

MINUTES

ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
FRIDAY, 27 APRIL 2012



COMMITTEE MEMBERS PRESENT

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

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

OFFICERS

Licensing Officer (Pam Robinson)
Solicitor (Paul Rushworth)
Principal Democratic Officer (Jo Toomey)
Democratic Officer (Lucy Bonshor)

45. APOLOGIES

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

46. DECLARATIONS OF INTEREST

None declared.

47. MINUTES OF MEETING HELD ON 2ND AND 23RD MARCH 2012

The minutes of the meetings held on 2nd and 23rd March 2012 were agreed as a correct record of the decisions taken.

48. LICENSING ACT 2003: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - PEAR TREE, BROAD STREET, STAMFORD

Decision

That the application to vary the premises licence for the Pear Tree, Broad Street, Stamford be approved as agreed by the police and the applicant

as set out in the report, with the addition of a condition that all windows and doors will be kept closed during the performance of live and recorded music.

The Solicitor to the Committee introduced those present and confirmed who was to speak with regard to the application. Mr Mills for the applicant, Mr Springett, resident and Mr Barrie on behalf of Mrs Veitch, resident. Representatives from Lincolnshire Police were at the hearing but confirmed that they did not wish to make any further representation to the Committee.

The Licensing Officer introduced report CSL006 which concerned a variation of a premise licence for the premises known as the Pear Tree, Broad Street, Stamford. The variation had been requested to amend a condition on the licence which states:

No drinking vessel of any description shall be removed from the licensed area, save for disposal by a member of staff or the licensee's own personal use.

The applicant had been issued for a pavement licence by Lincolnshire County Council and therefore he required the condition to be amended so that he could take advantage of the licence between the times of:

11:00 – 20:00 hrs

The applicant had also asked for an extension of hours for recorded music, dancing, late night refreshment, sale of alcohol and closing hours. Representations were received from the police and a meeting was held between the applicant and the police on 8 March to see if an agreement could be reached. The Licensing section received confirmation of the agreed changes following the meeting. On 30 March two representations were received from interested parties both relating to public nuisance due to noise from the premises. One of the interested parties asked that if the variation was agreed that a condition be attached stating that all windows and doors be kept shut during performances of live and recorded music. Environmental Protection confirmed that they had not received any complaints about noise or disturbance from the premises.

The applicant then presented his case stating that no complaints had been previously received about the premises. The times requested were in line with other businesses in the area. The pavement licence would be more of a coffee area to extend the lunch time business and it would have controlled access and times.

Members asked for clarification with regard to access to the pavement area to which the applicant replied.

The interested parties then presented their cases, Mr Springett referred to the noise that would be increased from live and recorded music if the hours were

extended. The location of the premises meant that people used the area as a conduit and caused a public nuisance. Reference was made to other premises in the area and the disturbance caused late at night which the Stamford Street Pastors helped to maintain public safety in a voluntary capacity. Mr Barrie referred to the vomit that was in abundance around the front steps and gate of Mrs Veitch's property and the increase in public nuisance if the times were to be increased.

Members then referred to the location of the pavement licence and expressed concern about its proximity to the road. The applicant confirmed that the seating area would all be removed at 20:00hrs.

The Licensing Officer then gave her closing statement reminding Members to have regard to promoting the four licensing objectives. The guidance issued under Section 182 of the Licensing Act and South Kesteven's Licensing Policy and the options available to them.

Mr Mill then gave his closing statement and referred to the meetings held with the police and the advice given which he had taken as shown in the amended hours asked for.

(10.35am Licensing Officer, applicant and interested parties left the meeting)

Members discussed in detail the information they had before them and the representations made during the meeting. Having regard to the advice given by the Solicitor to the Committee and the fact that the premises licence had already been granted by Lincolnshire County Council, the fact that no complaints had been received by Environmental Protection in relation to noise or disturbance from the premises it was proposed, seconded and agreed to approve the variation to the licence as agreed between the police and the applicant subject to the addition of a condition to keep all windows and doors closed during playing of live and recorded music.

