



MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE FRIDAY, 18 NOVEMBER 2005

9.30 a.m.

COMMITTEE MEMBERS PRESENT

Councillor Reginald Howard
Councillor Mrs Maureen Jalili
Councillor Alan Parkin
Councillor Mrs Angeline Percival

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

OFFICERS

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

149. APOLOGIES

Apologies for absence were received from Councillors Mrs Bosworth, Mrs Gaffigan and H G Wheat.

150. DECLARATIONS OF INTEREST

There were none declared.

151. MINUTES

The minutes of the meeting held on 4th November 2005 were confirmed as a correct record of decisions taken.

152. LICENSING ACT 2003 - PREMISES LICENCES FOR MI FAMILIA, ST MARY'S PASSAGE, STAMFORD; OTTERS POCKET, ALL SAINTS STREET, STAMFORD AND PANAMA JOES, CHEYNE LANE, STAMFORD

Decision:-

- 1. That a hearing into the applications for grant of a premises licence for Mi Familia, St Mary's Passage, Stamford; Otters Pocket, All Saints Street, Stamford and Panama Joes, Cheyne Lane, 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 respective applications, and as amended.*

The Head of Environmental Health and Licensing informed the committee that objections had been received to all the above-mentioned applications for grant of a licence, but following discussion with the complainant or police, the objections had been withdrawn. In the case of Mi Familia and Panama Joes, representations from the Lincolnshire Police had been discussed with the applicant and appropriate amendments made which had resulted in the police objections being withdrawn. In the case of the Otters Pocket, the complainant had discussed his concerns about noise pollution with the applicant and had also written to withdraw his objection. The Head of Environmental Health and Licensing 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.

153. LICENSING ACT 2003 - VARIATION OF EXISTING LICENCE FOR ASDA SUPERMARKET, GRANTHAM

Decision:-

1. *That a hearing into the application for variation of an existing licence in respect of Asda Supermarket, 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.*

The Head of Environmental Health and Licensing informed the committee that there had been an objection to the variation of the above application based on opening on Christmas and Easter Days. The applicant had, however, now withdrawn the application in respect of these openings, in writing, and as there was now no objection, the application should therefore be granted as of right. The Corporate Manager confirmed that as the application was not now subject to an objection, in those circumstances there was no alternative but to agree that a hearing was not necessary, and to authorise the Head of Environmental Health and Licensing to take the appropriate action in respect of the licence. Following a discussion, it was proposed and seconded accordingly, and on being put to the vote, the proposition was carried.

154. UNDER-AGE AND AFTER-HOURS DRINKING

The committee generally discussed their concerns at under-age and after-hours

drinking. It was pointed out that much of the under-age drinking resulted from alcohol being available as off-sales at supermarkets and other shops, although there was also concern at the availability of alcohol on licensed premises for under-age drinking.

A member pointed out that funding was available, under a DCMS initiative, to enable the police to mount operations to counteract this trend and it was agreed that Inspector Rose be invited to address the committee on local police proposals to counteract under-age and after-hours drinking.

155. LICENSING ACT 2003 - APPLICATION FOR A PREMISE LICENCE - THE FIVE BELLS, BROOK STREET, GRANTHAM

Decision:-

That the application for a premise licence in respect of The Five Bells, Brook Street, Grantham be agreed for the following hours for the sale of alcohol:-

10.00hrs to 00.00hrs – Sunday to Wednesday

10.00hrs to 01.00hrs – Thursday to Saturday

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

- 1. That there shall be no entry or re-entry to the premises after 23.30hrs on any day.*
- 2. That all music, including from the jukebox, shall finish at 23.30hrs every day.*
- 3. That the applicant be required to display signs at all exits requiring customers to leave the premises and the area quietly.*

Note to applicant – applicant to be advised to seek advice from the Licensing Officer in relation to issues surrounding the residents' licence for the premises.

The committee had before them the Head of Environmental Health and Licensing's report ENV331 in relation to an application for the grant of a premises licence for The Five Bells, Brook Street, Grantham. A full copy of the application was attached at appendix one, including a map of the premises, and attached at appendix two was a letter from the applicant confirming agreement to opening and closing hours, an e-mail detailing objections from a neighbouring resident and a letter from Lincolnshire Police setting out representations with regard to the application.

