



MINUTES

ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
FRIDAY, 21 OCTOBER 2005
9.30 a.m.

COMMITTEE MEMBERS PRESENT

Councillor Reginald Howard
Councillor Mrs Angeline Percival
Councillor Mrs Margery Radley

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

OFFICERS

Head of Environmental Health and
Licensing
Environmental Health Manager
(Environment)
Corporate Manager Democratic and
Legal Services
Committee Support Officer

131. APOLOGIES

Apologies for absence were received from Councillors Mrs Bosworth, Mrs Gaffigan, Mrs Jalili, Parkin and M G Williams.

132. DECLARATIONS OF INTEREST

There were none declared.

133. MINUTES

The minutes of the meeting held on 7th October 2005 were confirmed as a correct record of decisions taken.

134. LICENSING ACT 2003 - THE BULL INN, 3 HIGH STREET, RIPPINGALE AND ARK, 85 WESTGATE, GRANTHAM

Decision: -

- 1. That a hearing into the applications for conversion and variation to a*

licence in respect of The Bull Inn, 3 High Street, Rippingale and a premises licence in respect of Ark, 85 Westgate, 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 respective application.*

The Head of Environmental Health and Licensing informed the committee that objections to the above-mentioned applications had been withdrawn. In the case of The Bull Inn at Rippingale, Trading Standards had reached an agreement with the applicants and their objection had been withdrawn, and in the case of Ark, Westgate, Grantham, police objections had been withdrawn. He therefore requested that the committee agree that hearings would be unnecessary and that he be permitted to take appropriate action in respect of the licences. It was proposed and seconded accordingly and on being put to the vote the proposition was carried.

135. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE SHIRLEY CROFT HOTEL, HARROWBY ROAD, GRANTHAM

Decision: -

That the application for conversion and variation to a licence in respect of The Shirley Croft Hotel, Harrowby Road, Grantham be agreed for the current entitlement only and that public music/entertainment be not allowed (variation not agreed).

Note to applicant – if the applicant reapplies with a full and independent acoustic survey, accompanied by detailed proposals for its implementation, then the committee will review the application.

The committee had before them the Head of Environmental Health and Licensing's report ENV302 in relation to an application for conversion and variation to a licence for The Shirley Croft Hotel, Harrowby Road, Grantham. A full copy of the application was attached at appendix one, including a map showing the premises, and objections from local residents and from Environmental Health Services were attached at appendix two.

The Corporate Manager, in introducing the application, clarified the speakers and confirmed that there were local residents present who had sought permission to speak. The applicant attended, accompanied by her solicitor. The Chairman sought and received confirmation that they had received and understood the procedure to be followed.

In introducing the report, the Head of Environmental Health and Licensing outlined the application and referred to the objections. He said that there were issues of noise and nuisance connected with the premises and told the committee that a noise abatement notice had been served in 2004.

The applicant's representatives presented the case for the applicant, pointing out that they were only seeking to incorporate within the application what was permitted under the act. A small variation had been made to the amount of drinking up time permitted but there was no intention to introduce significant extensions to the times the premises were permitted to be open. The interested parties then asked questions of the applicant's solicitor in relation to the distinction between private parties and public entertainment, and precisely what was permitted within those descriptions, and this was clarified. The applicant's solicitor clarified that the current licence permitted private parties only in the function room and the usual "two in the bar" for other musical entertainment. He confirmed that the application was now for public entertainment, to include live and recorded music up to twelve midnight.

Mrs Evans, representing Environmental Health Services (EHS) spoke about complaints received concerning noise from the premises, which had occurred over a number of years. These had escalated in 2003 and numerous letters had been sent to the owners of the premises. Complaints had continued to be received during 2004 and monitoring had been undertaken. It was clear that a noise nuisance was occurring and the owners had undertaken to complete a full acoustic survey. However, this had not been done and the complaints worsened, resulting in a noise abatement notice being served in November 2004. In response to a query in relation to the length of time the notice stood for, Mrs Evans said that once served it remained outstanding and if not complied with, court action could result. In this case, no further action had been taken as the noise had not been witnessed and there was no evidence. Lengthy discussion took place in relation to the problems associated with the noise, in particular as to what levels would be acceptable. Mrs Evans said that there were no set permitted levels, and it would depend on measurements being taken to eliminate background noise before an acceptable level could be arrived at. In response to further questions, Mrs Evans said that the last complaint had been received in relation to an event on 8th October 2005 and the levels had last been officially checked in November 2004, just prior to the service of the noise abatement notice.

