

AGENDA



For a meeting of the
ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE
to be held on
FRIDAY, 7 OCTOBER 2011
at
10.00 AM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM
Beverly Agass, Chief Executive

Committee Members:	Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Vic Kerr, Councillor Graddon Rowlands, Councillor Bob Russell (Vice-Chairman), Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner
Committee Support Officer:	Lucy Bonshor 01476 40 61 20 l.bonshor@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 OF MEETING HELD ON 5TH SEPTEMBER 2011

(Enclosure)

4. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE 29 LONDON ROAD, GRANTHAM

Report ENV553 by the Service Manager, Community Safety and Licensing

(Enclosure)

**5. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE
SAINSBURY'S SUPERMARKET, STAMFORD**

Report ENV552 by the Service Manager, Community Safety and Licensing.

(Enclosure)

(THE APPENDICES TO THE REPORTS AT AGENDA ITEMS 4 AND 5 ARE ATTACHED FOR COMMITTEE MEMBERS ONLY. IF ANY OTHER MEMBERS WISH TO SEE THE SUPPORTING INFORMATION, PLEASE CONTACT THE SERVICE MANAGER, COMMUNITY SAFETY AND LICENSING).

6. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.

MINUTES

**ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
MONDAY, 5 SEPTEMBER 2011**



COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)
Councillor Robert Broughton
Councillor Breda Griffin
Councillor Reginald Howard
Councillor Vic Kerr

Councillor Graddon Rowlands
Councillor Bob Russell (Vice-Chairman)
Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Licensing Officers (Peter Harrison, Pam Robinson)
Legal Advisor/Solicitor (Paul Rushworth)
Environmental Health Protection Team Leader (Anne Marie Coulthard)
Environmental Protection Officer (Pete Rogers)
Democratic Officer (Lucy Bonshor)

12. APOLOGIES

An apology for absence was received from Councillor Chivers.

13. DECLARATIONS OF INTEREST

The Legal Advisor gave advice on personal and prejudicial interests when a Councillor is a member of the British Legion. Councillor Mrs Bosworth declared a personal and prejudicial interest and left the meeting and took no part in the discussion or voting on item 4 on the agenda.

14. MINUTES OF MEETING HELD ON 5TH AUGUST 2011

With Councillor Russell in the Chair

The minutes of the meeting held on 5th August were agreed as a correct record of the decisions taken.

15. LICENSING ACT 2003 - REVIEW OF PREMISES LICENCE - ROYAL BRITISH LEGION, BARROWBY

Decision:

- (1) The conditions of the licence should be modified to add a new condition prohibiting the ability to perform live music until such time as professional and adequate noise insulation work has been undertaken to the satisfaction of the Council's Environmental Health Services.**
- (2) Live music should be removed from the licence as a licensable activity until such time as professional and adequate noise insulation work has been undertaken to the satisfaction of the Council's Environmental Health Services.**

The Legal Advisor to the Committee introduced those present and confirmed who was to speak with regard to the application. Mr Looms for the British Legion (Sue Clark and Stuart Adams were also present), Mr and Mrs Glover (objecting), Miss Coulthard (Environmental Health Protection).

The Licensing Officer introduced report ENV545 from the Community Safety and Licensing Service Manager in relation to the review of a premises licence for the Royal British Legion, Barrowby. The review had been requested by the Environmental Protection Team at South Kesteven District Council. The premise had held a club licence premises certificate since the introduction of the Licensing Act in 2005.

Complaints about noise nuisance at the club had been received since 2003 and during the years mediation had been attempted on several occasions. An abatement notice had been served in 2010 but complaints had still been received. Miss Coulthard visited the premises in 2011 to deliver a letter and found loud music coming from the premises. She spoke to Mr Looms who had been present at previous meetings and advice was given, she also noted that the microphone for the noise limiter was missing. Mr Looms was asked to increase the noise level until uncomfortable and distorted which showed that the limiter was not functioning properly. Miss Coulthard wrote to the club explaining her findings.

An event had been advertised in the Grantham Journal for a live band on 4th of June and the event was monitored by an environmental protection officer who considered that a statutory noise nuisance was being created. The event had been held contrary to section 62 (2)(a) of the Licensing Act 2003.

