

# AGENDA



For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 18 MAY 2012</b>
at
<b>10.00 AM</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Mark Ashbery (subject to training), 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 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 27TH APRIL 2012**

**(Enclosure)**

**4. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A PREMISES LICENCE, BOURNE PUBLIC HOUSE, JUNCTION OF SOUTH ROAD AND RAYMOND MAYS WAY, BOURNE**

Report CSL011 by the Community Safety and Licensing Service Manager.

**(Enclosure)**

**(THE APPENDICES TO THE REPORT AT AGENDA ITEM 4 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).**

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

# MINUTES

**ALCOHOL AND ENTERTAINMENT  
LICENSING COMMITTEE  
FRIDAY, 27 APRIL 2012**



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## COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)  
Councillor George Chivers  
Councillor Breda Griffin  
Councillor Reginald Howard  
Councillor Vic Kerr

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

## OFFICERS

Licensing Officer (Pam Robinson)  
Solicitor (Paul Rushworth)  
Principal Democratic Officer (Jo Toomey)  
Democratic Officer (Lucy Bonshor)

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### 45. APOLOGIES

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

### 46. DECLARATIONS OF INTEREST

None declared.

### 47. MINUTES OF MEETING HELD ON 2ND AND 23RD MARCH 2012

The minutes of the meetings held on 2nd and 23rd March 2012 were agreed as a correct record of the decisions taken.

### 48. LICENSING ACT 2003: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - PEAR TREE, BROAD STREET, STAMFORD

#### Decision

**That the application to vary the premises licence for the Pear Tree, Broad Street, Stamford be approved as agreed by the police and the applicant**

**as set out in the report, with the addition of a condition that all windows and doors will be kept closed during the performance of live and recorded music.**

The Solicitor to the Committee introduced those present and confirmed who was to speak with regard to the application. Mr Mills for the applicant, Mr Springett, resident and Mr Barrie on behalf of Mrs Veitch, resident. Representatives from Lincolnshire Police were at the hearing but confirmed that they did not wish to make any further representation to the Committee.

The Licensing Officer introduced report CSL006 which concerned a variation of a premise licence for the premises known as the Pear Tree, Broad Street, Stamford. The variation had been requested to amend a condition on the licence which states:

*No drinking vessel of any description shall be removed from the licensed area, save for disposal by a member of staff or the licensee's own personal use.*

The applicant had been issued for a pavement licence by Lincolnshire County Council and therefore he required the condition to be amended so that he could take advantage of the licence between the times of:

11:00 – 20:00 hrs

The applicant had also asked for an extension of hours for recorded music, dancing, late night refreshment, sale of alcohol and closing hours. Representations were received from the police and a meeting was held between the applicant and the police on 8 March to see if an agreement could be reached. The Licensing section received confirmation of the agreed changes following the meeting. On 30 March two representations were received from interested parties both relating to public nuisance due to noise from the premises. One of the interested parties asked that if the variation was agreed that a condition be attached stating that all windows and doors be kept shut during performances of live and recorded music. Environmental Protection confirmed that they had not received any complaints about noise or disturbance from the premises.

The applicant then presented his case stating that no complaints had been previously received about the premises. The times requested were in line with other businesses in the area. The pavement licence would be more of a coffee area to extend the lunch time business and it would have controlled access and times.

Members asked for clarification with regard to access to the pavement area to which the applicant replied.

The interested parties then presented their cases, Mr Springett referred to the noise that would be increased from live and recorded music if the hours were

extended. The location of the premises meant that people used the area as a conduit and caused a public nuisance. Reference was made to other premises in the area and the disturbance caused late at night which the Stamford Street Pastors helped to maintain public safety in a voluntary capacity. Mr Barrie referred to the vomit that was in abundance around the front steps and gate of Mrs Veitch's property and the increase in public nuisance if the times were to be increased.

Members then referred to the location of the pavement licence and expressed concern about its proximity to the road. The applicant confirmed that the seating area would all be removed at 20:00hrs.

