

# AGENDA



For a meeting of the  
**ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT  
LICENSING COMMITTEE**  
to be held on  
**FRIDAY, 4 JULY 2014**  
at  
**10.00 AM**  
in the  
**COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL,  
GRANTHAM. NG31 6PZ**  
Beverly Agass, Chief Executive

Committee Members:	Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Alan Davidson, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Graddon Rowlands, Councillor Bob Russell, Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner	
Committee Support Officer:	Lucy Bonshor	Tel: 01476 40 61 20 E-mail: <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 20TH JUNE 2014**

(Enclosure)

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**4. LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE, BOMBAY  
BRASSERIE, 11 LONDON ROAD, GRANTHAM**

Report CSL047 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).**

# MINUTES

**ALCOHOL, ENTERTAINMENT &  
LATE NIGHT REFRESHMENT  
LICENSING COMMITTEE  
FRIDAY, 20 JUNE 2014**



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## COMMITTEE MEMBERS PRESENT

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

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

## OFFICERS

Legal Advisor to the Committee  
(John Armstrong)  
Licensing Officer (Pam Robinson)  
Democratic Officer (Lucy Bonshor)

## OTHER MEMBERS

Councillor Alan Davidson

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## 1. APPOINTMENT OF VICE-CHAIRMAN

### Decision

***Councillor Bob Russell to be Vice-Chairman of the Alcohol, Entertainment and Late Night Refreshment Committee.***

The Chairman asked for nominations from the Committee. Only one Councillor was proposed and seconded, Councillor Russell. On being put to the vote he was returned as Vice-Chairman.

## 2. APOLOGIES

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

## 3. DISCLOSURE OF INTERESTS

None disclosed.

## 4. MINUTES OF MEETING HELD ON 10TH JANUARY 2014

The minutes of the meeting held on 10th January 2014 were agreed as a

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correct record subject to 10.05am on page 3 being changed to 11.05am.

**5. LICENSING ACT 2003: APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE AT TABOO GENTLEMAN'S CLUB, 99 WESTGATE, GRANTHAM.**

**Decision:**

**That the application to renew the Sexual Entertainment Venue Licence for Taboo Gentleman's Club, 99 Westgate, Grantham be granted as applied for in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Police and Crime Act 2009).**

The Legal Advisor to the Committee confirmed who was present.

The Licensing Officer referred to report CSL/048 which concerned the renewal of a Sexual Entertainment Venue Licence for Taboo Gentleman's Club in Grantham. In accordance with the Authority's procedures, all applications relating to sex entertainment venues, with the exception of uncontested transfer applications were to be heard by the Licensing Committee. The applicant had also applied for a revised floor plan for the ground floor private dance booth1 which had been enlarged so it was similar in size to private dance booth2.

Additional CCTV cameras had been installed in both the ladies and gentlemen's toilet areas (observing the wash basins only). The CCTV monitor previously located behind the bar had been moved to the entrance lobby and was available for door staff to monitor.

No objections had been received from any of the statutory responsible authorities only one objection had been received from a member of the public.

The objection referred to - when planning permission was obtained;  
- the objector being unable to read a page in the application;  
- the enlargement on the private dancing booth, and  
- Concern for the welfare of the dancers

The applicants were then invited to introduce themselves; Mr Kent, solicitor for the applicants Mehmet Yusuf Yenibertiz and Maria Karlsson and Mrs Browne attended as an interested party who had made representation.

A Member asked whether planning permission was required for the work that had been done; the Licensing Officer replied that it was not required.

The interested party asked about the advertisement for the premises and the name. The Licensing Officer replied that Taboo Gentleman's Club referred to the Sexual Entertainment Licensing where as Taboo referred to the premises licence for alcohol. The quality of the plan that had been supplied was also questioned, and the Licensing Officer gave a plan to the interested party and

stated that an inspection of the premises had shown very little change.

Mr Kent then put his client's case. It was the third time that application had been made to renew the Sexual Entertainment Venue licence following the changes to the legislation. No adverse comments had been received from any of the statutory responsible authorities since the licence had been renewed last year and that included an increase in hours. His clients were well aware of their responsibilities both inside and in the immediate area outside the premises. Mr Kent had checked the premises himself and referred to the changes to one of the dancing booths and the relocating of the CCTV camera from behind the bar to the lobby and installation of cameras above the wash basin areas in both the ladies and gentlemen's toilets. The changes to the dance booth was by way of a stud partition wall that did not require planning permission and all changes were very minor and he asked that the Committee approve the renewal as applied for.

Since the last meeting and comments made about the advertising on the front of the premises the silhouette of the lady had been removed and only the words Taboo were now present. Mr Kent felt that the representations made were not valid as they did not fall into either the mandatory or discretionary grounds that the licence could be refused. He went through each of the discretionary grounds stating why each was not relevant. The only ground that may have been relevant was the last one but as a licence had been granted previously and only a minor variation had been made to the dance booth he felt that this was not a relevant ground for refusal.

Questions were then put to the applicants solicitor by the interested party which covered the CCTV coverage of the dancers (who viewed the CCTV footage and how long it was kept (28 days) – Management, Local Authority Inspectors, the Police), the safety of the dancers whilst in the private booths, the code of conduct for both patrons and dancers specifically the no touch rule and the expectation of free dances, how inappropriate behaviour was dealt with, who viewed the incident book (the Police, Local Authority Inspectors) and what was a house fee. Mr Kent replied to the majority of the questions and Maria Karlsson explained the house fee.