Due to these events and the additional witness statements received the Environmental Protection Team had significant concerns that the licensing objectives were being undermined and were concerned that the current committee had little knowledge of their licence and the conditions attached. They feel that a review is necessary to ask the Committee to consider the following interventions to promote the licensing objectives

- i) Remove the ability to play live music
- ii) A robust condition relating to noise from the premises be attached

“During the provision of recorded music notice must not be audible at the boundary of the nearest residential premises”.

In addition to being present at the committee hearing, Mr & Mrs Glover had written in support of the review due to their close proximity to the premises and their experience of being disturbed over a number of years by the events held at the club.

Letters in support of the British Legion had also been received from representatives that valued the club in the community. These were all appended to report ENV545. The Chairman of the club had written to the Head of Environmental Health regarding the visits to the club by his officers, most of the issues raised would be dealt with at the meeting. The Chairman had been asked if they would like to make a formal complaint but this had declined.

The Environmental Health Officer then presented the case for Environmental Protection. She detailed the times of the visits to the premises, what she had found with regard to the location of the sound limiter on these visits, advice that had been given about the location of the equipment and who had attended these meetings. She then asked Mr Rogers an Environmental Protection Team Member who had carried out a noise nuisance test at the property next to the premises on the night when a live band had been playing to present his report. He informed those present of his findings and played a recording of the noise that he had witnessed previously and that in his opinion a statutory noise nuisance had been made. The Environmental Health Officer advised Mr Looms of the findings and the considered breach of the noise abatement notice. Further letters were sent and meetings held. The Environmental Health Officer concluded her presentation by stating that the current committee were not fully aware of the conditions of their licence and that the provision of live music should be removed from it. The review of the licence was a final step in trying to avoid prosecution action.

Questions were then asked of the Environmental Health Officer to which she replied.

The Legal Advisor then asked for clarification on points raised to help assist the committee in making their decision. The legal adviser asked Mr Looms to explain the structure of those with responsibility for the club. Mr Looms confirmed that the committee as a whole were responsible for noise issues at the premises.

Mr Looms for the British Legion then presented their case. He referred to the long history of the club and the work that it did to help support those people in the armed forces. He said that the former committee had misled the current committee on what events it could hold and he referred to the good relationship that they had with the neighbour situated to the right of the premise (going north up Low Road). Membership of the club had struggled over the years and if the live entertainment part of the licence was removed then there was a fear

that the club would have to close. The entertainment was for once a month for one and half hours.

The Licensing Officer then questioned Mr Looms in detail about the advertisement of the entertainments that had taken place which under the licence they were not allowed to do and the groups that used the club again in breach of the conditions on the licence. He also referred to the meetings that had taken place with Environmental Health Officers that Mr Looms had been present at and although advice had been given it had been ignored.

Further questions were then put to Mr Looms from Committee Members, the Environmental Protection Officer and the Legal Advisor.

Mr and Mrs Glover then gave a short presentation. They fully agreed with the information that the Environmental Health Officer had given and indicated that both public and private events took place at the premises. Intrusive noise from these events had been a problem for years and the present committee for the club had not approached them once.

Questions were then put to Mr & Mrs Glover about the events in question to which they replied. Following this the Licensing Officer then gave his closing statement and the decisions available to the Committee.

(3.10pm Licensing Officers, applicants and objectors leave the meeting)

Members discussed in detail the information they had before them and the representations made during the meeting. Having regard to the advice given by the Legal Advisor, the premise building, the history of the noise nuisance and its location to residential properties, it was proposed, seconded and agreed to remove live music from the premises licence until such time as adequate noise insulation work had been undertaken to the satisfaction of Environmental Health Services. The Committee questioned whether the issues relating to noise nuisance had gone on so long that suspending the licence might be an appropriate response. Following legal advice and on balance the committee decided that to close the premises at this stage might have such a detrimental effect on the viability of the club that a more proportionate alternative measure was appropriate which would address the neighbouring resident's concerns whilst allowing the British Legion to continue to function.

