

# AGENDA



For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 21 SEPTEMBER 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 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 <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. DISCLOSURE OF INTERESTS**

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

**3. MINUTES OF MEETING HELD ON 27TH JULY 2012**

(Enclosure)

**4. LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE, MILLSTONE PUBLIC HOUSE, 1 ALL SAINTS STREET, STAMFORD, LINCOLNSHIRE, PE9 2PA**

Report CSL020 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 JULY 2012



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## COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry  
Councillor Pam Bosworth (Chairman)  
Councillor Robert Broughton  
Councillor George Chivers  
Councillor Breda Griffin

Councillor Reginald Howard  
Councillor Vic Kerr  
Councillor Bob Russell (Vice-Chairman)  
Councillor Mrs Jean Taylor  
Councillor Frank Turner

## OFFICERS

Legal & Democratic Service Manager/Solicitor to the Committee (John Armstrong)  
Licensing Officer (Peter Harrison, Richard Etherton)  
Democratic Officer (Lucy Bonshor)

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### 1. APOLOGIES

An apology for absence was received from Councillor Rowlands.

### 2. DISCLOSURE OF INTERESTS

None disclosed.

### 3. MINUTES OF THE MEETING HELD ON 29TH JUNE 2012

The minutes of the meeting held on 29th June were agreed as a correct record of the decisions taken.

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

**Decision:**

***To approve the Premises Licence for EBL Express Newspapers, 109 Dudley Road, Grantham as applied for.***

The Solicitor to the Committee introduced those present and confirmed who was to speak in connection with the application. The applicant Mr Vithiyakanthan Subramaniyam was represented by Mr Hook, his solicitor and the interested party present was Councillor Mike Cook Ward Representative for the area where the premises were located.

The Licensing Officer referred to the application which had been received on 17th May 2012 for a Premises Licence for the EBL Express Newspapers, 109 Dudley Road, Grantham and which Report CSL014 referred. The week before the application was due to go to committee the applicant's representative had contacted the Licensing Officer and it had been decided to adjourn the meeting as the content of the statements submitted did not make sense. A reworded application had been submitted and circulated to Members. The applicant's representative had liaised with one of the interested parties but had not been able to reach a conclusion. The application was for the premises to sell alcohol between the hours of 7am and 10pm. No representations had been received from responsible authorities.

The applicant's representative, Mr Hook then presented his case. The application in his view was a straight forward one. The premise was situated in a modest area where there were no other shops. A public house was situated a short distance up the road (176 yards). The shop was a small convenience store and following the submission of the first application and subsequent representations the applicant had retained Mr Hook. Four CCTV cameras were situated at the premises, three within the shop and one outside. Recordings would be kept for 31 days. The shop would be staffed by the applicant and his sister. No representations had been received from the responsible authorities and all relevant notices had been published. Two representations had been received from the Ward Councillors for the area. One of the representations referred to the nursery opposite the premises whose staff were fully aware of the proposal and had not submitted any representations. As crime and disorder had been raised as an issue he had consulted the crime analysis for the area which showed only five incidents of crime. The applicant had one other premise and was well aware of the need to take steps to ensure there was no selling of alcohol to under age persons.

The interested party present then presented his case. Councillor Cook, one of the Ward Representatives for the area congratulated the applicant on opening the premises but queried the need to sell alcohol. He referred to the other outlets on London Road and Bridge End Road and the problems of people congregating at these premises. He could not see why the premises had to sell alcohol from 7am in the morning until 10pm at night. Although the nursery staff were aware of the application he had spoken to some of the parents of the children who were unhappy with an alcohol outlet being situated opposite the nursery and he asked if the times could be reduced.

Mr Hook, for the applicant then responded to Councillor Cook stating that all

advertising had been complied with and the number of other outlets was not a matter for this Committee to discuss. The official guidelines also stated that the sale of alcohol should be the same as the opening hours for the premise.

Members then asked questions of Councillor Cook to which he responded. It was suggested that if the parents had strong concerns about the proposal then they would have submitted letters to this effect. Another Member stated that the fact that a nursery was opposite the premises of itself had no relevance on whether or not a premises licence should be granted.

