



MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

FRIDAY, 30 DECEMBER 2005

COMMITTEE MEMBERS PRESENT

Councillor Howard
Councillor Parkin
Councillor Mrs M Radley
Councillor Turner

Councillor Mrs M E Wheat (in the Chair)
Councillor M G Williams

OFFICERS

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

OTHER MEMBERS

172. APOLOGIES.

Apologies for absence were received from Councillors Mrs Bosworth, Mrs Gaffigan, Mrs Jalili and Mrs Percival.

173. MINUTES OF THE MEETING HELD ON 16TH DECEMBER 2005

The minutes of the meeting held on 16th December 2005 were confirmed as a correct record of decisions taken.

174. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE FOR CHILLI MASTERS, 2 RED LION STREET, STAMFORD.

Decision:-

That the application for a premises licence for Chilli Masters, 2 Red Lion Street, Stamford be granted subject to the following conditions and times:-

*23:00hrs to 12:30hrs Sunday to Wednesday
23:00hrs to 02.30hrs Thursday to Saturday,*

subject to the following conditions:-

- 1. CCTV be installed and operated during opening hours and tapes retained*

for no less than 28 days and made available to the Police on request.

2. *Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc. and these containers shall be regularly emptied and contents securely stored.*
3. *Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste food which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents and the containers outside the premises shall be regularly emptied and the contents securely stored.*

The Committee had before then report ENV337 from the Head of Environmental Health and Licensing in respect of a Premises Licence for Chilli Masters, 2 Red Lion Street, Stamford. A full copy of the application was attached at appendix 1 together with a map of the premises. Attached at appendix 2 were letters of representation from Stamford Chamber of Trade and Commerce, Lincolnshire Police, and local residents.

The Corporate Manager introduced the application and clarified the names of the applicant, his representative and a local resident who had indicated that he wished to speak.

The Chairman sought and received confirmation that all parties had received and understood the procedure to be followed.

The Head of Environmental Health and Licensing introduced the report and outlined the application to the Committee, drawing attention to the objections which had been received and the reasons why the objections had been made. He reminded the Committee that two nearby premises had been licensed until 00:30hrs on Sunday to Wednesday and 02:30hrs on Thursday to Saturday.

The applicant's representative explained that the application was for a late night refreshment house and not for the sale of alcohol. The present applicant had been trading from the premises since 2004 and his father and grandfather on the same site since 1991. The application was only for the hours during which the premises had always opened. CCTV had now been installed and he suggested that a condition could be included regarding the storage of the tapes and their availability for the Police. Detailed reference was made to the Council licensing policy and the applicant's representative pointed out that once customers had left the premises they ceased to be the responsibility of those premises. He confirmed that the applicant would adhere to cleaning policies set out by the Council and pointed out conditions which had been suggested in the operating schedule. He also pointed out that any condition imposed must be necessary to promote the full licensing objectives, and stressed that the premises had been opened to the times requested for a long time. There was a demand for the service until 03:00hrs, given the location of nearby nightclubs and pubs who opened until that time. He urged the Committee to grant the application subject to the conditions suggested in the operating schedule.

Following questions to the applicant from the panel and the objector, the objector put

his case. A major problem was noise in the area which in part could be attributed to the premises but the objection was an attempt to address the public nuisance problems. He pointed out that other premises in the area were only licensed to 02:30hrs and it was felt that to have a later time would defeat the Council's policy. There was a significant problem with regard to litter from the premises and methods of control. He said that in his opinion any licence granted should go no further than others in the area.

The Corporate Manager referred to the letter from the Police, circulated with the agenda and, noting that the Police were not present, asked if the Head of Environmental Health and Licensing was aware of a Police policy with regard to the closure of takeaways on a "staggered" or other basis. The Head of Environmental and Licensing replied that it was not a deliberate policy to close takeaways before or after nightclubs. The Corporate Manager asked for comment on the closing time on other takeaways, as according to the objector, takeaways should all close at the same time, but the applicant's representative had suggested that this should not be the case. In addition the Police objected to extending closure times. The Head of Environmental Health and Licensing commented that there should be a variety of closing times.

