

REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: ENV 563

DATE: 3RD February 2012

TITLE:	Review of a Premises Licence 90 Degrees, 78 Westgate, Grantham, Lincolnshire	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter Engagement and Corporate Services Portfolio Holder	
CONTACT OFFICER:	Peter Harrison, peter.harrison@southkesteven.gov.uk 01476 406190	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity		
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	

1. RECOMMENDATIONS

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee consider the application for a review of the Premises Licence relating to 90 Degrees 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;
 - e. revoke the licence.
 - f. adjourn a hearing to a date to be specified where it considers it to be necessary in the public interest.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 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.
- 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 in the recommendation application:

The guidance issued under Section 182 of the Act is:

“In deciding which of these powers to invoke, it is expected that the Committee 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 a necessary and proportionate

3. DETAILS OF REPORT

Licensing Committee held a hearing on the 22nd of December 2012, it was resolved to adjourn the hearing to the first meeting in February 2012 to enable the Premises Licence Holder to transfer the licence,

The licence has been transferred to the new owner and a meeting was held between Lincolnshire Police, South Kesteven District Council and the new owner.

There was an agreement between all parties to remove all existing conditions and add the conditions at appendix 1.

Lincolnshire Police who brought the review are happy that the conditions together with the new management of the premises will resolve the issues they had, a new designated premises supervisor will be appointed in due course.

4. OTHER OPTIONS CONSIDERED

5. RESOURCE IMPLICATIONS

6. RISK AND MITIGATION

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

8. CRIME AND DISORDER IMPLICATIONS

9. COMMENTS OF FINANCIAL SERVICES

There are no specific financial implications associated with this report

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

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
- Public Nuisance
- Protection of Children from harm

Any decision taken by the Committee should be reasonable and proportionate and must be necessary 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 the police. In this case the premises licence has been transferred and the new premises licence holder has agreed with Lincolnshire Police that the premises licence needs to be reviewed. Both parties have agreed that the conditions should be modified pursuant to Appendix 1.

11. COMMENTS OF OTHER RELEVANT SERVICES

N/A

12. APPENDICES:

1 – Conditions agreed by all parties