The Licensing Officer then gave his closing statement. He reminded Members to have regard to the representations made at the meeting where relevant and the four licensing objectives he then listed the options available to the Committee: -

- (a) to 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) to exclude from the scope of the licence a licensable activity to which the application relates.
- (c) to refuse to specify a person in the licence as premises supervisor;
- (d) or reject the application.

Mr Hook then gave his closing statement on behalf of the applicant he repeated that the application was a straightforward one, the second application had taken account of the concerns raised and the hours had been reduced to accommodate those concerns.

*(10.25am the applicant, his representative, the Licensing Officer and the interested party left the meeting)*

Members discussed the information they had been given and the representations made. A comment was made about reducing hours to which the Solicitor replied. It was proposed, seconded and unanimously agreed to grant the licence as applied for.

*(10.35am the applicant, his representative, Licensing Officers and the interested party returned to the meeting)*

The Solicitor to the Committee read out the decision of the Committee stating that the Committee had considered all the representations received and whether the four licensing objectives were being promoted. As there was no evidence to support the undermining of the licensing objectives the Committee had decided to grant the premises licence as applied for.

*Meeting adjourned between 10.35am and 10.40am*

**5. LICENSING ACT 2003: APPLICATION FOR A PREMISE LICENCE - CONVENIENCE STORE, 1 MARVILLE COURT, CROWSON WAY, DEEPING ST JAMES**

**Decision;**

***That the premises licence for the Convenience Store, 1 Marville Court, Crowson Way, Deeping St James be granted as applied for.***

The Solicitor to the Committee introduced those present and confirmed who was to speak. Mr John Birch, Licensing Consultant would be speaking on behalf of Jegatheeswaran Rajaratnam the applicant.

The Licensing Officer read out an e-mail that he had received from Mr Staunton who had made representations about the application but was unable to attend the meeting. Mr Staunton said that he welcomed the new shop but there seemed to be some confusion with the residents who may have forwarded representations to the Parish Council rather than the District Council. He wished to make it clear that the residents had a very real concern about evening sales of alcohol after 6pm. They had experienced problems previously from the assembly of youngsters at the location and also there would be an exacerbation of parking and traffic problems due to the narrowness and curving nature of Crowson Way. Although the Parish Council had indicated a suggested time of 8pm for the sale of alcohol this was not the wish of the residents.

The Licensing Officer then presented report CSL015 which was for a premises licence for the Convenience Store, 1 Marville Court, Crowson Way, Deeping St James. The hours for the sale of alcohol were 7am – 10pm Sunday to Monday. The agent acting on behalf of the applicant had submitted a covering letter detailing how the applicant had carried out a pre-application risk assessment which was detailed in the appendix. Representations had been received from residents and Parish Councillors on the grounds of Crime and Disorder and Public Nuisance. No representations had been received from responsible bodies.

A question was asked about the Parish Councils objection to which the Licensing Officer referred the Committee to appendix 3 of the report. The email from the Parish Council stated that they and those members of the public attending the meeting did not object to the grant of a licence but they had concerns which included anti social behaviour, noise and that a limit of 8pm was put on the sale of alcohol.

Mr Birch, a Licensing Consultant then presented the applicants case. The premise was not intend as a specialist off licence, it had been recognised that

the premises was in a residential area but there were other businesses, hot food outlets in the area which closed at 10pm. The common themes of the representations concerned the open space to the rear of the premises and the gathering of young people. The applicant wished to co-operate with the street wardens. He referred to the detailed operation schedule which had been included and the draft premises licence register, a refusal register and training notes. The staff would hold personal licences and depending upon the pattern of trade there would be two staff including a local "mum" on duty at school closing time. No comments had been received from the responsible bodies. Mr Birch then detailed the checking of underage sales. He circulated trading cards for members to see and also the systems in place to check the age of the customers using the challenge 25 policy. He did not consider 10pm to be late especially as the hot food outlets in the area closed at 10pm. He referred to the Licensing policy and indicated that the sale of alcohol would not increase problems already being encountered in the area.

A question was asked about alcohol promotions to which Mr Birch replied. The Licensing Officer informed the Committee that the last shop owner had surrendered his licence in October 2010.

The Licensing Officer then gave his closing statement reminded Members to consider the representations they had received and take the necessary steps which were proportionate to the information they had been given and the steps available to them.

Mr Birch then gave his closing statement referring Members to the operating schedule which was detailed and proportionate to the application before them.

