



AGENDA

For a meeting of the
ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE
to be held on
FRIDAY, 18 NOVEMBER 2005
at
9.30 AM
in the
COMMITTEE ROOM NO.1, COUNCIL OFFICES, ST.PETER'S HILL, GRANTHAM
Duncan Kerr, Chief Executive

Panel Members:	Councillor Pam Bosworth, Councillor Mrs Joyce Gaffigan, Councillor Reginald Howard, Councillor Mrs Maureen Jalili, Councillor Alan Parkin, Councillor Mrs Angeline Percival, Councillor Mrs Margery Radley, Councillor Frank Turner (Vice-Chairman), Councillor Graham Wheat, Councillor Mrs Mary Wheat (Chairman) and Councillor Mike Williams
Committee Support Officer:	Malcolm Hall 01476 406118 m.hall@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
Members are asked to declare an interest in matters for consideration at the meeting.
3. **MINUTES**

(Enclosure)
4. **LICENSING ACT 2003:**
 - a) **PREMISES LICENCES FOR MI FAMILIA, ST. MARY'S PASSAGE, STAMFORD; OTTERS POCKET, ALL SAINTS STREET, STAMFORD AND PANAMA JOES, CHEYNE LANE, STAMFORD**
Report ENV332 from the Head of Environmental Health and Licensing

(Enclosure)

b) PREMISE LICENCE FOR THE FIVE BELLS, BROOK STREET, GRANTHAM

Report ENV331 from the Head of Environmental Health and Licensing

(Enclosure)

c) VARIATION OF EXISTING LICENCE FOR ASDA SUPERMARKET, GRANTHAM

Report ENV330 from the Head of Environmental Health and Licensing

(Enclosure)

(THE APPENDICES TO THE REPORT AT AGENDA ITEM 4 b) TO c) ARE ATTACHED FOR COMMITTEE MEMBERS ONLY. IF ANY OTHER MEMBERS WISH TO SEE THE SUPPORTING INFORMATION, PLEASE CONTACT THE HEAD OF ENVIRONMENTAL HEALTH AND LICENSING)

- 5. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**



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.

<h2 style="margin: 0;">REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE</h2>

REPORT OF: HEAD OF ENVIRONMENTAL HEALTH & LICENCING

REPORT NO. ENV 332

DATE: 18 NOVEMBER 2005

TITLE:	LICENSING ACT 2003 – VARIOUS PREMISES APPLICATION FOR GRANT OF PREMISES LICENCES FOR MI FAMILIA, ST MARYS PASSAGE STAMFORD, OTTERS POCKET, ALL SAINTS STREET, STAMFORD & PANAMA JOES, CHEYNE 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 applications are for the grant of licences for Mi Familia, Panama Joes and the Otters Pocket

The Licensing Act 2003 transfers responsibility for the licensing of the supply and sale of alcohol from the Magistrates Courts to the local authority.

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.

Otters Pocket

One letter of representation has been received from an interested party within the 28 day consultation period. The complainant has since discussed his concerns about noise pollution with the applicant and has written to withdraw his objection.

Panama Joes

We received one representation from Lincolnshire Police because they were unhappy with the premises wanting to open until 02.30am on Bank Holidays. The Police have now agreed with the applicant to a closing time of 01.00am on Bank Holidays and have subsequently withdrawn their representation

Mi Familia

There was within the 28 day consultation period one letter of representation received from Lincolnshire Police. They have objected to extended hours on Bank Holidays and have requested that the premises employ Door staff on Thursdays, Fridays and Saturdays and that they install CCTV as agreed with the applicant. Further, the applicant has agreed to join the Pub watch Scheme. Having secured agreement with the applicant on the above issues the Police have no further observations to make.

2. RECOMMENDATIONS

That the Committee determines, with regard to the licensing objectives, the applications that have been requested and the subsequent agreements that have been reached and that Hearings are not necessary.

3. OTHER OPTIONS CONSIDERED AND ASSESSED

None

4. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Not applicable

5. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

6. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

7. CONCLUSION

Where a hearing may be unnecessary

Where all of the parties who are required to do so for these purposes have returned a notice which states that they consider a hearing to be unnecessary the panel shall convene a meeting which shall not require notice to be given to the parties

If the panel agrees that a hearing is unnecessary, then:

- (a) The panel may then proceed to determine the matter on the basis of the relevant representation received, then or at another date, and
- (b) Notice shall be given forthwith to the parties that the hearing has been dispensed with.