The Legal Advisor reminded the interested party that her questioning should be relevant to the licence under discussion.

The interested party felt that due to the nature of the business carried out at the premises there was little information available and she was trying to find out more as she was concerned about the working conditions of the women.

Another Member asked for clarification about who could see the CCTV monitor in the lobby to which Mr Kent replied.

The Licensing Officer then gave her closing statement reminding Members that each application had to be considered and determined on its own merits and the Committee should have regard to South Kesteven's sex establishment procedures, the Human Rights Act, SKDC's regulations prescribing standard

conditions and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Any refusal of the application had to be on certain defined mandatory or discretionary grounds as outlined within the report.

The options open to the Committee were:

- to renew the application as applied for.
- to renew the application with modifications and/or additional conditions.
- refuse the renewal, if having considered the renewal application the committee decided to refuse it, it must provide the applicant with the reasons for the decision in writing.

The interested party declined to give a closing statement as she had raised her concerns previously.

The applicants solicitor then gave a brief closing statement stating that the police did visit the premises regularly and worked with the management on the operation and management of the premises and they were happy with the premises as they had not submitted any representations and he asked the Committee to renew the licence.

*(10.55am the Licensing Officer, applicants and their solicitor and the interested party left the meeting)*

Members discussed the application having regard to the information contained within the report and the representations made during the meeting. Members respected the views of the interested party but having considered them determined there was no evidence to support her assertions and questioned their relevance in strict licensing terms when applied to the mandatory and discretionary ground that Members must have regard to when determining whether to refuse an application. Members were also mindful that no other representations had been received from any of the responsible authorities. It was proposed, seconded and unanimously agreed to approve the application as applied.

*(11.01am the Licensing Officer, applicants and their solicitor and the interested party returned to the meeting)*

The Legal Advisor read out the decision of the Committee. The Committee having considered in depth the representations made, and whilst wishing to express their gratitude to those who had taken time to attend and present their particular views on the application, had agreed unanimously, having regard to the relevant grounds on which a decision had to be based, to renew the application as applied for.

## **6. CLOSE OF MEETING**

The meeting closed at 11.04am.

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

**REPORT OF:** Mark Jones, Service Manager, Community Safety & Licensing

**REPORT NO:** CSL 047

**DATE:** 4 July 2014

<b>TITLE:</b>	Review of a Premises Licence, Bombay Brasserie, 11 London Road, Grantham.	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
<b>CONTACT OFFICER:</b>	Richard Etherton 01476 406312 (not public number) r.etherton@southkesteven.gov.uk	
<b>INITIAL IMPACT ANALYSIS:</b>  Equality and Diversity	Carried out and Referred to in paragraph (7) below  N/A	Full impact assessment Required:
<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. <a href="http://www.southkesteven.gov.uk/index.aspx?articleid=2955">http://www.southkesteven.gov.uk/index.aspx?articleid=2955</a>  Guidance issued under Section 182 of the Licensing Act 2003. <a href="http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary">http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary</a>	

## 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 Bombay Brasserie, 11 London road, Grantham 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 necessary 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 at 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.” (Paragraph 11.20 at page 78 of the Guidance Issued under S182 of the Act.)

- 2.3 The Committee should therefore take a stepped approach to the problem and the Committee should assess the evidence to seek to understand the cause of the problem and focus their powers accordingly.

## 3. DETAILS OF REPORT

- 3.1 Lincolnshire Police, a Responsible Authority under the Licensing Act 2003, submitted an application on 12 May 2014 to review the premises licence for the Bombay Brasserie, Grantham. (**Appendix 1**)
- 3.2 The grounds for review are under the licensing objective of:
- Prevention of Crime and Disorder
  - Public Safety
  - Protection of Children from Harm

- 3.3 The Premises were visited on 1 May 2014 whilst under the control of the Licence Holder by officers from Lincolnshire Police Licensing and Home Office Immigration.
- 3.4 On this occasion, 10 Asian males were identified as working at the premises in front of house and in the kitchen. Subsequent checks identified that 1 male worker was ineligible to work and was escorted of the premises. 4 males were arrested and detained as illegal workers at the premises for relevant offences under the Immigration Act 1971. **(Appendix 1)**

**4. OTHER OPTIONS CONSIDERED**

There are no other options available.

**5. RESOURCE IMPLICATIONS**

There are no resource implications associated with this report

**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
Nil	None

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

N/A

**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 occur 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.

- 10.2 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.
- 10.3 The licensing objectives are:
- Prevention of Crime & Disorder
  - Public Safety
  - Public Nuisance
  - Protection of Children from harm
- 10.4 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 an appropriate and proportionate response to the concerns raised.
- 10.5 The decision must be based on factual evidence that is relevant in establishing an alleged breach of one or more of the licensing objectives and, the Committee must not take into account irrelevant facts that do not relate directly to an undermining of one or more of the licensing objectives.

11. **COMMENTS OF OTHER RELEVANT SERVICES**

None

12. **APPENDICES:**

1. Application for review of premises licence.
2. Witness Statements from Police/Immigration Officers
3. Prohibition Notice from Lincolnshire Fire and Rescue
4. Letters from Chattertons Solicitors