

MINUTES

**ALCOHOL, ENTERTAINMENT &
LATE NIGHT REFRESHMENT
LICENSING COMMITTEE
FRIDAY, 18 OCTOBER 2013**



COMMITTEE MEMBERS PRESENT

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

Councillor Reginald Howard
Councillor Graddon Rowlands
Councillor Bob Russell (Vice-Chairman)
Councillor Susan Sandall
Councillor Mrs Jean Taylor

OFFICERS

Operations Director (Ian Yates)
Licensing Officers (Richard Etherton, Christian Smith)
Solicitor to the Committee (Paul Rushworth)
Democratic Officer (Lucy Bonshor)

11. DISCLOSURE OF INTERESTS

None disclosed.

12. MINUTES OF MEETING HELD ON 2ND AUGUST 2013

The minutes of the meeting held on 2nd August 2013 were agreed as a correct record of the decisions taken.

13. LICENSING ACT 2003: APPLICATION FOR A PREMISE LICENCE FOR SUPER NEWS AND BOOZE, UNIT 2, 50 KESTEVEN ROAD, STAMFORD

Decision:

That the application for a new Premises Licence for Super News and Booze, Unit 2, 50 Kesteven Road, Stamford be approved as applied for.

Note to applicant: The Committee asked that the applicant consider changing the name of the premises to something more appropriate to the area.

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The Solicitor to the Committee introduced those present and confirmed the name of the agent acting for the applicant.

The Licensing Officer presented report CSL.040 which concerned the application for a new premises licence under Section 17 of the Licensing Act 2003 for 50 Kesteven Road, Stamford. The licensable activities requested were for the supply of alcohol from 07:00 to 23:00hrs, Monday to Sunday. The opening hours of the premises were 07:00 to 23:00hrs Monday to Sunday

Two representations had been received via e-mail under the licensing objective of the Protection of Children from Harm as the interested parties were concerned about the proximity of the premises to a nearby school and a potential problem with underage drinking in the area.

The agent for the applicant, Mr Samaroo then presented his case. The application was a standard application for a general store. The hours requested were in line with the other stores that the applicant owned. He appreciated the concerns of the residents in the area but no representations had been made by any of the statutory bodies.

One Member questioned the name of the premises specifically the word booze was this generic to all stores that the applicant owned. Mr Samaroo replied that it was not a generic name and he would ask his client to re consider the name of the premises.

Further comments were made about underage drinking in the area to which Mr Samaroo replied that his client had many years of experience with running this type of premises and that the Personal Licence Holder would be present at all times and Challenge 25 training would be given and enforced, also the outside of the premises would be controlled and CCTV would be installed within the premises.

The Licensing Officer then gave his closing statement and the steps available to the Committee to promote the four licensing objectives having read the representations received from the public and those made during the meeting.

The agent for the applicant then gave his closing statement stating that the premises was firstly a general food store and was there for the whole community.

(11.05am the Licensing Officers and agent left the meeting)

Members discussed the application having regard to the four licensing objectives and the representations received. Although concern was expressed about the lateness of the hours requested for the supply of alcohol it was noted that no representations had been received from any of the statutory bodies. The Solicitor to the Committee advised Members on the advertisements of alcohol in connection with the objective protection of children from harm and reminded Members that any decision made had to be reasonable and proportionate. Reference was then made to the name of the premises especially the word booze. It was proposed and seconded that the licence be

granted as applied for and the applicant be asked to re consider the naming of the premises and this was agreed.

(11.07am The Licensing Officers and the agent returned to the meeting)

The Solicitor to the Committee read out the decision. The Committee had considered all the representations from all the parties and decided to grant the licence as applied for. They would like the applicant to re think the name of the shop and asked the agent to take this forward with his client for a name more appropriate for the area.

14. LICENSING ACT 2003: APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR, STONE LOACH, 13 MARKET PLACE, MARKET DEEPING

Decision:

That the application to vary the premises licence for the Stone Loach, 13 Market Place, Market Deeping be granted as applied for.

The Solicitor to the Committee introduced those present and confirmed who was to speak in connection with the application. Mr P Warne, agent for the applicant, Mr M Hinds, Ms J Hinds and Mrs A Bosworth for the interested parties.

Both Councillor Broughton and Councillor Howard were Town Councillors for Market Deeping. Due to the location of the premises (next to the town hall) and in order to negate any perceived bias to any decision made by the Committee they adjourned from the meeting (11.30am) and took no part in the discussion or decision.

The Licensing Officer presented report CSL.041 which concerned an application to vary the existing premises licence for the Stone Loach, 13 Market Place, Market Deeping. An application had been received on 27th August 2013 and the variation to the licence was as shown in the report. Three objections had been received from the public under the Prevention of Public Nuisance Licensing Objective concerning noise from the premises and alleged anti social behaviour and damage to public property. Following these objections the agent for the Stone Loach had submitted further conditions to be attached to the licence to help mitigate these objections and these had been circulated to all relevant parties. No objections had been received from any of the statutory authorities.

A question was asked about the withdrawal of one of the objections to which the Licensing Officer confirmed that none of the objections had been withdrawn.