The local residents then spoke to the committee. A principal concern of two objectors was that as the function room was situated only twenty five yards away from their property, the noise, particularly from discos, affected them greatly. Fire doors and windows were frequently left open and although they had talked to the owners of the premises and a meeting had been suggested, this had not been held. Whilst the noise reduced for a while, it then seemed to increase and there was no permanent solution apparent. The noise from discos, particularly at weekends, was the principal cause of complaint from two other objectors, together with the effect of the noise on neighbours, particularly the very young and the old. In the view of the objectors, it was significant that there had been no improvement to the situation, even though a noise

abatement notice had been served. In the view of the objectors, the hall was not suitable for the purpose.

During questions, the applicant's solicitor said that if his clients were to provide an undertaking that they would soundproof the function room within six months, would that be acceptable? An objector said that there was no problem with activities in the main building, and an undertaking would be acceptable if it worked, but as had been seen with the undertaking to carry out a survey, this would be of no use whatsoever until it was completed.

For clarification, the Corporate Manager said that if an undertaking was given and then not honoured then the committee would be likely to take enforcement action and could close the premises.

In summing up his report, the Head of Environmental Health and Licensing said that there was clear evidence of nuisance to take into account as well as matters covered by the existing licence. He asked the committee to consider the undertaking but pointed out that proper consideration would have to be given to an acoustic survey, so that it could be established what was needed to abate the nuisance.

The applicant, in summing up, asked the committee to look at copies of the newspaper articles which had been circulated earlier in the meeting. It was agreed on behalf of the applicants to commence works for soundproofing within six months.

To assist the committee in its deliberation, the Corporate Manager clarified that an acoustic survey had not been carried out and that in relation to the objections, the entertainment noise was the particular problem, from the annex and car park. He asked Mrs Evans if, in relation to decibel levels, there were any conditions that the committee could consider imposing. Mrs Evans responded that there was difficulty in measuring decibel levels and, although it could be done, it would take some time.

The officers, applicant, representatives and members of the public then left the room.

The committee then considered the application and it was proposed and seconded that the application be granted for the conversion only, and that the variation be not granted, although if the applicant reapplies with a full, independent acoustic survey and with detailed proposals for its implementation, the committee will reconsider the application. On being put to the vote the proposition was carried.

The officers, applicant, representatives and members of the public then returned to the meeting. Prior to reading out the decision, the Corporate Manager said that the committee were very concerned at reports of noise from the premises and at the implications of this and the noise abatement notice which had been served, and they were then advised of the decision, as noted above. The Corporate Manager also advised those present that the

committee's decision could be reviewed at any time and that this also applied to residents/objectors if, now or at any time in the future, there were any issues connected to the application.

The meeting adjourned from 10.55am to 11.14am.

136. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE STAGGER INN, LONDON ROAD, GRANTHAM

Decision: -

That the application for conversion and variation to a licence in respect of The Stagger Inn, London Road, Grantham be agreed as submitted, subject to the following variations reported to the meeting: -

Live music – start 11.00hrs not 06.00hrs

Recorded music – 06.00hrs to 09.00hrs and 11.00hrs to 00.00hrs

Provision of facilities for making music – 11.00hrs to 00.00hrs

Provision of facilities for dancing - 11.00hrs to 00.00hrs

Supply of alcohol – 06.00hrs to 09.00hrs and 11.00hrs to 00.00hrs

every day, and subject to thirty minutes drinking up time.

The committee had before them the Head of Environmental Health and Licensing's report ENV303 in relation to an application for conversion and variation to a licence for The Stagger Inn, London Road, Grantham. A full copy of the application was attached as appendix one, including a map showing the location of the premises. A letter from Lincolnshire Police was attached as appendix two.

The Corporate Manager introduced the application and clarified those present and who would be speaking. It was noted that there was a representative from the police present. The Chairman sought and received confirmation that the applicant had received and understood the procedure to be followed.

