

AGENDA



For a meeting of the
ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT LICENSING COMMITTEE
to be held on
FRIDAY, 18 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 (Vice-Chairman), Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner	
Committee Support Officer:	Lucy Bonshor	Tel: 01476 40 61 20 E-mail: 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 4TH JULY 2014

(Enclosure)

4. LICENSING ACT 2003: REVIEW OF PREMISES LICENCE - THE BOMBAY BRASSERIE, 11 LONDON ROAD, GRANTHAM - ADJOURNED FROM MEETING HELD ON 4TH JULY 2014

Report CSL047 by the Community Safety and Licensing Service Manager

(This report was circulated with the agenda at the meeting on 4th July 2014; Members of the Committee should bring all paperwork that was circulated at 4th July meeting).

5. LICENSING ACT 2003: PREMISES LICENCE FOR GURKHA 91, MANOR WAY, DEEPING ST JAMES

The Committee to determine whether or not to hold a hearing

(To follow)

(THE APPENDICES TO THE REPORT AT AGENDA ITEM 4 WERE CIRCULATED WITH THE 4TH JULY AGENDA FOR 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, 4 JULY 2014**



COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)
Councillor Robert Broughton
Councillor George Chivers
Councillor Alan Davidson
Councillor Breda Griffin

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

OFFICERS

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

7. APOLOGIES

An apology for absence was received from Councillor Rowlands.

8. DISCLOSURE OF INTERESTS

None disclosed.

9. MINUTES OF MEETING HELD ON 20TH JUNE 2014

The minutes of the meeting held on 20th June 2014 were agreed as a correct record.

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

Decision:

That the review of the Premises Licence for the premises known as The Bombay Brasserie, 11 London Road, Grantham be adjourned to Friday 18th July 2014 at 10.00am.

Your council working for you

The Solicitor to the Committee introduced those present and confirmed who was to speak in connection with the application. Mr Duncan Craig, barrister for the applicant Mr Anilkumar Patel, Sergeant Kim Enderby, Lincolnshire Police Licensing Section.

Paperwork in connection with the review had been submitted by the applicant at the beginning of the week. In order for Members to read the documents an adjournment took place between (10.08am and 10.40am) where all parties left the meeting whilst the Members read the information.

The meeting recommenced at 10.40am where Sgt Enderby from Lincolnshire Police asked for a further adjournment as they needed more time to read the information submitted by the applicant and investigate the reference made to a company within the documentation. The applicant agreed with the proposal for an adjournment as long as it was brief.

(10.44am all parties left the meeting whilst the Committee decided whether to agree to the request for an adjournment)

Following on from the comments made by the police about the content of the documentation submitted and the quality of the photocopies Members felt that an adjournment would be a fair and reasoned approach and would prevent any possible prejudice to either party and it was agreed to adjourn the meeting to Friday 18th July 2014.

(11.00am all parties returned to the meeting).

The Solicitor to the Committee read out the decision. In the interest of fairness the Committee believed that it was appropriate, in the circumstances for the matter to be adjourned to another date. The Committee themselves had some concerns about the quality of some of the evidence that had been presented to them in particular the quality of some of the photocopies and asked the applicant, if at all possible to provide better quality copies, particularly the passports as it was difficult to see the evidence they contained. The Committee agreed that the matter be adjourned until 18th July at 10.00am.

The meeting closed at 11.03am.

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

TITLE:	Review of a Premises Licence, Bombay Brasserie, 11 London Road, Grantham.	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
CONTACT OFFICER:	Richard Etherton 01476 406312 (not public number) r.etherton@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below N/A	Full impact assessment Required:
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 Section 182 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 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 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.

- 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