licensing be authorised to take the appropriate action in respect of the licence subject to the agreement between applicant and objector.*

The Head of Environmental Health and Licensing informed the Committee that objections to the above application had been withdrawn, following negotiations between the complainant and the applicant. The application would instead be for the transition of a license for the Golden Fleece, Sheepmarket Stamford, with additional conditions, as noted above. The Head of Environmental Health and Licensing requested that the Committee agree no hearing would be necessary and authorise him to take appropriate action in respect of the license. It was proposed and seconded accordingly and on being put to the vote, the proposition was carried.

145. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE MAMBO BAR, WESTGATE, GRANTHAM

Decision:-

That a transition licence be granted in respect of The Mambo Bar, Westgate, Grantham, subject to existing conditions, for the following:

Sale of Alcohol

<i>11:00 to 23:00</i>	<i>Monday and Tuesday</i>
<i>11:00 to 02:00</i>	<i>Wednesday to Saturday</i>
<i>12:00 to 00:30</i>	<i>Sundays</i>

Sundays preceding a Bank Holiday Monday (excluding Easter Monday), the sale of alcohol is permitted until 02.00.

And subject to 20 minutes drinking up time.

Public Music/Dancing/Public Entertainment

<i>11:00 to 23:00</i>	<i>Monday and Tuesday</i>
<i>11:00 to 02:00</i>	<i>Wednesday to Saturday</i>
<i>12:00 to 00:30</i>	<i>Sundays</i>

Sundays preceding a Bank Holiday Monday (excluding Easter Monday), Public Music/Dancing/Public Entertainment is permitted until 02.00.

The Head of Environmental Health and Licensing stated that the application in respect of The Mambo Bar, Westgate, Grantham had been deferred from a previous meeting on 30th September 2005 pending clarification of the licensing position. Since that time the applicant had provided evidence of a Special Hours Certificate and a Public Entertainment Licence. The applicant had also withdrawn variations requested to the licence and requested a transition including grandfather rights. The Head of Environmental Health and Licensing asked the Committee to consider whether a hearing was necessary. It was duly proposed and seconded that no hearing was required. On being put to the vote, the proposition was carried.

146. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE, THE ROYAL OAK, MARKET PLACE, GRANTHAM

Decision:-

- 1. To grant the transition of the Licence (including grandfather rights), in respect of the Royal Oak, 27 Market Place Grantham;*
- 2. That the requested variations be refused on grounds of concerns in relation to the prevention of crime and disorder, as referred to by the police, and prevention of public nuisance*
- 3. That the police should monitor incidents at the Royal Oak;*
- 4. That a written report should be requested from the fire authority, in relation to the removal of old condition 52 on the use of smoke machines.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV 280 in relation to an application for conversion and variation to a licence for The Royal Oak, 27 Market Place, Grantham, adjourned from 12th September 2005. A full copy of the application was attached at appendix one in the agenda for that meeting, a map of the premises was circulated at the meeting, and representations received from the police and an interested party were attached at appendix two.

The Committee Support Officer, in introducing the application, clarified the speakers present and who would be speaking for the applicants. It was noted that there was a representative of the police present and an interested party who had previously indicated he wished to speak. The Chairman sought and received confirmation that the applicant and his representative had received and understood the procedure to be followed.

The Head of Environmental Health and Licensing introduced his report and drew attention to the hours that had been applied for including additional times at Christmas and New Year, a representation received from the police concerning crime and disorder and a letter from an interested party concerning noise nuisance. He also advised the Committee that the application included a request to withdraw Condition 52 of the old conditions, concerning the use of a smoke machine on the premises.

The applicant's representative stated that the applicant and been responsible for the Royal Oak for four years, had attended many courses and was a member of Pubwatch. He reminded the Panel that no representations had been received from Environmental Health or the Fire Authority. He stated that the police had agreed amended times for the sale of alcohol, live music and dancing (included in a letter in appendix two), before the hearing had been adjourned. The premises had CCTV cameras and door staff, and operated a challenge 21 policy.

The Head of Environmental Health and Licensing sought confirmation that the smoke would not set off smoke detectors, given the limited points of egress from the premises. The applicant stated that the smoke would be used for effect and stated that there was good ventilation and extraction on the premises. The applicant stated that when discussing a fire risk assessment he had discussed the possible use of a smoke machine with the fire officer and no objection had been made. Smoke would be for intermittent periods and would be used to create a light haze. The Committee asked the applicant about noise emanating from the premises. The applicant stated that a noise-limiting device had been fitted and there was a policy of keeping all doors and windows closed (except for access and egress). Planning application had been applied for concerning modifications to the premises, which would mean sound-generating equipment would be moved to the back of the premises. Development plans also

included the installation of a fire safety corridor

The representative of Lincolnshire Police stated that they opposed any extension to the hours of operation. He stated that since May 1994 there had been 25 incidents that could be attributed directly to the premises. He stated that the majority of the incidents happened between 23:00 and 02:00. The Head of Environmental Health and Licensing asked the police representative to confirm that they would support no increase in hours. The representative stated that a colleague no longer attached, had made the agreement with the applicant. The police representative was asked whether the proposed smoke would have an adverse effect on CCTV footage; it was felt that it would. The applicant questioned the police representative on comparative figures of other premises in the area, and none were available. The Committee considered the incidents and asked where they had been recorded. They were concerned that no further representation had been received from the police communicating that they were unhappy with the agreement that was made.

The objector stated that nuisance from excessive sound continued. Various questions were then asked, and the objector stated that noise nuisance was worst later at night and in the summer months, when doors and windows were kept open. The objector had contacted the applicant on several occasions, but noise nuisance had not abated.

In summing up, the Head of Environmental Health and Licensing suggested that careful consideration should be given to the discrepancies between the written representation received from the police and the verbal representation made at the meeting.

The applicant summed up, reminding the committee that an agreement had been previously arranged with the police and stated that the number of incidents was not egregious in comparison with other establishments who were open for less nights.

The Committee Support Officer confirmed that the representative of the police present at the meeting would not approve any increase in hours. The applicant, representative, police, objector and officers left the room.

The Committee considered the application in detail and it was proposed, seconded and agreed that the application for transition be approved but the application for variation be denied on grounds of concerns in relation to the prevention of crime and disorder, as referred to by the police and the prevention of public nuisance. The Committee felt that insufficient evidence had been presented and requested that the police should monitor incidents at the Royal Oak. They also stated that they required written confirmation from the fire officer in relation to the requested removal of old condition 52 in relation to smoke machines..

The applicant, his representative, the objectors, officers and police then returned to the meeting and were informed of the decision as noted above. The Committee Support Officer reminded the applicant that they were able to reapply for variations at any time.

10:32 – Councillor Parkin entered the meeting.

147. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE BASKERVILLES, MAIN STREET, BASTON

Decision:-

That the Licence for transfer and variation for The Baskervilles, Main Street, Baston,

as provisionally approved on the 7th October 2005 be granted, with the exception that there will be no sale of alcohol to residents outside licensed hours.

The Head of Environmental Health and Licensing stated that the application in respect of The Baskervilles, Main Street, Baston had been deferred from a previous meeting on 30th September 2005 pending clarification of the licensing position. Since that time the applicant had provided evidence of a Supper Hours Certificate, but no Residential Licence had been produced. The applicant had requested that the Committee reconsider the application incorporating the terms of the Supper Hour Certificate. The Head of Environmental Health and Licensing requested that he be authorised to action the licence accordingly. This was duly proposed, seconded and agreed.

148. CLOSE OF MEETING

The meeting was closed at 10:43.