The Head of Environmental Health and Licensing, in introducing the report, outlined the existing and proposed hours set out in the application, together with other licensable activities. In particular he asked members to note the early start proposed. He reminded members that there had been a police objection.

The applicant's representative circulated copies of an amended application, particularly in relation to the time of commencement of the various licensable activities, and concluded by saying that, in relation to the hours that the premises were open to the public, if the police requested the premises be

closed between 09.00 and 11.00hrs, this could be done. In response to a query from the Head of Environmental Health and Licensing as to the reason for the 06.00hrs start, the applicant's representative pointed out that there were a number of large businesses in the area employing a considerable number of people on shift work and this would enable them to be catered for from the point of view of alcohol sales. He also pointed out, in response to a question, that there had been no complaints from local residents.

The police representative confirmed that he was happy to see the amendment regarding the hours permitted for live and recorded music but reiterated the previous point that it was not appropriate to open the premises as early as proposed, as this was a residential and not an industrial area. In addition, there was no provision for door staff or CCTV when the premises were open on Friday and Saturday, and he pointed out the police request for door staff if the premises were to be open after twelve midnight. The applicant's representative then questioned the police representative in relation to the objections made. The police representative confirmed that if the premises were to close at twelve midnight then the police objections would be withdrawn.

The Head of Environmental Health and Licensing then summed up his report. The applicants' representative, in summing up, said that, in his opinion, there was only one major issue remaining and that was the proposed 06.00hrs opening. He reminded the committee of the reason for this, in that it was only to cater for shift workers. It was not the intention to use the premises as a nightclub or to play music. The licensee was under an obligation not to serve anyone under the influence and therefore there was no chance of persons calling in to the premises early in the morning, after they had visited other premises in the town centre which had closed earlier.

The officers, applicant, representative and police then left the room. The committee considered the application and it was proposed and seconded that it be agreed, subject to the amendments made and to closing on every day of the week at twelve midnight for all purposes. On being put to the vote, this proposition was carried.

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

137. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE BURGHLEY ARMS HOTEL, 6 NORTH STREET, BOURNE

Decision: -

That the application for conversion and variation to a licence in respect of The Burghley Arms, 6 North Street, Bourne be agreed as submitted for the following hours for the sale of alcohol: -

10.00hrs to 00.30hrs – Monday to Sunday

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

- 1. That on any occasion where alcohol will be served beyond 00.00hrs, door staff will be on duty. The level of door staff will be two for the first hundred occupants and one for every one hundred occupants thereafter. The door staff will be on duty from at least 22.00hrs onwards.*
- 2. A CCTV system that covers the inside of the premises and allows recordings of activity within the premises will be installed and be operational by 24th November 2005. All tapes will be kept for a minimum of twenty-eight days and made available to the police if required.*
- 3. The premises will remain a member of the pubwatch scheme for so long as the scheme is in operation.*
- 4. Where the staff suspect any customer is under the age of eighteen they will ask for identification by means of driving licence, photo card ID or any other recognised photo identification method. All staff will be trained in the procedures in respect of identification.*
- 5. The premises will have a maximum occupancy at a level recommended by Lincolnshire Fire and Rescue officers. The applicant will ensure that such occupancy recommendation has been made no later than 24th November 2005.*

The committee had before them the Head of Environmental Health and Licensing's report ENV273 in relation to an application for conversion and variation to a licence for The Burghley Arms, 6 North Street, Bourne. A full copy of the application, including a map showing the premises, was attached at appendix one. Representations from Lincolnshire Police were attached at appendix two.

The Corporate Manager introduced the application and clarified those present, and who would be speaking for the applicants. A representative from Lincolnshire Police was also present. The Chairman sought and received confirmation that the applicants had received and understood the procedure to be followed.

In introducing the report, the Head of Environmental Health and Licensing outlined the application and referred to the existing and proposed hours, in particular the application for sixty minutes drinking up time. He also reminded the committee that there had been an objection from the police.