(3.28pm Licensing Officers, applicants and objectors returned to the meeting)

The Legal Advisor read out the decision of the Committee.

The Committee had considered the representations of all the parties and the decision of the Committee was to modify the conditions of the licence by adding a new condition prohibiting the ability to perform live music in addition and for completeness live music should be removed from the licence as a licensable activity until such time as professional adequate noise insulation work was

undertaken to the satisfaction of the Council's Environmental Health Service. The Legal Advisor informed those present that the decision was appealable to the Magistrates Court within 21 days of written notification of the decision.

(3.30pm meeting break)

16. LICENSING ACT 2003: VARIATION OF PREMISES LICENCE - STAMFORD KEBAB HOUSE

Reconvene 3.43pm
Councillor Mrs Bosworth in the Chair

Decision:

That the application to vary the premise licence in respect of the Stamford Kebab House be approved as follows:

Sunday to Tuesday 23:00 – 00:30

Wednesday to Saturday 23:00 – 02:30

The Licensing Officer referred to report ENV544 which had been circulated with the agenda. He then gave a brief background to the Committee about Late Night Refreshment Licences. The application before the Committee was to vary the opening hours of the premises to 03:00am. One objection from the police had been received and three from residents. The applicant and the police had discussed the opening hours requested and the applicant had agreed to alter his hours to be in accordance with the other late night refreshment establishments in the area, closing at 2:30am. Following the agreement the three other objectors had withdrawn their objections as they had not wanted an establishment opening later than the rest. As an agreement had been made neither party were present at the meeting. It was proposed, seconded and unanimously agreed to grant the variation of the new agreed hours.

17. CLOSE OF MEETING

The meeting closed at 3.50pm.

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: COMMUNITY SAFETY & LICENSING MANAGER

REPORT NO: ENV 553

DATE: 7 October 2011

TITLE:	Application for the grant of a Premises Licence (29 London Road Grantham)	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter, Engagement & Corporate Services	
CONTACT OFFICER:	Richard Etherton r.etherton@southkesteven.gov.uk 01476 406190	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	N/A	N/A
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Statement of Licensing Policy 6 January 2011	

1. RECOMMENDATIONS

1.1 That the Licensing Committee considers this application for a premises licence located at 29 London Road, Grantham and the views of the representations made by interested parties bearing in mind the four licensing objectives:

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of children from harm.

1.2 Where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made representations agree that a hearing is unnecessary

1.3 The committee may have regard to the representations and if it considers it necessary for the promotion of the Licensing objectives;

- (a) Modify the conditions of the licence
- (b) Reject the whole or part of the application and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new conditions are added.

1.4 The licensing authority should give appropriate weight to;

- (a) The steps that are necessary to promote the licensing objectives
- (b) The representations (including supporting information) presented by the parties
- (c) The guidance issued under section 182 of the licensing Act 2003
- (d) South Kesteven District Council's Licensing policy

2 PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a premise licence under Section 17 of the Licensing Act 2003
- 2.2 The decision required is to establish whether any action is required to promote the four licensing objectives set out in section 1.1 of this report.
- 2.3 If it is felt necessary to take action, the options listed in section 1.3 are open to the committee.

3. DETAILS OF REPORT

- 3.1 On the 15 August 2011 an application was received with regards to a new premise licence located at 29 London Road, Grantham. (**Appendix 1 refers**)
- 3.2 The opening hours applied for are Monday to Sunday from 10.00 to 24.00
- 3.3 The application is for the sale of alcohol Monday to Sunday from 10.00 to 24.00 and Late Night refreshment Monday to Sunday from 23.00 to 24.00.
- 3.4 One representation has been received with regards to this application from Lincolnshire Trading Standards, who are a responsible authority. (**Appendix 2 refers**)
- 3.5 Lincolnshire Trading Standards feel that the applicant has not shown on the application how they will deal adequately with the licensing objective - 'The protection of Children from harm'. They have supplied a set of conditions. (**Appendix 2 refers**)
- 3.6 The applicant and Lincolnshire Trading Standards have agreed that the new proposed conditions at appendix 2 be attached to the premises licence.