The Corporate Manager, in introducing the application, clarified the speakers and confirmed that there was a local resident present who had sought permission to speak, and was accompanied by his solicitor. The applicant attended and also present was PC Stanley from Lincolnshire Police.

The Chairman sought and received confirmation that all parties had received

and understood the procedure to be followed.

In introducing the report, the Head of Environmental Health and Licensing outlined the application and reminded the committee that negotiations had taken place with the police and applicants and the opening time for the sale of alcohol had now been changed to 10am and there would be no entry or re-entry to the premises after 11.30pm. He also drew the attention of the committee to the e-mail from the objector which was attached to the report.

The applicant presented her case. She pointed out that there had not been a history of complaints related to the premises and a former neighbour of seventeen years had only had cause to complain on one occasion. In answering questions from the committee, the applicant confirmed that she had not met with her neighbour, but was prepared to do so. In relation to the licensing hours there was no intention to open the premises for people to consume alcohol on the way back home from premises in the town centre. She confirmed that a notice could be put up asking customers to leave the premises and the area quietly and to ask taxis to wait on the other side of the road. It was also confirmed that there would be no objection to music stopping at 11.30pm and that this would apply to recorded music only, as there was no intention to promote live music. The applicant agreed that occasionally customers left at the time stated in the objector's correspondence. In response to a question from the objector's representative, the applicant said that the reason for requiring alcohol sales at the late hours was to cater for shift workers and particularly local residents. The applicant pointed out that Brook Street was a well-known route home from the town centre and that this could be part of the reason for some of the noise referred to by the objector.

The objector's solicitor, in presenting the case for the objector, confirmed that the e-mail attached to the agenda was a copy of a hand-written diary made by the objector. The main concern was in relation to noise from people leaving the premises and getting into taxis in the vicinity. All the relevant comments had been set out in detail in the circulated representations. It was confirmed that the objector did not object to the grant of an application, merely to the time of closing. There was also no objection to music up to 11.30pm and the objector would prefer alcohol sales to finish at twelve midnight. It was accepted that the objector had moved into a property next to a pub, only recently, but at the time he was not aware that there would be alcohol sales requested until 1am or 2am in the morning. It was suggested that this was a new situation with people leaving the premises later and that there was nothing significant in the lack of complaints in the past, as alcohol sales finished at 11pm. In summarising, the objector's representative said that the particular problem was noise when customers were leaving the premises. The Friday to Sunday hours closing at 2am were unacceptable and would be bound to cause public nuisance. There were no issues in relation to crime and disorder.

In response to questions, the objector confirmed that he had, in fact, only moved into the premises adjacent to The Five Bells on 17th June and that he would be prepared to talk to the applicants about methods of resolving the complaints. He also confirmed that he would be prepared to have sound

monitoring equipment installed in his property if appropriate. The objector pointed out that the worst problem seemed to be on quiz nights.

PC Stanley from Lincolnshire Police confirmed that he had no comments to make in addition to the letter attached to the agenda. In response to a question, PC Stanley confirmed that there were no other police observations and no significant crime and disorder issues, save one complaint two to three years ago.

In summing up his report, the Head of Environmental Health and Licensing reminded members that the application was now amended to a start time of 10am with no entry or re-entry after 11.30pm and music sales to also finish at that time. Further monitoring could take place in the objector's premises in relation to alleged noise nuisance, but the main issue was the closing time as applied for.

The applicant indicated that she had nothing to add to her comments made earlier.

The officers, applicant, objector and his representative and the police representative then left the room.

The committee then considered the application and it was proposed and seconded that it be granted for amended hours commencing every day at 10am, but finishing at twelve midnight on Sunday to Wednesday and at 1am on Thursday to Saturday, subject also to thirty minutes drinking up time and to conditions in relation to no entry or re-entry after 11.30am; to music (including from the jukebox) finishing at 11.30pm on every day and to signs being exhibited requiring customers to leave the premises quietly. It was also agreed that the applicant be advised to seek advice from the Licensing Officer in relation to issues surrounding the residents' licence.

The officers, applicant, objector and his representative and the police representative then returned to the meeting and were 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 objectors if now or at any time in the future there were any issues connected to the application. The Corporate Manager also said that the committee were pleased at the suggestion of a dialogue between the applicant and objector.

156. CLOSE OF MEETING

The meeting closed at 10.35am.