The Licensing Officer then gave her closing statement reminding Members to have regard to promoting the four licensing objectives. The guidance issued under Section 182 of the Licensing Act and South Kesteven's Licensing Policy and the options available to them.

Mr Mill then gave his closing statement and referred to the meetings held with the police and the advice given which he had taken as shown in the amended hours asked for.

*(10.35am Licensing Officer, applicant and interested parties left 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 Solicitor to the Committee and the fact that the premises licence had already been granted by Lincolnshire County Council, the fact that no complaints had been received by Environmental Protection in relation to noise or disturbance from the premises it was proposed, seconded and agreed to approve the variation to the licence as agreed between the police and the applicant subject to the addition of a condition to keep all windows and doors closed during playing of live and recorded music.

*(10.55am Licensing Officer, applicant and interested parties returned to the meeting)*

The Solicitor to the meeting then read out the Committee's decision. The Committee had considered all the representations of all the parties but they considered that it was significant that none of the statutory consultees made any objections to the application. They gave full consideration to the resident's representations but despite that, there was insufficient evidence relating to the undermining of the licensable objectives. The Committee therefore agreed the variation as agreed between the police and the applicant with the addition of a condition to keep all windows and doors closed during the playing of live and recorded music. The Solicitor to the Committee reminded those present that the licence could be reviewed at any time if there were further problems going forward. The licence could be appealed to the Magistrates Court within 21 days of written notification of the decision.

*Meeting adjourned at 10.56am.*

**49. APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE -  
TABOO GENTLEMEN'S CLUB, 99 WESTGATE, GRANTHAM**

**Meeting reconvened at 11.46am**

*Councillor Chivers left the meeting at 11.46am*

**Decision**

**That the application for a Sexual Entertainment Venue Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) be approved to 03:15 every day of the week, overwriting the standard condition that no such activity should take place on a Sunday. Approval of the licence is to incorporate the District Council's standard conditions together with the additional conditions that had been proposed by the applicant in writing at the hearing.**

The Solicitor to the Committee introduced those present and confirmed who was to speak in connection with the application. John Kent from John Kent Solicitors would be speaking on behalf of the applicants Mr Yusuf Mehmet Yenibertiz and Maria Karlsson Djurovic. The Manager to the premises was Mr Makram Messaludi. Inspector Rod Rose and PC Dale Walker would be speaking on behalf of Lincolnshire Police and Mrs Brown was an interested party.

The Licensing Officer then referred to report CSL007 which concerned an application for a Sexual Entertainment Venue Licence (SEV) in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009). The Council had adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to Sexual Entertainment Venues at the meeting held on 3 March 2011. The premises had run a lap dancing club under the permissions of the Licensing Act 2003 from January 2010 up until 30 March 2012 no complaints about the premises had been received by the authority during this period. On 12 March 2012 an application was received for Taboo Gentlemen's Club to hold a SEV which would run in conjunction with the premises licence issued under the Licensing Act 2003. The applicant had applied for a licence to hold sexual entertainment everyday from 21:00 to 06:00hrs. A complaint was received by e-mail from a person who wished to remain anonymous alleging solicitation, drug use, drinking after time, counterfeit alcohol and full contact dancing. A further e-mail by the same person was made on 4<sup>th</sup> April 2012 making further allegations; these were referred to the police for them to investigate. Two representations were received from members of the public stating that the character of the area was unsuitable, the hours requested were

unreasonable, there was noise and disturbance from the premise, its location and the alleged behaviour of the staff. On 5<sup>th</sup> April the police submitted representations regarding the extension of the hours sought, drug use at the premises and as yet unsubstantiated complaints of illegal sexual activities and services taking place. The police asked that if the Committee were minded to grant the licence they asked if they would delay the decision until the problems surrounding CCTV and the drug use were resolved. Since the report had been written the police and the applicant's solicitor had met to find a way forward. She also asked if Members could confirm receipt of the supporting information submitted by PC Dale Walker.

A point of clarification was made in that the applicants had been in the premises since December 2010 not January 2010.