9. CONTACT OFFICER

P Harrison, Environmental Health Practitioner (Licensing)
Tel: 01476 406311 e-mail: peter.harrison@southkesteven.gov.uk

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV 331**

DATE: **18 NOVEMBER 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR VARIATION TO A LICENCE – FIVE BELLS – GRANTHAM
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 grant of a Premise licence under Licensing Act 2003 to enable the Public House to sell alcohol by retail during general trading hours. The application is attached at Appendix 1, together with a location map.

The Licensing Act 2003 transfers responsibility for the licensing of the supply and sale of alcohol from the Magistrates Courts to the local authority.

The Five Bells have applied for a premise licence. In order for the premises licence to be granted, the applicant needs to follow a set procedure that includes consultation with interested parties, who are able to oppose the application that has 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, 24th November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

The Council received two letters of representation from interested parties that were received within the 28 day limit. The letters of representation are attached as Appendix 2.

2. RECOMMENDATIONS

That the Committee determines, with regard to the licensing objectives, the application concerning the grant of the licence that has been requested.

3. DETAILS OF REPORT

Application for the grant of a licence Requiring Committee Determination

The applicants have applied for a licence for the following hours

Supply of alcohol

07:00 to 01:00	Monday to Thursday
07.00 to 02.00	Friday to Sunday

In order to accommodate the above activity, the premises opening times will be:

07:00 to 01:30	Monday to Thursday
07.00 to 02.30	Friday to Sunday

Recorded Music

07.00 to 01.00 Monday to Thursday
07.00 to 01.00 Friday to Sunday

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 has received representations from two interested parties as follows:

Dr J B J Hardwick – Adjoining Property
Lincolnshire Police

The interested parties raised objections on the grounds that the premises are in a residential area, the premises are allegedly opening beyond their current permitted hours and the Police are not satisfied with the requested opening times and would like to see no entry after 23.30

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)

In this application the applicant wishes to be granted a licence to be permitted to sell alcohol during general trading hours, two representations were received which are valid. The restrictions requested by the Police have been agreed with the licensee.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