3.7 The applicant has submitted a letter and agrees to have the conditions supplied by Lincolnshire Trading Standards attached to the premises licence. They believe a hearing is unnecessary. **(Appendix 3 refers)**.

3.8 Lincolnshire Trading Standard has submitted an e – mail which confirms they also feel a hearing is unnecessary. **(Appendix 4 refers)**

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

N/A

6. RISK AND MITIGATION

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

N/A

8. CRIME AND DISORDER IMPLICATIONS

8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s 17 of the Crime and Disorder Act 1998

9. COMMENTS OF FINANCIAL SERVICES

9.1 There are no specific financial comments to make in respect of this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 This is an application to vary a premises licence under S34 of the Licensing Act 2003. The committee should consider whether the proposed variation is likely to impact on the promotion of the licensing objectives which are set out at paragraph 1.1 above. In reaching the decision the committee should consider, the steps that are necessary to promote the licensing objectives, the representations (including supporting information) presented by all parties, the guidance issued under S182 of the Licensing Act 2003 and the Council's own Licensing Policy. The applicant in this matter appears to have agreed a condition which has satisfied Lincolnshire Trading Standards. There are no other objections.

11. COMMENTS OF OTHER RELEVANT SERVICES

N/A

12. APPENDICES:

Appendix 1 Application for 29 London Road, Grantham

Appendix 2 Representation from Trading Standards

Appendix 3 Letter from applicant

Appendix 4 E – mail from Trading Standards

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: ENV 552

DATE: 7TH October 2011

TITLE:	Application for the grant of a Premises Licence	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter - Engagement and Corporate Services	
CONTACT OFFICER:	Peter Harrison – peter.harrison@southkesteven.gov.uk 01476 406190	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	N/A	
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Statement of Licensing Policy 6 January 2011	

1. RECOMMENDATIONS

Having regard to the representations take such steps, if any, as it considers necessary, for the promotion of the licensing objectives, those steps are:

Grant the Licence subject to

- A. Modify the conditions of the licence to such an extent as the committee considers necessary for the promotion of the licensing objectives
- B. exclude a licensable activity from the licence to which the application relates
- C. refuse to specify a person in the licence as premises supervisor;
- D. reject the application

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of this report is to provide the committee with information to enable it to consider this application for the grant of a premise licence under Section 17 of the Licensing Act 2003 as a relevant representation has been received

3. DETAILS OF REPORT

Sainsbury's supermarket has applied for a Premises Licence for a new store in Stamford Town Centre, appendix 1.

The application is for the sale of alcohol between 06.00 and 24.00 and the provision of late night refreshment between the hours of 23.00 and 24.00.

A relevant representation has been received and as officers do not have delegated powers to grant a licence. Where there is a relevant representation the determination of this application now rests with the licensing subcommittee. A copy of the relevant representation received is attached at appendix 2

The representation concerns the potential for disturbance caused by the extra traffic, youths hanging about the store, loutish behaviour and litter.

4. OTHER OPTIONS CONSIDERED

Sainsbury's attempted to negotiate with the objector and agreed to amend their application to close the store at 23.00.

Sainsbury's also point out that even if this application is rejected the store could still open for sale of other goods

The objector still wants the application to go to a hearing

5. RESOURCE IMPLICATIONS

N/A

6. RISK AND MITIGATION

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

N/A

8 CRIME AND DISORDER IMPLICATIONS

N/A

9. COMMENTS OF FINANCIAL SERVICES

There are no specific financial implications associated with this report

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

On receipt of an application for the grant of a Premises licence, the Council are obliged to hold a hearing to consider the application within 28 days of receipt of the application. The Council are not obliged to determine the application within that time if it is considered in the public interest not to do so.

In making any decision relating to the application, the Committee be reasonable and proportionate and must be necessary for the promotion of a licensing objective. The licensing objectives are:

- Prevention of Crime & Disorder
- Public Safety
- Public Nuisance
- Protection of Children from harm

11. COMMENTS OF OTHER RELEVANT SERVICES

N/A

12. APPENDICES:

- 1) Application
- 2) Representation