

MINUTES

ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
FRIDAY, 23 MARCH 2012



COMMITTEE MEMBERS PRESENT

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

Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Licensing Officer (Peter Harrison)
Solicitor to the Committee (Paul Rushworth)
Democratic Officer (Lucy Bonshor)

40. APOLOGIES

Apologies for absence were received from Councillors' Chivers, Vic Kerr, Rowlands and Russell for this meeting only.

41. DECLARATIONS OF INTEREST

None declared.

42. MINUTES OF MEETING HELD ON 2ND MARCH 2012

Deferred to next meeting.

43. LICENSING ACT 2003: APPLICATION FOR A GRANT OF A PREMISE LICENCE FOR COST CUTTERS, 13/15 SPRINGFIELD ROAD, GRANTHAM

Decision:

That the application for a premise licence for Cost Cutters, 23/15 Springfield Road, Grantham be approved as applied for with the change of hours as agreed with the applicant from 6:00am to 23:00pm and the removal of regulatory entertainment and late night refreshment. A

condition is to be attached to the licence about regular litter picking by the Cost Cutter staff outside the premises, the wording of a precise condition to be confirmed with the Licensing Officers.

The Solicitor to the Committee introduced those present and confirmed the names of those wishing to speak.

- Mr Suresh on behalf of Cost Cutters the applicant
- Mr I James operations manager, Cost Cutters
- Councillor Adam Stokes ward representative
- Mr J Bishop resident
- Mr D Atkins resident
- Mrs C Leivers resident

The procedure which would be followed was explained and the parties indicated their understanding of the process

The Licensing Officer submitted report CSL004 which concerned a premises licence for the premises known as Cost Cutters, 13/15 Springfield Road, Grantham for the sale of alcohol, opening 24 hours a day and late night refreshment between 23.00 and 5.00am seven days a week. Following objections received the applicant had amended the application to reduce the opening hours. The application for recorded music had been made in error and therefore was no longer part of the application and the applicant also indicated that they no longer wished to apply for late night refreshment. Five representations from interested parties had been received together with a petition. The Committee members were reminded about the relevance of representations. The representations received covered all four licensing objectives.

The Licensing Officer then referred to the representation received from Mr Bishop and explained a paragraph within the letter stating that the premises was already classed as A1 use and planning permission was therefore not required. Also the Council did not have a cumulative impact policy.

Mr Bishop then asked for clarity concerning the hours asked for and the late night refreshment license together with the recorded music. Mr Suresh, on behalf of Cost Cutters responded by stating that there would be no cooking on the premises and they were therefore not going to apply for a late night refreshment licence. Mr Harrison indicated that the recorded music that would be played would be incidental music and therefore not part of the licence required.

Mr Suresh then presented his case stating that following the objections received from the residents in the area a reduction of hours had been requested as the neighbourhood was important. A question was asked by a resident about how familiar Mr Suresh was with the premises and its location to which Mr Suresh replied.

The interested parties then each presented their cases to the Committee. There representations covered the following points:

- Concern over public safety due to the location of the premises
- Concern over the opening hours due to the residential area
- Noise and nuisance from the location of the shop due to the close proximity to residential properties
- Lack of sleep of residents due to late opening times
- Lack of parking for patrons of the shop due to double yellow lines on the road
- Congregating of youths late at night
- Location of the alcohol within the shop would it be self serve or behind the counter what additional measures were in place
- Concern under the protection of children from harm licensing objective due to groups of youths and possible anti social behaviour
- Creation of litter outside the shop and premises located nearby

The operating manager then addressed some of the points raised giving examples of another Cost Cutter premises within the town and how working closely with the PCSO's and the police had helped address issues at this location.

The Licensing Officer said that a condition could be added to licence concerning litter picking if the Committee thought that this would be an issue at the location.

Further comments were then made concerning the location of alcohol within the premise, parking and the number of staff that would be in the premise. Mr Suresh confirmed that there would be two managers and three staff.

The Licensing Officer then gave his closing statement. He reminded the Committee that they should have regard to the representations made and take such steps as they consider necessary to promote the four licensing objectives.

Mr Suresh on behalf of Cost Cutters then gave a brief closing statement.

(10. 50 am the Licensing Officer, applicant and interested parties all left the meeting)

The Committee discussed the application before them having regard to all the representations that they had heard and whether or not the licensing objectives would be undermined or promoted. Members felt that some of the concerns raised were beyond the Committees control such as the opening hours and the control of parking; this was a matter best regulated by the police. However, they were minded to agree a condition be attached to license concerning litter picking outside the premises. It was proposed, seconded and unanimously agreed to approve the licence subject to the amended times, removal of the

late night refreshment licence, recorded music and the addition of a litter picking condition

(11.05 am the Licensing Officer, applicant and all interested parties returned to the meeting)

The Committee had considered the representations of all the parties and the decision of the Committee was to approve the licence as applied for subject to the amended hours for Licensable activities being 0:600 until 23.00 and the removal of the parts of the application relating to regulated entertainment and late night refreshment. The Committee would place a condition on the licence that the staff at Cost Cutter would regularly pick litter outside the premises, the exact wording of the condition to be agreed by the Licensing Officers later.

The reasons for that decision were that the Committee were mindful that the residents' concerns about car parking issues outside the premises had not been supported by the Council's planning department, they were mindful that other enforcement regimes such as the police could monitor illegal parking outside of the premises and the Committee was not satisfied that the Licensing regime was the appropriate regime to control car parking. The Committee were also mindful that they could not control the opening hours of the premises but only the times when licensable activities took place. The Committee considered whether the sale of late night refreshment should be limited to a terminal hour which was earlier than the terminal opening hour of 23:00. The Committee concluded that there was no evidence of crime and disorder because the proposed retail outlet would be a newly licensed premise. Clear evidence would be needed to link the premise and the sale of alcohol to any crime and disorder in the future so to some extent the Committees hands were tied. The Committee could not impose further restrictions relating to any of the other representations as there was no evidence that the licensing objectives would be undermined. The Committee did ask the Solicitor to the Committee to remind those present that if there were problems in the future relating to Cost Cutter, the premises licence could be reviewed and would be brought back to the Committee for reconsideration. Finally the parties were reminded that the decision was appealable to the Magistrates Court within 21 days of written notification of the decision

44. CLOSE OF MEETING

The meeting closed at 11.07am.