

# AGENDA



For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>THURSDAY, 22 DECEMBER 2011</b>
at
<b>10.00 AM</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM</b>
<b>Beverly Agass, Chief Executive</b>

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 <a href="mailto:l.bonshor@southkesteven.gov.uk">l.bonshor@southkesteven.gov.uk</a>

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 7TH OCTOBER 2011**

(Attached)

**4. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - QUICK SHOPPER, GRANTHAM**

Report ENV560 by the Community Safety and Licensing Service Manager.

(Attached)

**5. LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE 90 DEGREES, 78 WESTGATE, GRANTHAM, LINCOLNSHIRE**

Report ENV852 from the Community Safety and Licensing Service Manager.

**(Attached)**

**(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  
FRIDAY, 7 OCTOBER 2011



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## COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)  
Councillor George Chivers  
Councillor Breda Griffin  
Councillor Vic Kerr  
Councillor Graddon Rowlands

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

## OFFICERS

Licensing Officers (Richard Etherton, Peter Harrison)  
Principal Solicitor (John Armstrong)  
Democratic Officer (Lucy Bonshor)

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## 18. APOLOGIES

Apologies for absence were received from Councillor Howard and Councillor Broughton.

## 19. DECLARATIONS OF INTEREST

None declared.

## 20. MINUTES OF MEETING HELD ON 5TH SEPTEMBER 2011

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

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

### Decision

*That the application for a premises licence for 29 London Road, Grantham be approved as applied for subject to the conditions supplied by Lincolnshire Trading Standards being attached to the premise licence.*

It was confirmed that neither the applicant nor Lincolnshire Trading Standards would be attending the meeting.

The Licensing Officer referred to report ENV553 which concerned an application for a premise licence for 29 London Road, Grantham, the opening hours applied for were Monday to Sunday from 10.00 to 24.00 and the application was 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. One representation had been received from a responsible body, Lincolnshire Trading Standards. They felt that the applicant had not shown how they would adequately deal with the licensing objective 'The protection of children from harm' and had supplied a set of conditions to be attached to the licence. A letter had been received from the applicant agreeing to have the conditions from Lincolnshire Trading Standards attached to the premise licence and both parties agreed that a hearing was unnecessary.

Having considered the representation made and the agreement of both parties it was proposed, seconded and the Committee unanimously agreed to approve the premise licence for 29 London Road, Grantham as applied subject to the conditions from Lincolnshire Trading Standards being attached to the licence.

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

The Licensing Officer informed the Committee that the objection received to the premises licence had been withdrawn by the objector late the previous day, therefore the application would be approved as applied for and it did not need to go before the Committee for a hearing.

## **23. CLOSE OF MEETING**

The meeting closed at 10.10am.

## REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

**REPORT OF: COMMUNITY SAFETY & LICENSING MANAGER**

**REPORT NO: ENV 560**

**DATE: 22 December 2011**

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

### 1. RECOMMENDATIONS

- 1.1 That the Licensing Committee consider this application (appendix 1) for a premises licence at a premises known as Quick Shopper Grantham and the views of the representation made by a Responsible Authority (Police) 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 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
- 1.4 If the Authority disagree that a hearing is not necessary then a date must be set to hold a hearing to determine the application and all parties invited to attend.

## **2. PURPOSE OF THE REPORT/DECISION REQUIRED**

- 2.1 The purpose of this report is to provide the Authority with information to enable it to agree a hearing is not necessary or refer determination of the application to a hearing by Licensing Committee.
- 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.

## **3. DETAILS OF REPORT**

- 3.1 On 7 November 2011, the applicant attended at the council offices and intended to transfer the existing premises licence from the existing premises licence holder to himself, he stated to a licensing officer that the existing premises licence holder had gone bankrupt 2/3 months ago.
- 3.2 A premises licence lapses if the holder of the licence becomes insolvent and the licence is not transferred within a 7 day period.
- 3.3 The applicant was informed as a 3.2 and agreed to apply for a new premises licence. The existing premises licence holder has made no contact with South Kesteven licensing section re the insolvency and is unable to be contacted.
- 3.4 On the 14 November 2011, an application for a new premises licence for Quick Shopper, Bridge End Road, Grantham was received (Appendix 1) refers.
- 3.5 The application was to have the premises open for a 24 hour period and also the Supply of alcohol for 24hours, shown below -
- |                   |                                |
|-------------------|--------------------------------|
| Opening hours     | Monday to Sunday 00.00 - 24.00 |
| Supply of alcohol | Monday to Sunday 00.00 - 24.00 |
- 3.6 One representation was received with regards to this application from the Lincolnshire Police (Appendix 2) refers
- 3.7 The applicant and the police have subsequently discussed the opening hours requested for the supply of alcohol and the applicant has agreed to alter his hours.
- 3.8 Supply of alcohol Monday to Sunday 06.00 – 24.00

- 3.9 Both the applicant and the police feel that an agreement has been reached with regards the hours for the supply of alcohol and therefore a hearing is unnecessary and ask that the application with the new hours at 3.8 be granted. (Appendix 3&4) refer.

**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 for a new premises licence under S17 of the Licensing Act 2003. The committee should consider whether the application 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 change of hours which has satisfied Lincolnshire Police. There are no other objections.