*(11.05am the applicant, his representative and the Licensing Officers left the meeting)*

Members discussed the application before them having regard to the four licensing objectives and the written representations received and those heard at the meeting. It was proposed, seconded and unanimously agreed to approve the licence as applied for.

*(11.10am the applicant, his representative and the Licensing Officers returned to the meeting)*

The Solicitor to the Committee informed those present that having considered the written representations received and the representations heard at the meeting the Committee had unanimously agreed to grant the premises licence as applied for.

**6. BOURNE PUBLIC HOUSE, JUNCTION OF SOUTH ROAD AND RAYMOND MAYS WAY, BOURNE - UPDATE RE TILL CONFIGURATION**

Following the meeting held in May a question had been asked about the till configuration to which the Licensing Officer said he would go back to the

applicants for clarification. As a lot of the staff worked part-time, staff meeting and training often took place when the premises were closed to the public. Therefore the tills were configured so that the staff could have drinks during this time but they were logged. It was also used as a stock taking device. The log was regularly checked by the Area Managers.

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

The Licensing Officer informed the Committee that this would be his last meeting as he would be leaving the licensing section for another post in the Revenue and Benefits Section. He thanked the Committee for their support during his time as a Licensing Officer.

The meeting closed at 11.35am.

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

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

**REPORT NO:** CSL/020

**DATE:** 21 September 2012

<b>TITLE:</b>	Review of a Premises Licence, Millstone Public House, 1 All Saints Street, Stamford, Lincolnshire, PE9 2PA	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	NONE	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
<b>CONTACT OFFICER:</b>	Pam Robinson, <a href="mailto:p.robinson@southkesteven.gov.uk">p.robinson@southkesteven.gov.uk</a> 01476 406318	
<b>INITIAL IMPACT ANALYSIS:</b>  Equality and Diversity	Carried out and Referred to in paragraph (7) below  No	Full impact assessment Required:  No
<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. Guidance issued under Section 182 of the Licensing Act 2003.	

## **1. RECOMMENDATIONS**

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee (“the Committee”) consider the application for a review of the premises licence relating to a premises known as The Millstone Inn 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; or
  - e. revoke the licence.

If the Committee decides that none of the above steps are appropriate, then it need take no action.

## **2. PURPOSE OF THE REPORT**

- 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 (‘the Act’).
- 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 item 1 of this report.

The guidance issued under Section 182 of the Act is:

“In deciding which of these powers to invoke, it is expected that licensing authorities 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 an appropriate and proportionate response.”

## **3. DETAILS OF REPORT**

- 3.1 An application to review the premises licence, appendix 1, for the Millstone was received on the 30<sup>th</sup> July 2012 from the Environmental Protection Team at South Kesteven District Council.
- 3.2 The review asks to specifically look at the provision of outside music and they suggest consideration should be given to remove this activity from the licence.
- 3.3 Environmental protection has worked with the premises licence holder to try and address the continued complaints from members of the public regarding outside music.
- 3.4 A sound level meter was installed in neighbouring property between the 5<sup>th</sup> and 12<sup>th</sup> of July 2012 the recordings showed the music was loud, heavy bass, live music.

- 3.5 The difference between when the music was being played and stopped was 11.9dB(a), any difference of 10dB(a) or more is a significant difference and indicates a nuisance .
- 3.6 Following the display of the public notices of this review seven letters, two from the same address, appendix 2, have been received from neighbours who support the review.
- 3.7 They indicate that outdoor music is a particular problem but also that indoor music can be problematic. They have complained to environmental protection and the premises licence holder but there has been no improvement.
- 3.8 One complainant has spoken to the police and says she has witnessed customers sniffing drugs and urinating, she has now resorted to leaving her premises when she knows an event is taking place because she cannot bear the music.

**4. OTHER OPTIONS CONSIDERED**

There are no other options available.

**5. RESOURCE IMPLICATIONS**

5.1 There are no resource implications associated with this report

**6. RISK AND MITIGATION**

6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
N/A	N/A

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

7.1 Impact analysis not required.

**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 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
- Prevention of Public Nuisance
- Protection of Children from harm

10.2 Any decision taken by the Committee should be reasonable and proportionate and must be appropriate 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 Environmental Protection Services and local residents.

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

Not applicable

## **12. APPENDICES:**

- 1) Application to review**
- 2) Representations by local residents**