The police asked about the identity of the anonymous e-mail, but the Solicitor to the Committee informed those present that the identity of the e-mail sender would remain anonymous.

The applicant's solicitor Mr Kent then presented his case. He said that his client had submitted the application for the hours based on those used by other premises in areas of Derby, Lincoln and Nottingham and had not consulted with the police. He wished to start his case by amending the hours asked for to:

Sunday to Wednesday 21:00hrs to 03:15hrs with a closure time of 03:30hrs  
Thursday to Saturday 21:00hrs to 04:15hrs with a closure time of 04:30hrs

Although the license had been asked for everyday this did not mean that it would be used every day that would depend on trade. He then spoke about Sunday trading and bank holidays and reasonableness and proportionality. Mrs Robinson referred to the regulations and stated that the regulation said except with the previous consent of the council.

Mr Kent then addressed the procedures that his client would be putting in place with regard to Codes of Conduct, special conditions for both staff and patrons of the premise, signage within the premise and the meetings that he had held with the police about conditions for conduct and management of the premises. He referred to the comprehensive drugs policy which would be implemented and the new CCTV system which had been installed to the satisfaction of the police. Warning notices would be displayed within the premises about the drugs policy and the management had liaised with the police who were happy with the policy as drafted. He confirmed that his client had sold alcohol after 03:00hrs but he had incorrectly read the premise licence. With regard to the drug use found on the premises, necessary and appropriate steps had been taken to oil all surfaces to prevent people using them for drugs. Since January 2010 no complaints had been received from any of the statutory authorities and he reminded Members that each application was to be looked at on its own merits. If the application was approved then a variation of the premises licence would be applied for with regard to alcohol and late night refreshment.

*Meeting adjourned at 12.55 and reconvened at 13.05.*

The officers had no questions for the applicant.

In response to questions put by Councillors, the police were unable to corroborate anonymous allegations made relating to the premise. The solicitor asked the representatives from Lincolnshire Police to clarify the hours they would support for sexual entertainment to take place. Lincolnshire Police confirmed that they would be happy with the premise being licensed until 3:15am for the provision of sexual entertainment.

The local resident asked the applicant about arrangements to prevent nuisance in the vicinity of the premise. The applicants stated that no complaints relating to disturbance had been received. They highlighted the number of licensed premises in Taboo's proximity. To prevent litter, facilities were being installed for the safe disposal of cigarette ends.

Representatives from Lincolnshire Police were given the opportunity to present their case. A number of issues were highlighted, which related to crime and disorder including drug use, drinking after time and contact dancing. They confirmed that recent upgrades had been made to the CCTV.

The applicant was given the opportunity to question the Lincolnshire Police representatives, who confirmed that no complaints had been received since the new owners had taken on the premise. The new owners had also co-operated with police requests. The applicant's solicitor highlighted that there was nothing in Taboo's current licence that prevented contact dancing.

In response to questions put by Councillors, the police were unable to corroborate anonymous allegations made relating to the premise. The solicitor clarified that Lincolnshire Police would be happy with the premise being licensed until 3:15am for the provision of sexual entertainment.

In response to a question from the local resident about the new CCTV system, police officers explained that it kept an automatic log of when footage was accessed and by whom.

The local resident was invited to make her representations. As part of her statement she highlighted the proximity of residential and commercial properties to Taboo, noting in particular a nearby nursery. She objected to the licensing of the premise on moral grounds.

The Licensing Officer gave her closing statement, reminding the Committee that they should have regard to representations made by the applicant and interested parties. Mr Kent, the applicant's solicitor, gave a brief closing statement.

*(14:05 – the Licensing Officer, applicants and other interested parties left the meeting)*

*(14:05 – Councillor Griffin left the meeting and did not return).*

The Committee discussed the application having regard to representations made during the meeting and the standard conditions applied to such licences. The Solicitor advised the Committee that standard conditions would preclude use of such premises on a Sunday however, a decision of the Committee was sufficient to overwrite that standard condition.