**11. COMMENTS OF OTHER RELEVANT SERVICES**

N/A

**12. APPENDICES:**

1. Application
2. Lincolnshire Police Representation
3. E-mail from Lincolnshire police – hours agreed
4. Letter from applicant – hours agreed

## REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT COMMITTEE

**REPORT OF: Community Safety and Licensing Manager**

**REPORT NO: ENV562**

**DATE: 22<sup>ND</sup> December 2011**

<b>TITLE:</b>	Review of a Premises Licence 90 Degrees, 78 Westgate, Grantham, Lincolnshire	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter Engagement and Corporate Services Portfolio Holder	
<b>CONTACT OFFICER:</b>	Peter Harrison, <a href="mailto:peter.harrison@southkesteven.gov.uk">peter.harrison@southkesteven.gov.uk</a> 01476 406190	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Statement of Licensing Policy 6 January 2011	

### 1. RECOMMENDATIONS

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee consider the application for a review of the Premises Licence relating to 90 Degrees and determine either to:
- a. Modify the conditions of the licence;
  - b. exclude a licensable activity from the licence
  - c. remove the designated premises supervisor;
  - d. suspend the licence for a period not exceeding 3 months;
  - e. revoke the licence.
  - f. adjourn a hearing to a date to be specified where it considers it to be necessary in the public interest.

## **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 review of the premise licence under Section 51 of the Licensing Act 2003.
- 2.2 Where a relevant application for a review is received, the Licensing Authority must hold a hearing to determine the application. The options available to the Committee are as detailed in the recommendation application:

The guidance issued under Section 182 of the Act is:

“In deciding which of these powers to invoke, it is expected that the Committee should, so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate

## **3. DETAILS OF REPORT**

- 3.1 Lincolnshire Police are asking for revocation of the licence but if committee feel this is not appropriate they will seek stringent conditions at appendix 2 of this report.
- 3.2 The police say that recent events have highlighted concerns in relation to the licensing objectives and say they have failed to reach agreement with the premises licence holder and they are concerned regarding the drinks promotions.
- 3.3 The police have cited a number of incidents regarding underage drinking and the failure of CCTV, between the review being applied for and the writing of this report the CCTV has been upgraded to the satisfaction of the police.
- 3.4 A meeting was held prior to the drinks promotions between Mr Livingston, Inspector Rod Rose and Peter Harrison from the Licensing Team at South Kesteven District Council to discuss whether the promotion fell into the Irresponsible drinks promotion category. It was decided that the promotion was ok so long as people didn't end up consuming too much alcohol and only if incidents occurred as a result of the promotion would the police take further action
- 3.5 There have been meetings on each occasion that police felt there was a problem with the premises, these meetings were between Inspector Rose, Mr Livingston and Peter Harrison from the Licensing Team at South Kesteven District Council, on each occasion a way forward has been agreed.
- 3.6 There has been ongoing negotiation since the review has been applied for, Mr Livingston indicated a willingness to apply for a minor variation to add the conditions the police asked for.
- 3.7 At the time of the agreement Mr Livingston also said he was going to change the nature of the premises and reopen as a sports bar which would change the operating hours of the premises to close at 23.00

- 3.8 Mr Livingston applied for a minor variation to add the conditions but as he had sold the premises he did not apply to change the hours because the new owners wanted to remain as a nightclub.
- 3.9 Lincolnshire Police then said they would only accept the minor variation if Mr Livingston agreed to transfer the premises to the new owners and they had an opportunity to check the new owners against their records.
- 3.10 Mr Livingston feels that the police action is personal and that he is being targeted, as a result of the police request to transfer the licence as well as the minor variation which he considers to be unreasonable he has now withdrawn the minor variation.
- 3.11 Mr Livingston has withdrawn the minor variation because he wants the issue to be heard by Licensing Committee, he points to the fact that this year he was served with a closure notice which was withdrawn by the police as it had been served incorrectly, the police objected to a temporary event notice in February and then withdrew the objection and he also had a review notice served on him by the police in July 2011 that the police subsequently withdrew.
- 3.12 He has requested a review because he feels that he has tried to address every issue the police have raised only to find another issue soon after, he feels that other premises have the same issues but they are not subject to the same action nor do they liaise with the authorities and therefore feels the issue is personal rather than premises related.

#### **4. OTHER OPTIONS CONSIDERED**

#### **5. RESOURCE IMPLICATIONS**

#### **6. RISK AND MITIGATION**

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

#### **8. CRIME AND DISORDER IMPLICATIONS**

#### **9. COMMENTS OF FINANCIAL SERVICES**

There are no specific financial implications associated with this report

#### **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

The Act provides a procedure whereby a premises licence can be reviewed at any time on the application of an interested party or a responsible authority. On receipt of an application for review of a licence, the Council are obliged to hold a

hearing to consider the application within 28 days of receipt of the application. The Committee should consider the Guidance issued under S182 of the Act and the Council's own statement of licensing policy when considering if the application merits evidence that the licensing objectives are being undermined or not.

The licensing objectives are:

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

Any decision taken by the Committee should be reasonable and proportionate and must be necessary for the promotion of the licensing objectives. The decision of the committee should be no more than a proportionate response to the concerns raised by the police.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

## **12. APPENDICES:**

- 1 – Application for review
- 2 – Suggested Police Conditions
- 3 – Police Statements