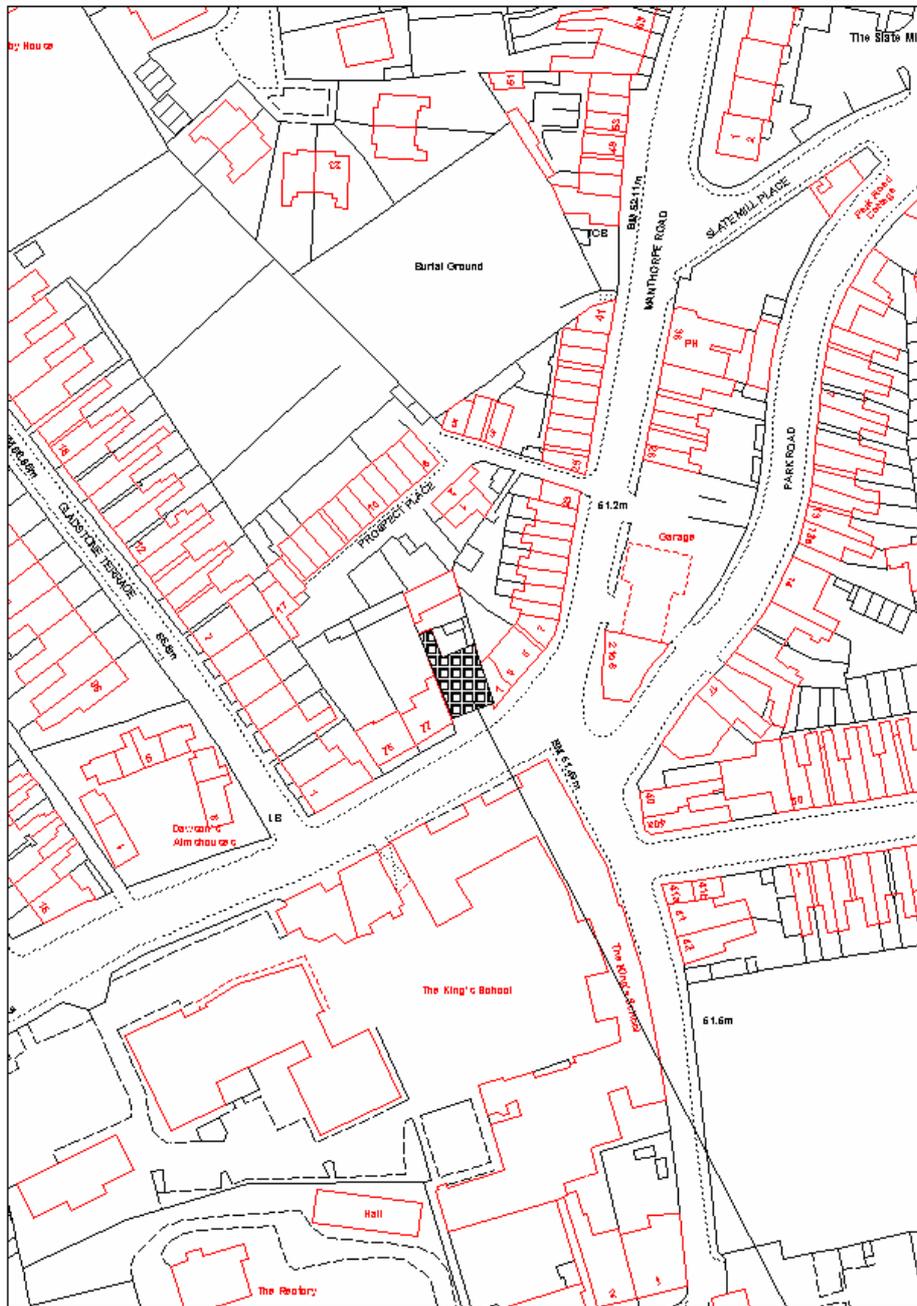
8. CONCLUSION

The application is for the grant of a Premise Licence for a Public House in Grantham. Representations have been received from two interested parties. The representations are not valid.

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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THE FIVE BELLS
BROOK STREET
GRANTHAM

REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

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

REPORT NO. **ENV330**

DATE: **18 NOVEMBER 2005**

TITLE:	LICENSING ACT 2003 APPLICATION FOR VARIATION TO A LICENCE – ASDA SUPERMARKET - GRANTHAM
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 variation of an existing Licensing Act 2003 Premises Licence at a supermarket to enable the store to sell alcohol by retail during general trading hours. The application is attached at Appendix 1, together with a location map.

The Licensing Act 2003 transfers responsibility for the licensing of the supply and sale of alcohol 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. Asda Supermarket applied to convert their licence during the transition phase. In order to vary the premises 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.

Asda Supermarket, Grantham currently holds a Justices Off Licence which has been converted to a new premises licence. 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. They have applied for a variation in activity hours for the retail sale of alcohol, to sell alcohol during general trading hours.

The Council received one letter of representation from interested parties which was received within the 28 day limit. The letter of representation is 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

Application for Variation Requiring Committee Determination

The applicants have applied for a variation in their activity hours as follows:

Supply of alcohol

00:01 to 00:00 Monday to Sunday

In order to accommodate the above activity, the premises opening times will be:

00:01 to 00:00

Monday to Sunday

The applicant refers to paragraph 6.2 of the guidance issued under Section 182 of the Licensing Act 2003 which states "It is recommended that Shops, Stores and Supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours during which other sales take place unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance. Accordingly if the Law permits the Shop to open for 24 hours or limits such opening for example on Sundays, the Licensing Authority should generally permit the sale of alcohol during those hours unless there are very good reasons as to why it is necessary not to do so".

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 has received a representation from one interested party as follows:

Mr M J Foot Fermain House, Casthorpe Road, Grantham

The interested parties raised objections on the grounds that stores are not allowed to open on Easter Sunday and Christmas Day, and requests that this be added as a restriction on the licence.

The Christmas Day (Trading) Act 2004 and Sunday Trading Act 2004 prohibits large stores (over 280sq.m/ or over 3,000 sq ft) from opening on Easter Sunday or Christmas Day. As other statutory provisions exist which prevent the store from opening on Easter Sunday and Christmas Day, the restriction requested by the objector can not be imposed on the licence.

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)

In this application the applicant wishes to vary the licence to be permitted to sell alcohol during general trading hours. One representation was received which is not valid. The restrictions requested by the objector are already in situ via other statutory provisions, and as such can not be added to the licence.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Not applicable

8. CONCLUSION

The application is for a variation of a licence to the activity hours of a Grantham supermarket. Representations have been received from one interested party, the representations are not valid.

9. CONTACT OFFICER

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APPENDIX 1



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**ASDA SUPERSTORES
UNION STREET
GRANTHAM**