

AGENDA



For a meeting of the
ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE
to be held on
FRIDAY, 13 JULY 2012
at
10.00 AM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ
Beverly Agass, Chief Executive

Committee Members:	Councillor Mark Ashberry, 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 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. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests they have in matters for consideration at the meeting.

3. MINUTES OF MEETING HELD ON 29TH JUNE 2012

(Enclosure)

4. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A PREMISES LICENCE, EBL EXPRESS NEWSAGENTS, 109 DUDLEY ROAD, GRANTHAM, NG31 9AD

Report CSL014 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, 29 JUNE 2012**



COMMITTEE MEMBERS PRESENT

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

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

OFFICERS

Solicitor to the Committee (Paul Rushworth)
Licensing Officers (Richard Etherton, Pam Robinson)
Democratic Officer (Lucy Bonshor)

60. APOLOGIES

Apologies for absence were received from Councillors Ashberry, Broughton and Chivers.

61. DECLARATIONS OF INTEREST

None declared.

62. MINUTES OF THE MEETING HELD ON 22ND JUNE 2012

The minutes of the meeting held on Friday 22nd June were agreed as a correct record of the decisions taken.

63. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A PREMISES LICENCE, INTERNATIONAL FOOD SHOP, 7-8 WHARF ROAD GRANTHAM

Decision:

That the Premises Licence for the premises known as International Food Shop, 7-8 Wharf Road, Grantham be granted as applied for.

Note to applicant: Members were concerned about the doorway between the two store rooms and urge the applicant to make arrangements to address this issue to ensure that people using the store room adjacent to the store room at the

premises cannot access the premises store room or the premises whilst ensuring that the fire door complies with fire safety legislation.

The Solicitor to the Committee introduced those present and confirmed who was to speak on the application. Mr Ahmad, the applicant was being represented by Mr Edwards from Edwards Solicitors Melton, Sergeant John Mellor County Licensing Sergeant and PC Dale Walker Licensing Officer with responsibility for North and South Kesteven would represent Lincolnshire Police. Emma Milligan, Lincolnshire Safe Communities Trading Standards Service, Heather Bellamy, Lincolnshire County Council Trading Standards Service, Alexandra Connell Lincolnshire Trading Standards Service.

The Licensing Officer presented report CSL013 which concerned an application for a Premises Licence for the International Food Shop, 7-8 Wharf Road, Grantham. The premise was a convenience store which sold mainly European branded grocery and general foods. The hours for the supply of alcohol asked for were:

Monday – Sunday 06:00 to 00:00

The premise being open Monday – Sunday 06:00 to 00:00

Representations had been made to the application from two responsible authorities, one from Lincolnshire Police and one from Trading Standards the objections had been made under the licensing objectives of Crime and Disorder and Public Safety. Both of the representations referred to the seizure of contraband goods by Her Majesty's Revenue and Customs Officers from 7-8 Wharf Road, Grantham in 2011 when the premise did not hold a premises licence under the Licensing Act 2003.

Mr Edwards then presented his client's case. He informed the Committee that Mr Ahmad was the new premises owner taking over the premises on 10th April 2012. He had a similar premise in Melton, was a member of the Pubwatch Group in Melton and had not been in trouble with the police. He then spoke about the seized goods which had nothing to do with his client. He referred to another store room which was located behind the store room shown on the map circulated with the report which was accessed from Brewery Hill by a double garage and through a door from the store room shown on the plan circulated with the agenda. Mr Edwards stated that this store room belonged to no.9 Wharf Road and was not part of the lease to 7-8 Wharf Road. The door leading through the two store rooms was for fire safety reasons and it was this store room which was stocked with alcohol that belonged to 9 Wharf Road. Mr Edwards then spoke about the length of hours that had been asked for. One of the reasons for the long hours was that a lot of the shop's customers worked shifts and Mr Ahmad wished to provide a full and efficient service for his customers. Cameras had been fitted throughout the premise and at least two people would be on the premise at all times.

Questions were then put to Mr Ahmad to which he and his solicitor replied.

For the clarification of Members, the Committee's Solicitor asked the applicant to confirm that he was the new owner, the date he took over the premise and that he had no interest in the premises during the period when the illicit goods were seized to which he replied.

The Lincolnshire Police then made their representation stating that it had been made on the grounds of the prevention of crime and disorder and public safety. They referred to the goods seized in April 2011 which were non duty paid and had been destroyed. Other raids had taken place at different premises and employees of the various premises had all given the same address as the applicant. The police believed that there were links between Mr Ahmad, the new owner of the premises and the previous owner and that Mr Ahmad was being put forward as the previous owner had just lost his Premise licence for the premises opposite.

Questions were then put to the police to which they responded.

One of the representatives from Trading Standards then gave brief statement in which they supported the representation made by Lincolnshire Police and the potential links between the premise and the premise opposite.