(10.55am Licensing Officer, applicant and interested parties returned to the meeting)

The Solicitor to the meeting then read out the Committee's decision. The Committee had considered all the representations of all the parties but they considered that it was significant that none of the statutory consultees made any objections to the application. They gave full consideration to the resident's representations but despite that, there was insufficient evidence relating to the undermining of the licensable objectives. The Committee therefore agreed the variation as agreed between the police and the applicant with the addition of a condition to keep all windows and doors closed during the playing of live and recorded music. The Solicitor to the Committee reminded those present that the licence could be reviewed at any time if there were further problems going forward. The licence could be appealed to the Magistrates Court within 21 days of written notification of the decision.

Meeting adjourned at 10.56am.

**49. APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE -
TABOO GENTLEMEN'S CLUB, 99 WESTGATE, GRANTHAM**

Meeting reconvened at 11.46am

Councillor Chivers left the meeting at 11.46am

Decision

That the application for a Sexual Entertainment Venue Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) be approved to 03:15 every day of the week, overwriting the standard condition that no such activity should take place on a Sunday. Approval of the licence is to incorporate the District Council's standard conditions together with the additional conditions that had been proposed by the applicant in writing at the hearing.

The Solicitor to the Committee introduced those present and confirmed who was to speak in connection with the application. John Kent from John Kent Solicitors would be speaking on behalf of the applicants Mr Yusuf Mehmet Yenibertiz and Maria Karlsson Djurovic. The Manager to the premises was Mr Makram Messaludi. Inspector Rod Rose and PC Dale Walker would be speaking on behalf of Lincolnshire Police and Mrs Brown was an interested party.

The Licensing Officer then referred to report CSL007 which concerned an application for a Sexual Entertainment Venue Licence (SEV) in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009). The Council had adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to Sexual Entertainment Venues at the meeting held on 3 March 2011. The premises had run a lap dancing club under the permissions of the Licensing Act 2003 from January 2010 up until 30 March 2012 no complaints about the premises had been received by the authority during this period. On 12 March 2012 an application was received for Taboo Gentlemen's Club to hold a SEV which would run in conjunction with the premises licence issued under the Licensing Act 2003. The applicant had applied for a licence to hold sexual entertainment everyday from 21:00 to 06:00hrs. A complaint was received by e-mail from a person who wished to remain anonymous alleging solicitation, drug use, drinking after time, counterfeit alcohol and full contact dancing. A further e-mail by the same person was made on 4th April 2012 making further allegations; these were referred to the police for them to investigate. Two representations were received from members of the public stating that the character of the area was unsuitable, the hours requested were

unreasonable, there was noise and disturbance from the premise, its location and the alleged behaviour of the staff. On 5th April the police submitted representations regarding the extension of the hours sought, drug use at the premises and as yet unsubstantiated complaints of illegal sexual activities and services taking place. The police asked that if the Committee were minded to grant the licence they asked if they would delay the decision until the problems surrounding CCTV and the drug use were resolved. Since the report had been written the police and the applicant's solicitor had met to find a way forward. She also asked if Members could confirm receipt of the supporting information submitted by PC Dale Walker.

A point of clarification was made in that the applicants had been in the premises since December 2010 not January 2010.

The police asked about the identity of the anonymous e-mail, but the Solicitor to the Committee informed those present that the identity of the e-mail sender would remain anonymous.

The applicant's solicitor Mr Kent then presented his case. He said that his client had submitted the application for the hours based on those used by other premises in areas of Derby, Lincoln and Nottingham and had not consulted with the police. He wished to start his case by amending the hours asked for to:

Sunday to Wednesday 21:00hrs to 03:15hrs with a closure time of 03:30hrs
Thursday to Saturday 21:00hrs to 04:15hrs with a closure time of 04:30hrs

Although the license had been asked for everyday this did not mean that it would be used every day that would depend on trade. He then spoke about Sunday trading and bank holidays and reasonableness and proportionality. Mrs Robinson referred to the regulations and stated that the regulation said except with the previous consent of the council.

