

MINUTES

ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
FRIDAY, 27 JULY 2012



COMMITTEE MEMBERS PRESENT

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

Councillor Reginald Howard
Councillor Vic Kerr
Councillor Bob Russell (Vice-Chairman)
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Legal & Democratic Service Manager/Solicitor to the Committee (John Armstrong)
Licensing Officer (Peter Harrison, Richard Etherton)
Democratic Officer (Lucy Bonshor)

1. APOLOGIES

An apology for absence was received from Councillor Rowlands.

2. DISCLOSURE OF INTERESTS

None disclosed.

3. MINUTES OF THE MEETING HELD ON 29TH JUNE 2012

The minutes of the meeting held on 29th June were agreed as a correct record of the decisions taken.

4. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A PREMISES LICENCE, EBL EXPRESS NEWSAGENTS, 109 DUDLEY ROAD, GRANTHAM, NG31 9AD

Decision:

To approve the Premises Licence for EBL Express Newspapers, 109 Dudley Road, Grantham as applied for.

The Solicitor to the Committee introduced those present and confirmed who was to speak in connection with the application. The applicant Mr Vithiyakanthan Subramaniyam was represented by Mr Hook, his solicitor and the interested party present was Councillor Mike Cook Ward Representative for the area where the premises were located.

The Licensing Officer referred to the application which had been received on 17th May 2012 for a Premises Licence for the EBL Express Newspapers, 109 Dudley Road, Grantham and which Report CSL014 referred. The week before the application was due to go to committee the applicant's representative had contacted the Licensing Officer and it had been decided to adjourn the meeting as the content of the statements submitted did not make sense. A reworded application had been submitted and circulated to Members. The applicant's representative had liaised with one of the interested parties but had not been able to reach a conclusion. The application was for the premises to sell alcohol between the hours of 7am and 10pm. No representations had been received from responsible authorities.

The applicant's representative, Mr Hook then presented his case. The application in his view was a straight forward one. The premise was situated in a modest area where there were no other shops. A public house was situated a short distance up the road (176 yards). The shop was a small convenience store and following the submission of the first application and subsequent representations the applicant had retained Mr Hook. Four CCTV cameras were situated at the premises, three within the shop and one outside. Recordings would be kept for 31 days. The shop would be staffed by the applicant and his sister. No representations had been received from the responsible authorities and all relevant notices had been published. Two representations had been received from the Ward Councillors for the area. One of the representations referred to the nursery opposite the premises whose staff were fully aware of the proposal and had not submitted any representations. As crime and disorder had been raised as an issue he had consulted the crime analysis for the area which showed only five incidents of crime. The applicant had one other premise and was well aware of the need to take steps to ensure there was no selling of alcohol to under age persons.

The interested party present then presented his case. Councillor Cook, one of the Ward Representatives for the area congratulated the applicant on opening the premises but queried the need to sell alcohol. He referred to the other outlets on London Road and Bridge End Road and the problems of people congregating at these premises. He could not see why the premises had to sell alcohol from 7am in the morning until 10pm at night. Although the nursery staff were aware of the application he had spoken to some of the parents of the children who were unhappy with an alcohol outlet being situated opposite the nursery and he asked if the times could be reduced.

Mr Hook, for the applicant then responded to Councillor Cook stating that all

advertising had been complied with and the number of other outlets was not a matter for this Committee to discuss. The official guidelines also stated that the sale of alcohol should be the same as the opening hours for the premise.

Members then asked questions of Councillor Cook to which he responded. It was suggested that if the parents had strong concerns about the proposal then they would have submitted letters to this effect. Another Member stated that the fact that a nursery was opposite the premises of itself had no relevance on whether or not a premises licence should be granted.

The Licensing Officer then gave his closing statement. He reminded Members to have regard to the representations made at the meeting where relevant and the four licensing objectives he then listed the options available to the Committee: -

- (a) to grant the licence subject to conditions that are consistent with the operating schedule modified to the extent that the Committee considered appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003.
- (b) to exclude from the scope of the licence a licensable activity to which the application relates.
- (c) to refuse to specify a person in the licence as premises supervisor;
- (d) or reject the application.

Mr Hook then gave his closing statement on behalf of the applicant he repeated that the application was a straightforward one, the second application had taken account of the concerns raised and the hours had been reduced to accommodate those concerns.

(10.25am the applicant, his representative, the Licensing Officer and the interested party left the meeting)

Members discussed the information they had been given and the representations made. A comment was made about reducing hours to which the Solicitor replied. It was proposed, seconded and unanimously agreed to grant the licence as applied for.