The Licensing Officer then gave his closing statement reminding Members to have due regard to the representations they had heard and whether or not the four licensing objectives were being promoted. He listed the steps open to the committee which were to:

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

Mr Edwards then gave the applicant's closing statement. He reminded Members that there was no evidence of a link between his client and the owner of the premises opposite other than they shared the same address. His client had told the committee that he met the owner of the premises opposite because they were both members of the Kurdish community and the owner of the premises opposite had helped him to secure accommodation when his client moved to the area. His client had an unblemished record, had a good education and background in Melton Mowbray and had nothing to do with the premises opposite.

The Police then gave their closing statement referring once again to the suspected link with an address in Grantham and that it was unusual for the police to make representations to a new premise licence but they believed a link did exist between the current applicant and the applicant that had his licence revoked by the same Committee the previous week.

(10.52am the applicant, his solicitor, the Licensing Officers and the other interested parties left the meeting)

Members discussed the information they had been given and the representations they had received during the meeting. The Solicitor to the Committee reminded Members that they had to look at the application before them today and not on previous applications they had considered. They were reminded to look at the evidence presented to them to assess whether the licensing objectives would be undermined if they granted the licence. Concern was expressed about the door between the two store rooms and they felt that the issue should be looked into by the new owner of the premise especially due to the criminal activity that had previously gone on at the adjacent store room. The Committee was concerned to ensure that people from the other premises who might be engaged in criminality should not have access to the applicant's premises, save for access and egress in an emergency. In the Committee's view the police did not produce any evidence to support a suspected link between the applicant and owner of an adjacent premises other than the link that the two men lived at the same address, it was therefore moved, seconded and unanimously agreed to grant the licence as applied for with a note to the applicant to look into the issue of the door between the two store rooms.

(11.10am the applicant, his solicitor, the Licensing Officers and the other interested parties return to the meeting)

The Solicitor to the Committee then read out the Committee's decision. The Committee had considered the representations of all the parties and had decided to grant the licence as applied for. The Committee considered the representations of Lincolnshire Police, Her Majesty's Revenue and Customs and Trading Standards but noted there was no evidence put forward to prove that the licensing objectives would be undermined other than the allegation that Mr Ahmad lived at the same premises with a previous applicant who had had his licence relating to a different premises revoked. The Committee felt that the evidence was insufficient and as a result the licence was approved. The Solicitor to the Committee informed Mr Ahmad that the Committee wished him to be reminded about the fire exit between the two store rooms. The Committee would like Mr Ahmad to have a look at that issue, although they had not made it a condition of the licence they wished that the door be made secure so that people could not come and go through it other than in an emergency. The Solicitor reminded the parties present that the decision was appealable to the Magistrates court within 21 days of written notification.

64. CLOSE OF MEETING

The meeting closed at 11.12am.

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT Of: Community Safety and Licensing Manager

REPORT NO: CSL/014

DATE: 13th July 2012

TITLE:	Application for the grant of a Premises Licence, EBL Express Newsagents, 109 Dudley Road, Grantham, NG31 9AD	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith, Green, Healthy and Arts. Portfolio holder	
CONTACT OFFICER:	Peter Harrison - peter.harrison@southkesteven.gov.uk 01476 406355	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity		
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 Guidance issued under S182 of the Licensing Act 2003	

1. RECOMMENDATIONS

1.1 It is recommended that the Alcohol, Entertainment and Licensing Committee consider this application for a new premises licence for a premises known as EBL Express Newsagents, Dudley Road, Grantham, together with the representations of the Responsible Authorities and take such steps as it considers appropriate for the promotion of the four licensing objectives:-

- Prevention of Crime and Disorder
- The prevention of Public Nuisance
- The promotion of Public safety
- The protection of Children from harm

1.2 The steps are to:-

- (a) grant the licence subject to conditions that are consistent with the operating schedule modified to the extent that the Committee considered appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003
- (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 new 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 1.2 are open to the committee.

3. DETAILS OF REPORT

- 3.1 An application has been received for the grant of a premises licence for a shop on Dudley Road in Grantham for the sale of alcohol.
- 3.2 The hours applied for are 06.00 to 23.00 Monday and Tuesdays and 06.00 to 24.00 Wednesday to Sunday
- 3.3 There have been objections from two local Councillors, Appendix 2 on the grounds of Crime and Disorder, Public Nuisance and Protection of Children from Harm.
- 3.4 One of the objections talks about the lack of policing in respect of the alcohol control zones, this is beyond the control of the applicant and therefore not a relevant consideration for committee.

4. OTHER OPTIONS CONSIDERED

None Applicable

5. RESOURCE IMPLICATIONS

None Applicable

6. RISK AND MITIGATION

None Applicable

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None Applicable

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 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

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

The powers available to the Committee are set out at paragraph 1.2 of the report.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

- 1) Application**
- 2) Representations**