Mr Kent then addressed the procedures that his client would be putting in place with regard to Codes of Conduct, special conditions for both staff and patrons of the premise, signage within the premise and the meetings that he had held with the police about conditions for conduct and management of the premises. He referred to the comprehensive drugs policy which would be implemented and the new CCTV system which had been installed to the satisfaction of the police. Warning notices would be displayed within the premises about the drugs policy and the management had liaised with the police who were happy with the policy as drafted. He confirmed that his client had sold alcohol after 03:00hrs but he had incorrectly read the premise licence. With regard to the drug use found on the premises, necessary and appropriate steps had been taken to oil all surfaces to prevent people using them for drugs. Since January 2010 no complaints had been received from any of the statutory authorities and he reminded Members that each application was to be looked at on its own merits. If the application was approved then a variation of the premises licence would be applied for with regard to alcohol and late night refreshment.

Meeting adjourned at 12.55 and reconvened at 13.05.

The officers had no questions for the applicant.

In response to questions put by Councillors, the police were unable to corroborate anonymous allegations made relating to the premise. The solicitor asked the representatives from Lincolnshire Police to clarify the hours they would support for sexual entertainment to take place. Lincolnshire Police confirmed that they would be happy with the premise being licensed until 3:15am for the provision of sexual entertainment.

The local resident asked the applicant about arrangements to prevent nuisance in the vicinity of the premise. The applicants stated that no complaints relating to disturbance had been received. They highlighted the number of licensed premises in Taboo's proximity. To prevent litter, facilities were being installed for the safe disposal of cigarette ends.

Representatives from Lincolnshire Police were given the opportunity to present their case. A number of issues were highlighted, which related to crime and disorder including drug use, drinking after time and contact dancing. They confirmed that recent upgrades had been made to the CCTV.

The applicant was given the opportunity to question the Lincolnshire Police representatives, who confirmed that no complaints had been received since the new owners had taken on the premise. The new owners had also co-operated with police requests. The applicant's solicitor highlighted that there was nothing in Taboo's current licence that prevented contact dancing.

In response to questions put by Councillors, the police were unable to corroborate anonymous allegations made relating to the premise. The solicitor clarified that Lincolnshire Police would be happy with the premise being licensed until 3:15am for the provision of sexual entertainment.

In response to a question from the local resident about the new CCTV system, police officers explained that it kept an automatic log of when footage was accessed and by whom.

The local resident was invited to make her representations. As part of her statement she highlighted the proximity of residential and commercial properties to Taboo, noting in particular a nearby nursery. She objected to the licensing of the premise on moral grounds.

The Licensing Officer gave her closing statement, reminding the Committee that they should have regard to representations made by the applicant and interested parties. Mr Kent, the applicant's solicitor, gave a brief closing statement.

(14:05 – the Licensing Officer, applicants and other interested parties left the meeting)

(14:05 – Councillor Griffin left the meeting and did not return).

The Committee discussed the application having regard to representations made during the meeting and the standard conditions applied to such licences. The Solicitor advised the Committee that standard conditions would preclude use of such premises on a Sunday however, a decision of the Committee was sufficient to overwrite that standard condition.

It was proposed and seconded that that the Committee approve the application for a Sexual Entertainment Venue Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) to 03:15 every day of the week, overwriting the standard condition that no such activity should take place on a Sunday. Approval of the licence should incorporate the standard conditions together with the additional conditions that had been proposed by the applicant. This was agreed unanimously.

(14:15 – the Licensing Officer, applicants and other interested parties returned to the meeting)

(14:15 – Councillor Sandall left the meeting and did not return)

The Solicitor advised those present of the Committee's decision. Having considered the representations of all parties, the decision of the Committee was to approve the licence as applied for subject to the hours of licensable activities being amended to cease at 03:15 every day, overriding the standard condition which prevented such licensable activity on a Sunday. The licence was subject to the standard conditions and the additional conditions which had been submitted by the applicant.

The reason for the decision was based on recommendations made by Lincolnshire Police and representations made at the meeting. It was noted that many of the representations made before the Committee were relevant to an application under the Licensing Act 2003 instead of Schedule 3 of the Local Government (Miscellaneous Provisions Act).

CLOSE OF MEETING

The meeting was closed at 14:20.