

AGENDA



For a meeting of the
ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT LICENSING COMMITTEE
to be held on
FRIDAY, 5 APRIL 2013
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 in matters for consideration at the meeting.

3. MINUTES OF MEETING HELD ON 21ST DECEMBER 2012

(Enclosure)

4. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A NEW PREMISE LICENCE FOR RUMOURS WINE BAR, 11 MARKET PLACE, GRANTHAM

Report CSL028 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, 21 DECEMBER 2012



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

OFFICERS

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

25. APOLOGIES

An apology for absence was received from Councillor Turner.

26. DISCLOSURE OF INTERESTS

None disclosed.

27. MINUTES OF MEETING HELD ON 7TH DECEMBER 2012

The minutes of the meeting held on 7th December 2012 were agreed as a correct record of the decisions taken.

28. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A PREMISES LICENCE, COSTCUTTER EXPRESS, SOMERBY HILL SERVICE STATION, BRIDGE END ROAD, GRANTHAM

Decision:

To grant the Premises Licence for Costcutter Express, Somerby Hill Service Station, Bridge End Road, Grantham as applied for save for the

part relating to Late Night Refreshment .

The Solicitor to the Committee introduced those present and confirmed who was to speak in relation to the application: Mr Chris Mitchner from Licensing Solutions for the applicant, Dale Right and Jane Martin for the interested parties.

The Licensing Officer then presented report CSL026 which concerned an application for a Premises Licence for Costcutter Express, Somerby Hill Service Station, Bridge End Road, Grantham. An application had been received for the grant of a Premise Licence for the supply of alcohol and late night refreshment as detailed below:

Supply of alcohol – 6.00 to 23.00 Monday to Sunday

Late Night Refreshment – 23.00 to 5.00 Monday to Sunday

19 representations had been received within the consultation period from residents who reside in the area on the grounds of Public Nuisance. No representations had been received from Responsible Authorities. A map showing locations of the addresses from the representations received was attached at appendix 3, however some locations were not indicated as addresses had not been given in the correspondence received. Also circulated to Members was an operation and training manual from the applicant. The Licensing Officer also confirmed that a late paper had been circulated to Members concerning Section 176 of the 2003 Licensing Act.

A question was asked about whether any complaints had been received concerning noise and litter to which the Licensing Officer replied that no representations had been received from the Responsible Authorities which included Environmental Health Protection.

The applicant then presented his case. He referred to the licence application and the works to be carried out at the premises. He referred to the important fact that no representations had been made by responsible bodies, however, they had taken notice of the concerns of the residents and had agreed to withdraw the part of the application which related to Late Night Refreshment. Mr Mitchner then referred to guidelines which governed licensable activities and referred to each representation that had been received to the application and the concerns expressed in those representations. He referred to the studies that had been undertaken which found no causal links between the sale of alcohol on forecourts and drink driving. The fact that no representations had been received from the Police indicated that there were no allegations of crime and disorder associated with the premises. Representations must relate to the Licensing objectives and be evidence based. He further spoke about the training issues undertaken by the company and the dedicated policy which the company had. Questions were then put to Mr Mitchner about the analysis of the projected customer flow which had been issued to which he replied. He also

referred to both the Goodwin case and the Green case.

The first interested party then presented her case which concerned what the primary use of the premises was and what this meant in relation to Section 176 of the Licensing Act 2003. The interested party referred to a case involving Muroc and Birmingham City Council 2010 which required the committee to look at the primary use of the premises. The second interested party then presented his case which concerned more the possible anti social behaviour and public safety issues, specifically concerning the protection of children from harm by having an outlet selling alcohol at that location, he felt that it was a dereliction of duty and was strongly opposed to having the premises sell alcohol.

A short discussion then followed with questions being asked about the analysis document that had been circulated and case law concerning the information it contained.

The Licensing Officer then gave his closing statement and listed the options available to the Committee.

The applicant, Mr Mitchner then gave his closing statement reminding Members of the issues he had already stated and that the application had to be dealt with within the remit of the Licensing Act and that no responsible body had submitted any representation to the application.