It was proposed and seconded that that the Committee approve the application for a Sexual Entertainment Venue Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) to 03:15 every day of the week, overwriting the standard condition that no such activity should take place on a Sunday. Approval of the licence should incorporate the standard conditions together with the additional conditions that had been proposed by the applicant. This was agreed unanimously.

*(14:15 – the Licensing Officer, applicants and other interested parties returned to the meeting)*

*(14:15 – Councillor Sandall left the meeting and did not return)*

The Solicitor advised those present of the Committee's decision. Having considered the representations of all parties, the decision of the Committee was to approve the licence as applied for subject to the hours of licensable activities being amended to cease at 03:15 every day, overriding the standard condition which prevented such licensable activity on a Sunday. The licence was subject to the standard conditions and the additional conditions which had been submitted by the applicant.

The reason for the decision was based on recommendations made by Lincolnshire Police and representations made at the meeting. It was noted that many of the representations made before the Committee were relevant to an application under the Licensing Act 2003 instead of Schedule 3 of the Local Government (Miscellaneous Provisions Act).

## **CLOSE OF MEETING**

The meeting was closed at 14:20.

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

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

**REPORT NO: CSL 011**

**DATE: 18<sup>th</sup> May 2012**

<b>TITLE:</b>	Application for the grant of a Premises Licence, Bourne Public House, Junction of South Road and Raymond Mays Way, Bourne	
<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, Licensing Officer - <a href="mailto:peter.harrison@southkesteven.gov.uk">peter.harrison@southkesteven.gov.uk</a> 01476 406300	
<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 It is recommended that the Alcohol, Entertainment, Licensing Committee ("the Committee") consider this application (Appendix 1) for a premises licence for a premises known as Bourne Public House and having regard to the representations of the parties take such steps as it considers necessary for the promotion of the licensing objectives:

a.) Grant the licence subject to conditions that are consistent with the operating schedule modified to the extent that the Committee considered necessary for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licening Act 2003 ("the Act").

- b.) exclude from the scope of the licence a licensable activity 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**

- 2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a premises licence issued 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 appropriate to take action, the options listed in section 1.3 are open to the committee.

## **3 DETAILS OF REPORT**

- 3.1 An application has been received on behalf of Marston's PLC for a Premises Licence for premises that will be known as Bourne Public House, the premises have not yet been built.

The application is for

Films - 10.30 to 23.00 - Seven days a week  
Indoor sporting events - Seven days a week  
Live music - Seven days a week  
Recorded music - Seven days a week  
Performance of dance - Seven days a week  
Making music - Seven days a week  
Dancing - Seven days a week  
Supply of alcohol - Seven days a week  
Late night refreshment - 23.00 to 23.30

- 3.2 The applicant has requested to permit all activities until midnight on Sunday and Monday on bank holiday weekends, Christmas Eve, Boxing Day, New Years Day, and All Saints Day and New Years Eve 10.00am to 01.00 on the 2<sup>nd</sup> of January.
- 3.3 The application is also to serve alcohol to residents and their bona fide guests, I asked for clarification on this point because there is no indication that there is residential accommodation.
- 3.4 The solicitors say that because of the way the tills are configured if the licensee wants to have a drink when the premises are closed he is recorded as being a guest.

- 3.5 Marston's applied for a premises licence for this building several years ago which was granted.
- 3.6 They have now applied for another licence because the building is to be built on a different plot of land that is a little way from where it was originally to be built.
- 3.7 There has been one objection from the Environmental Protection team, appendix 2, at South Kesteven District Council who would like a condition added that says "Doors and windows are to be kept shut at all times live and recorded music are being played except for access and egress"
- 3.8 The applicant is happy for this condition to be added, appendix 3

**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**

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**

There are no specific financial implications associated with this report however in the event of an applicant making an appeal against a decision which was then subsequently upheld, the Council may incur additional legal costs

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

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 any steps that are appropriate 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 an additional condition that has satisfied environmental protection. There are no other objections

**11. COMMENTS OF OTHER RELEVANT SERVICES**

N/A

**12. APPENDICES:**

- 1) Application
- 2) Representation from Environmental Protection
- 3) Agreement from applicant to condition