



MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

FRIDAY, 20 JANUARY 2006
9.30 a.m.

COMMITTEE MEMBERS PRESENT

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)

OFFICERS

Head of Environmental Health and Licensing
Environmental Health Manager
(Environment)
Committee Support Officer
Scrutiny Officer

178. APOLOGIES

Apologies for absence were received from Councillors Mrs Bosworth and M Williams.

179. DECLARATIONS OF INTEREST

There were none declared.

180. MINUTES

The minutes of the meeting held on 30th December 2005 were approved as a correct record of decisions taken, subject to the addition of Councillor H G Wheat to the list of members present.

181. LICENSING ACT 2003 - APPLICATION FOR A VARIATION TO A PREMISE LICENCE - BLUE BULL, 64 WESTGATE, GRANTHAM

Decision: -

That the Committee determines that a hearing is not necessary in respect of this application and the Head of Environmental Health and Licensing be authorised to determine the application as appropriate in accordance with the

schedule of licensing objectives submitted.

The Head of Environmental Health and Licensing reported that agreement had been reached between the applicants and the police in respect of opening hours, the applicant had agreed to amend her alcohol hours to 10.00 to 00.00 weekdays, closing thirty minutes thereafter, with one hour's extension on British saints days, Good Friday, Saturdays of Bank Holiday weekends, Christmas Eve and Boxing Day. New Years Eve would be as normal. She had also agreed to drop the extension of hours on Valentine's Day and the request for extensions between 23rd and 30th December. In view of this agreement, a hearing was no longer necessary. The motion was duly moved and seconded.

182. LICENSING ACT 2003 - APPLICATION FOR A VARIATION TO A PREMISE LICENCE - ZORBA 4, 40 BROAD STREET, STAMFORD

Decision: -

That the application for a variation to a premise licence in respect of Zorba 4, 40 Broad Street, Stamford be refused in view of the objections raised by the police because of the likely adverse effect which would be caused by the extension of the hours as requested, on the grounds of: -

- 1. Prevention of crime and disorder;*
- 2. Public safety;*
- 3. Prevention of public nuisance.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV341 in relation to an application for a variation of a premise licence at Zorba 4, 40 Broad Street, Stamford. The existing licence had been granted by the Committee on 26th September 2005 (minute 96/05 refers). This licence had permitted Zorba 4 to remain open during the following hours for the provision of late night refreshments:

23.00 to 00.30 – Sunday to Tuesday;

and

23.00 to 02.30 – Wednesday to Saturday.

The applicants and their representative were present at the meeting; the Chairman outlined the procedure that would be followed. The applicants stated that they had been advised of the procedure, which they understood. Three members of the public had given notice that they wished to speak and Inspector Rose of Lincolnshire Police was also present. The Head of Environmental Health and Licensing presented his report and reminded the Committee that the existing licence had been granted on 26th September. This was not an alcohol licence but a licence for the provision of hot refreshments after 11.00pm. The applicants now wished to vary the licence so that they could close at 3.45am and not 2.30am Wednesdays-Saturdays. Thirty-one objections had been received in respect of this application and a letter of

objection had also been received from the police.

The applicants' solicitor addressed the Committee and reminded them of their duties under The Licensing Act 2003. There was also guidance from the Secretary of State which was binding on licensing authorities. Any departure from this would have to be explained and may give rise to judicial review. He advised that since the licence had been granted a further licence for a nightclub in Stamford had been approved with its hours extended to 3.15am. The application now before the Committee was to bring their hours in line, so that they remained open half an hour after the last nightclub closes.

The applicants' representative's view was that licensing laws should not be used as a primary way of dealing with crime and disorder. In respect of litter, this was the responsibility of the individuals concerned and not the applicants. He made specific reference to the creation of a "terminal hour". This had been in existence under The Licensing Act 1964 but had been abolished by The Licensing Act 2003. In his view, the general principle should be to permit later opening, which prevented the concentration of people on the streets all at once. In his view, standardised conditions were not desirable and arguably unlawful. Any objections must be relevant and the objectors must be directly affected by the proposals.

The applicants' representative asked the Committee to disregard the objections of the police, as he did not consider that it was relevant to the application under consideration.

Zorba's now had CCTV installed and the tapes were kept for twenty-eight days. In his view, hot food enabled people to sober up after a night in a nightclub and the Committee should not be encouraging people to go home and try to cook food in their homes on the grounds of health and safety.

The Head of Environmental Health and Licensing advised that the nightclub open until 3.15am offered hot and substantial refreshments as part of their service.

The applicants' representative also stated that not everyone who used late night refreshment premises was under the influence of alcohol. There were, for example, shift workers and other people working throughout the night who may need hot food.

Inspector Rose of Lincolnshire Police stated that there were a number of issues related to this application. In particular he took issue with the statement that longer hours meant that customers would leave the nearby licensed premises in smaller groups and/or over a period of time. This did not happen at the nearby nightclub concerned, and many customers left either when it closed, or just before. This was a very relevant factor as far as Zorbas was concerned, as a large number of people would congregate outside after the nightclub closed, leading to incidents of crime and disorder which resulted (and these were documented) in significant issues relating to public safety and also the prevention of public nuisance. Inspector Rose stated that food did not sober

people up, as was generally believed. One of the other food premises in the area had agreed to close at 02.30 hours in order for public nuisance not to be an issue. In concluding, he reminded the Committee that on two occasions the premises had been found to be open beyond its permitted hours, on 3rd December 2005 and New Years Eve 2005. On the second occasion, they were open and serving despite having been cautioned for the incident on December 3rd.

The three objectors present asked questions relating to the legislation and also stated that there had been disturbances outside the premises.

In summing up his report, the Head of Environmental Health and Licensing asked the Committee to determine the application. The applicants and their representative, the police, the objectors and officers then left the room.

The Committee considered the application and it was proposed and seconded that the application now before the Committee be refused in view of the concerns of the police as outlined above. The applicants, their representative, the police, the objectors and officers then returned to the meeting and were advised of the decision, as noted above. The Committee Support Officer reminded those present that the decision was reviewable at any time.

183. POLICE ENFORCEMENT INITIATIVE AND MONITORING UNDER AGE DRINKING

The Committee received a presentation on police enforcement initiatives and on monitoring under age drinking from Inspector Rose, Lincolnshire Police.

184. CLOSE OF MEETING

The meeting closed at 12.30pm.