(11.15am the Licensing Officers and Interested Parties left the meeting)

A short adjournment took place between 11.15am and 11.18am

Members considered the information that they had before them and all the representations that had been made. Although the Members noted the concerns of those who had made representations, especially with regard to whether the premises was primarily a petrol station or a retail shop, it was felt that the evidence supplied by the applicant indicated more retail use than garage use but it was difficult to predict what the use of the premises would be as the committee had heard that the premises was to undergo a refit to develop a Costcutter store on the forecourt. The committee also found that there was no evidence which indicated that the Licensing Objectives would be undermined and therefore it was proposed, seconded and unanimously agreed to grant the premises licence as applied for excluding the Late Night Refreshment part of the application as that part had been withdrawn by the applicant.

(11.37am the Licensing Officers and Interested Parties returned to the meeting)

The Solicitor to the Committee read out the Committee's decision:

The Committee had considered that the issue of primary use was relevant but was satisfied that at this stage, the evidence supporting the proposal included more retail use than garage. However, the Committee wished to remind the

applicant that the issue remained live after the premises licence was granted and if it subsequently transpired that the operation was more involved with garage use than retail use then it could be dealt with later through enforcement and review. The Committee then considered the potential effects on the Licensing Objectives but was satisfied that at this stage there was no evidence to indicate that the Licensing Objectives would be undermined as a result of the licence being approved. The Premises Licence was therefore, approved as applied for, save for the removal of the Late Night Refreshment part of the application. The Solicitor to the Committee reminded those present that the decision was appealable to the Magistrates Court within 21 days of written notification of the decision.

29. CLOSE OF MEETING

The meeting closed at 11.40am.

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: CSL/028

DATE: 5 April 2013

TITLE:	Application for the grant of a New Premise Licence for Rumours Wine Bar, 11 Market Place, Grantham. NG31 6LJ	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Not Applicable	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith, Green, Healthy and Arts. Portfolio holder	
CONTACT OFFICER:	Richard Etherton. Licensing Officer 01476 406312 r.etherton@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	Not Applicable	Not Applicable
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. http://www.southkesteven.gov.uk/index.aspx?articleid=2955 Guidance issued under S182 of the Licensing Act 2003. http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary	

1. RECOMMENDATIONS

1.1 It is recommended that the Alcohol, Entertainment and Licensing Committee consider this application for a new premises licence for, Rumours Wine Bar, 11 Market Place, Grantham. NG31 6LJ together with the representations of the objectors 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

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 On 4 February 2013, the Licensing section received an application for a New Premises Licence for a premise known as Rumours Wine Bar, Market Place, Grantham. **(Appendix 1 refers)**

3.2 The Premises opening hours are Monday to Sunday 10:00 to 02:00

3.3 The licensable activities requested are:-

Monday to Sunday 10:00 – 02:00

Plays
Films
Live Music
Recorded Music
Performance of Dance
Anything of a similar nature
Supply of alcohol

Monday to Sunday 23:00 – 02:00

Late night refreshment

3.4 The applicant has requested an additional hour into the morning following every Friday, Saturday, Sunday and Monday for each and every Bank Holiday, Christmas Eve, Boxing Day and New Years Eve.

3.5 On the 11 March 2013 a representation was received from an interested party via e-mail, the objection relates to Public Nuisance. **(Appendix 2 refers)**

3.6 On the 11 March 2013 a representation was received from an interested party in a letter, the objection also relates to Public Nuisance. **(Appendix 3 refers)**

3.7 None of the responsible authorities have submitted any objections with regards to this application

4. OTHER OPTIONS CONSIDERED

No other options available

5. RESOURCE IMPLICATIONS

None

6. RISK AND MITIGATION

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

Category Risk	Action / Controls
None identified	Nil

7. ISSUES ARISING FROM IMPACT ANALYSIS

None

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 When deciding the application, the Committee should consider the guidance issued under S182 of the Licensing Act 2003 and the District Council's own statement of Licensing Policy. Decisions taken should be reasonable, proportionate and appropriate for the promotion of the licensing objectives when considered against the representations and evidence supplied by the parties. The representation in this case relates to the Licensing Objective of the prevention of public nuisance.

11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 N/A

12. APPENDICES:

1. Application
2. Representation via e-mail
3. Representation via letter