In summing up the Head of Environmental Health and Licensing reminded Members that they were dealing with a Licence for late night refreshments starting at 23:00hrs and conditions regarding cleaning up outside the premises up to that time could not be imposed. The conditions suggested were in fact the Council's standard conditions.

The applicant's representative then summed up, reminding the Committee of his comments regarding the Secretary of State's Guidance which, if not adhered to, must be backed up by full reasons. He also reminded the Committee that problems in the street, according to Secretary of State, were the responsibility of the Police. The applicant's only responsibility was within his own premises.

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

The Committee then discussed the submissions made by the applicant and the Head of Environmental Health and Licensing and the representations made by the Objector. Whilst noting the Police concerns and the issues raised by objectors it was proposed and seconded that the application should be granted but subject to reduced hours to 00:30hrs Sunday to Wednesday and 02:30hrs to Thursday to Saturday, and subject also to conditions regarding CCTV and the Councils Standard Conditions regarding waste materials and cleaning up outside the premises.

The applicant, his representative, the objector and the officers returned to the meeting and were advised of the decision, as noted above.

175. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE FOR USA CHICKEN, 66 NORTH STREET, STAMFORD

Decision:-

That the application for a premises licence in respect of USA Chicken, 66 North Street, Stamford be granted as applied for, subject to the following conditions:-

- 1. CCTV be installed and operated during opening hours and tapes retained for no less than 28 days and made available to the Police on request.*
- 2. Where the premises provide food to the public for consumption on or off*

the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc. and these containers shall be regularly emptied and contents securely stored.

3. *Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste food which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents and the containers outside the premises shall be regularly emptied and the contents securely stored.*

The Committee had before them report ENV338 by the Head of Environmental and Licensing in respect of a Premises Licence Application for USA Chicken, 66 North Street, Stamford. A full copy of the application was attached at appendix 1 together with a map of the premises and attached at appendix 2 were letters of representation from local residents.

The Corporate Manager introduced the application and clarified the names of the applicant, his representative and a member of the public who had given notification that he wished to speak.

The Chairman sought and received confirmation that all parties had received and understood the procedure to be followed.

The Head of Environmental Health and Licensing introduced his report and outlined the application to the Committee. He asked them to note the times for the application and the three objections from interested parties. There were no objections from statutory consultees, including the Police. Although comments had been made by the objector that the application had not been properly advertised, the notice had now been displayed for the correct period and the application was valid. He asked the Committee to note that the application did not indicate any steps to be taken to comply with the licensing objectives, and in this respect he had had discussions with the applicant prior to the meeting.

The applicant and his representative then stated the case for the application. They required only the same hours as existing and it was pointed out that they were not near nightclubs or the town centre. The premises were not open for extended hours and they always closed precisely on time. The hours had not in fact changed for seven years. CCTV was provided within the shop premises.

The Head of Environmental Health and Licensing questioned the applicant and whilst indicating that he was pleased at the provision of CCTV asked for the applicant's proposal for with regards to waste. In response the applicant's representative said that the front of the premises was cleared after the shop closed and the resulting litter was stored in a large skip to the side of the premises. In response to further questions, it was confirmed that there had been no crime and disorder issues in the area of the shop and that the bin was sufficient to cope with waste both from within and outside the premises.

The objector pointed out that the wide pavement outside the shop was used for car parking and queried why this was the case. In response, it was pointed out this was a

Police matter and the objector said that as long as the premises was closed in line with or earlier than other premises that would then satisfy the objectors.

The Head of Environmental Health and Licensing then summed up the application, reiterating the hours which were requested and asked the Committee to consider conditions if there was a decision to approve. The applicant indicated that he had nothing to add.

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

The Committee then discussed the application and it was proposed and seconded that it be granted as applied for, subject to conditions regarding CCTV and the storage and disposal of refuse from within and outside of the premises and the cleaning of the street immediately outside the premises.

The applicant, his representative, the objector and the officers then returned to the meeting, and were advised of the decision, as noted above. The Corporate Manager also advised that the licence was reviewable at anytime following a request from any interested party.

176. POLICE ENFORCEMENT INITIATIVE AND MONITORING UNDER AGE DRINKING

Inspector Rose from Lincolnshire Police was not present and therefore the presentation on the above matter was postponed.

177. CLOSE OF MEETING

The meeting closed at 12.05 pm.