The applicants' representative referred to the letter from the police which objected to the application on a number of grounds. He referred to a letter written on behalf of the applicants, copies of which were circulated to those present at the meeting, setting out conditions which had been drawn up to hopefully deal with the matters of concern raised by the police. Inspector Rose

confirmed that he accepted the points set out in the letter, but drew attention in particular to the last paragraph of his letter, circulated with the agenda, in relation to under-age drinking. The licensee gave details of measures taken to prevent under-age entry and drinking. Both licensees were SIA registered. Members then asked a number of questions in relation to the suggested conditions from the applicants.

Inspector Rose said that he had met the licensees to discuss incidents of crime and disorder over a two-year period. He outlined some incidents in relation to this and also in relation to under-age drinking which he considered was not being properly addressed. He was of the view that any hours extensions granted would only exacerbate the problem. In response to a question, Inspector Rose said that the premises had a reputation as a young drinkers' pub and in his view it was not being managed properly. The licensees and their representative responded to the police comments and said that some of the incidents were, in their opinion, not true and that they took great pains to supervise their own premises properly.

In summarising the report the Head of Environmental Health and Licensing reminded members that the application was for an extension to 3am, with alcohol sales to 2am. He asked members to note the police objections, particularly with regard to under-age drinking, and also drew attention to the conditions suggested by the applicants' representative.

The applicants' representative, in summarising the application, pointed out that the late hours in Bourne were dominated by other premises. If The Burghley Arms was given radically different hours then there would clearly be a monopoly. Many incidents reported to the police were not directly related to the pub, as alcohol could be obtained elsewhere and it was wrong to penalise the applicants because of this. They had confirmed that they would do all they could to minimise the problems.

The applicants, their representative, officers and police then left the room.

The committee then considered the application in detail, taking into account the objections from the police and the suggested conditions circulated by the applicants. It was proposed and seconded that the application be agreed subject to alcohol sales ending at 00.30hrs on each day, subject to thirty minutes drinking up time and subject to the five conditions specified in the letter circulated by the applicants.

The applicants, their representative, officers and police representative then returned to the meeting. In advising those present of the decision, the Corporate Manager expressed the committee's concern at the suggestions of under-age drinking and crime and disorder issues associated with these premises referred to by the police, before advising of the decision, as noted above. He also advised that the decision could be reviewed at any time by any interested party.

(12.53pm – Councillors Howard and H G Wheat left the meeting)

138. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - NAGS HEAD AND LESTERS NIGHTCLUB, 2 ABBEY ROAD, BOURNE

Decision: -

That the application for conversion and variation to a licence in respect of The Nags Head and Lesters Nightclub, 2 Abbey Road, Bourne be agreed as submitted subject to the following amended hours for the sale of alcohol: -

10.00hrs to 02.30hrs – Monday to Sunday

subject to thirty minutes drinking up time.

The committee had before them the Head of Environmental Health and Licensing's report ENV315 in relation to an application for conversion and variation to a licence for The Nags Head and Lesters Nightclub, 2 Abbey Road, Bourne. A full copy of the application was attached at appendix one, including a map showing the location of the premises, and comments from Lincolnshire Police were attached at appendix two.

The Corporate Manager, in introducing the application, clarified the speakers present and who would be speaking for the applicants. It was noted that there was a representative from the police present. The Chairman sought and received confirmation that the applicants had received and understood the procedure to be followed.

In introducing the application the Head of Environmental Health and Licensing outlined the application and gave details of the new times which had been agreed.

The applicants' representative, in presenting the applicants' case, said that the matter had been discussed with the police and as a result the application had been amended to a closing time for alcohol sales of 02.30hrs on Monday to Sunday and subject also to thirty minutes drinking up time. The police representative confirmed that in the circumstances their objections were now withdrawn and the applicant also confirmed that all other licensable activities referred to in the application would finish at 03.00hrs.

The Head of Environmental Health and Licensing, in summing up the report, asked the committee to agree to the application on the basis of the amendment now submitted. The applicants' representative indicated that they had nothing to add and the applicants, their representative, officers and police representative then left the meeting. The committee considered the application and it was proposed and seconded that it be agreed as modified. On being put to the vote the proposition was carried.