(10.35am the applicant, his representative, Licensing Officers and the interested party returned to the meeting)

The Solicitor to the Committee read out the decision of the Committee stating that the Committee had considered all the representations received and whether the four licensing objectives were being promoted. As there was no evidence to support the undermining of the licensing objectives the Committee had decided to grant the premises licence as applied for.

Meeting adjourned between 10.35am and 10.40am

5. LICENSING ACT 2003: APPLICATION FOR A PREMISE LICENCE - CONVENIENCE STORE, 1 MARVILLE COURT, CROWSON WAY, DEEPING ST JAMES

Decision:

That the premises licence for the Convenience Store, 1 Marville Court, Crowson Way, Deeping St James be granted as applied for.

The Solicitor to the Committee introduced those present and confirmed who was to speak. Mr John Birch, Licensing Consultant would be speaking on behalf of Jegatheeswaran Rajaratnam the applicant.

The Licensing Officer read out an e-mail that he had received from Mr Staunton who had made representations about the application but was unable to attend the meeting. Mr Staunton said that he welcomed the new shop but there seemed to be some confusion with the residents who may have forwarded representations to the Parish Council rather than the District Council. He wished to make it clear that the residents had a very real concern about evening sales of alcohol after 6pm. They had experienced problems previously from the assembly of youngsters at the location and also there would be an exacerbation of parking and traffic problems due to the narrowness and curving nature of Crowson Way. Although the Parish Council had indicated a suggested time of 8pm for the sale of alcohol this was not the wish of the residents.

The Licensing Officer then presented report CSL015 which was for a premises licence for the Convenience Store, 1 Marville Court, Crowson Way, Deeping St James. The hours for the sale of alcohol were 7am – 10pm Sunday to Monday. The agent acting on behalf of the applicant had submitted a covering letter detailing how the applicant had carried out a pre-application risk assessment which was detailed in the appendix. Representations had been received from residents and Parish Councillors on the grounds of Crime and Disorder and Public Nuisance. No representations had been received from responsible bodies.

A question was asked about the Parish Councils objection to which the Licensing Officer referred the Committee to appendix 3 of the report. The email from the Parish Council stated that they and those members of the public attending the meeting did not object to the grant of a licence but they had concerns which included anti social behaviour, noise and that a limit of 8pm was put on the sale of alcohol.

Mr Birch, a Licensing Consultant then presented the applicants case. The premise was not intend as a specialist off licence, it had been recognised that

the premises was in a residential area but there were other businesses, hot food outlets in the area which closed at 10pm. The common themes of the representations concerned the open space to the rear of the premises and the gathering of young people. The applicant wished to co-operate with the street wardens. He referred to the detailed operation schedule which had been included and the draft premises licence register, a refusal register and training notes. The staff would hold personal licences and depending upon the pattern of trade there would be two staff including a local "mum" on duty at school closing time. No comments had been received from the responsible bodies. Mr Birch then detailed the checking of underage sales. He circulated trading cards for members to see and also the systems in place to check the age of the customers using the challenge 25 policy. He did not consider 10pm to be late especially as the hot food outlets in the area closed at 10pm. He referred to the Licensing policy and indicated that the sale of alcohol would not increase problems already being encountered in the area.

A question was asked about alcohol promotions to which Mr Birch replied. The Licensing Officer informed the Committee that the last shop owner had surrendered his licence in October 2010.

The Licensing Officer then gave his closing statement reminded Members to consider the representations they had received and take the necessary steps which were proportionate to the information they had been given and the steps available to them.

Mr Birch then gave his closing statement referring Members to the operating schedule which was detailed and proportionate to the application before them.

(11.05am the applicant, his representative and the Licensing Officers left the meeting)

Members discussed the application before them having regard to the four licensing objectives and the written representations received and those heard at the meeting. It was proposed, seconded and unanimously agreed to approve the licence as applied for.

(11.10am the applicant, his representative and the Licensing Officers returned to the meeting)

The Solicitor to the Committee informed those present that having considered the written representations received and the representations heard at the meeting the Committee had unanimously agreed to grant the premises licence as applied for.

6. BOURNE PUBLIC HOUSE, JUNCTION OF SOUTH ROAD AND RAYMOND MAYS WAY, BOURNE - UPDATE RE TILL CONFIGURATION

Following the meeting held in May a question had been asked about the till configuration to which the Licensing Officer said he would go back to the

applicants for clarification. As a lot of the staff worked part-time, staff meeting and training often took place when the premises were closed to the public. Therefore the tills were configured so that the staff could have drinks during this time but they were logged. It was also used as a stock taking device. The log was regularly checked by the Area Managers.

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.

The Licensing Officer informed the Committee that this would be his last meeting as he would be leaving the licensing section for another post in the Revenue and Benefits Section. He thanked the Committee for their support during his time as a Licensing Officer.

The meeting closed at 11.35am.