Mr Warne, the agent for the applicant then presented his case. He began by thanking the two Councillors who had left the meeting in order to stop any potential conflict with any decision made. The application was to vary the

licence for one extra hour on a Sunday to keep it in line with the other days of the week, to have live and recorded music, regulated entertainment and to extend the Late Night Refreshment Licence. He felt that the main issue to the application was the extra hour and the regulated entertainment. From reading the application perhaps it was felt that the upstairs function room was to become a music venue seven days a week, he stressed that this was not the intention. The room would be used for birthdays, wedding receptions and wakes, there would not be music every night and they were not looking to cater for 18th and 21st birthday parties as other venues within the town catered for this age range. All bookings would be vetted to make sure they were suitable. With regard to summer events the further conditions put forward had tried to deal with issues in a measurable and proportionate way. A proactive route had been put in place for residents to contact the manager immediately in order that any concerns/complaints could be dealt with and a complaint log completed which would be available upon request to the responsible authorities. A management plan would also be drawn up as a means to properly control customers when they were leaving the premises.

Various questions were then asked about the location of the other public houses in the town in relation to the premises and the sealing of windows and doors in summer. The agent for the applicant replied that as this would be a condition of the licence it would have to be complied with and portable coolers would be made available if necessary. A further question was asked about the music to which Mr Warne replied.

Following a question about the licensing hours, the Licensing officer clarified what the premises licence actually covered.

The first interested party, Mr Hind then gave his representation. He spoke of the close proximity of his property to the premises and accepted that when moving into a location in the town centre some noise was expected however, as the windows to the premises faced his property noise was an issue in the summer, and although a condition had been proposed closing windows he thought it would be hard to enforce. He gave examples of overhearing conversations that had been held outside the premises, when they used the smoking area which was extremely loud and noisy and also when the roof of the premises was used and at closing time. He felt that the extended hours would make his quality of life worse, he was currently in contact with Environmental Health about the noise issue and he asked for clarity about the type of events and the conditions proposed.

The Licensing Officer clarified that if the Committee were minded to grant the variation all the conditions proposed would be part of the licence and any breach of the conditions would be referred to the Licensing Section or the Police. The use of CCTV was a standard condition and could be used by the police under any of the licensing objectives.

A question was asked about the exact location of the interested parties' property. The Licensing Officer and Mr Hind indicated the location on the map appended to the report for those present. A further question was asked about

the noise and Mr Hind said that he was currently keeping a noise diary for Environmental Health Services.

The second interested party, Mrs Bosworth then gave her representation. She stated that many people had not seen the notice. Although some of the noise had been attributed to the beer garden of another public house she said that this was only used during the day. She appreciated the further conditions put forward by the applicant but felt that perhaps some were not feasible (the closing of windows and doors especially when the weather was warm). When moving to an area with public houses you expected some noise but not to the expense that it impacted on the quality of life.

The Licensing Officer clarified that the procedure for advertising a variation to a Premises Licence had been in accordance with legislation.

The Licensing Officer gave his closing statement reminding Members to have regard to the representations that they had received in the report and heard during the hearing and the need to promote the four licensing objectives:

- The prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of children from harm

He reminded them of the steps open to them in order to promote the licensing objectives and the guidance issued under section 182 of the Licensing Act 2003 and the South Kesteven District Council's Licensing Policy.

Mr Warne the agent for the applicants gave his closing statement. He stated that Mr Molyneux had 40 years in the pub trade and was very aware of his responsibilities in running this kind of business. Conditions which were attached to the Premise Licence had to be adhered to otherwise the licence was breached. The variation was for one extra hour on a Sunday, the inclusion of late night refreshment and live and recorded music. He asked that the Committee's decision be proportionate and appropriate to the information before them.

(12.50pm the Licensing Officers, applicants and all interested parties left the meeting)

(An adjournment took place between 12.50pm and 1pm)

(Councillor Susan Sandall left the meeting at 1pm)

Members discussed the application before them being mindful of the licensing objectives and all the representations they had received and heard. They were sympathetic to the concerns of the residents but felt that at the current time there was no evidence that the licensing objectives were being undermined. It was proposed, seconded and unanimously agreed that the licence be granted as applied for subject to the inclusion of all the conditions put forward by the applicant. They asked that a dialogue be kept open with the residents and that

the residents continue to report any statutory nuisances to the Environmental Health Section and the Licensing Authority.

(1.20pm the Licensing Officers, applicant and all interested parties returned to the meeting)

The Solicitor to the Committee read out the decision. The Committee had considered the representations of all the parties. At this stage it was considered that there was insufficient evidence relating to the undermining of the licensing objectives. The Committee fully appreciated the concerns of the interested parties, but were mindful that they had to take a stepped approach to the issue. The licence variation was therefore approved subject to all the conditions that had been offered by the applicant. The applicant was reminded to continue with a constructive dialogue with all of the residents in particular those residents that had attended the hearing to give representation. The interested parties present were reminded that any future issues should be continued to be reported to Environmental Health and the Licensing Authority as Environmental Health can take action under the statutory nuisance legislation and ultimately if they refer the licensing issues, the matter can be requested upon review and brought back to the Committee to be reconsidered. The decision was appealable to the Magistrates' Court within 21 days of written notification.

15. CLOSE OF MEETING

The meeting closed at 1.22pm.