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

139. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE RED LION, 14 SOUTH STREET, BOURNE

Decision: -

That the application for conversion and variation to a licence in respect of The Red Lion, 14 South Street, Bourne be agreed as amended, for the following hours for the sale of alcohol: -

10.00hrs to 00.00hrs – Sunday to Thursday

10.00hrs to 01.00hrs – Friday and Saturday

subject to thirty minutes drinking up time, and subject to an acoustic consultant's survey being carried out and report submitted to Environmental Health and Licensing within three months, and to any improvements recommended being carried out.

The committee had before them the Head of Environmental Health and Licensing's report ENV301 in relation to an application for conversion and variation to a licence in respect of The Red Lion, 14 South Street, Bourne. A full copy of the application was attached at appendix one, including a map showing the premises. A letter of objection from two local residents and a letter from Lincolnshire Police was attached at appendix two.

The Corporate Manager introduced the application and clarified those present and who would be speaking for the applicant. Two local residents were present at the meeting and had previously indicated that they would wish to speak, and a representative from Lincolnshire Police also attended. 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 the report and drew attention to the amendments which had been made to the timings. The applicant had confirmed that he would accept the police and Trading Standards' requirements.

The applicant's representative confirmed that the applicant would be prepared to accept the amendments to the timings and conditions required by the police and also the requirements of Trading Standards. He also confirmed acceptance of thirty minutes drinking up time.

The local residents then made points in relation to excessive sound and noise from the premises. They had discussed this with the manager and owner of the premises and although this had changed for a while, it had now resumed its previous levels, due mainly to discos on Friday, Saturday and Sunday nights. This sound could be heard through the thick stone walls of their premises and was totally unacceptable. In response to questions, the objector confirmed that he had lived at the premises for two years and that the premises were there

when he bought the house. The objectors confirmed that they were aware that the premises were a pub and they had no objection to that as such but the problem was the level of noise from entertainment.

The owner of the premises confirmed that there was no public entertainment. Music with DJs was provided, with noise at the same level as the jukebox. There was no dancing or karaoke permitted. Following complaints the situation had been monitored, large speakers had been removed, televisions had been re-sited and the chimney breast had been insulated with fibreglass and plasterboard. In addition, a sound monitor had been bought to monitor levels. The problems mentioned over the last six weeks were not accepted. Meter readings had been taken which did not reveal such a level of noise as had been suggested by the objector. The owner reiterated the work which had been carried out to reduce the likelihood of noise being a nuisance in adjoining premises. The objector confirmed that he would allow the owner or his representatives into his premises to listen to the noise, and confirmed that he had no problem with the premises apart from the noise element.

The applicant's representative introduced a sound and music consultant who explained that the new method of amplification was limited by the power of the output and that a trip on the machine would ensure that it was switched off when a certain level was reached. In response to a query he confirmed that a decibel level could be set, beyond which the machine would not operate.

Various questions were then asked of the applicant's representative and the sound and music consultant and the applicant's representative confirmed that the applicant was canvassing a workable system for controlling the noise. The objectors pointed out that most of the problems mentioned had occurred since the new measures had been installed.

The Head of Environmental Health and Licensing, in summarising the application, suggested that conditions could be imposed regarding the acoustic consultant's survey and the carrying out of any work recommended. He outlined the amended proposal and suggested conditions.

The applicant's representative, in summarising, referred to the letter of objection from neighbouring residents. It was his view that they had bought knowing that the premises were a pub and knowing also of the possibility of changes to the licensing regime. The applicant had tried to improve the control of noise from the premises and would agree to an acoustic consultant's report and to the carrying out of any work if the report revealed anything that would help to control the noise, and also if it was practical. The objectors summarised their position, following which the applicant, his representative, officers, objectors and police left the room.

The committee considered the application in detail and it was proposed, seconded and agreed that the application be agreed as amended, subject to an acoustic consultant's survey and report being required within three months, to the amended hours and subject to the conditions required by the police.

The applicant, his representative, the objectors, officers and police then returned to the meeting and were informed of the decision as noted above. The Corporate Manager, in advising of the decision, said that the committee had taken all matters into account and hoped that, following the acoustic report, matters could be resolved in the manner suggested. He also drew attention to the fact that the decision could be reviewed at any time by any interested party.

140. CLOSE OF MEETING

The meeting closed at 2.12pm.