

REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: CSL/020

DATE: 21 September 2012

TITLE:	Review of a Premises Licence, Millstone Public House, 1 All Saints Street, Stamford, Lincolnshire, PE9 2PA	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NONE	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
CONTACT OFFICER:	Pam Robinson, p.robinson@southkesteven.gov.uk 01476 406318	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below No	Full impact assessment Required: No
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. Guidance issued under Section 182 of the Licensing Act 2003.	

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 Millstone Inn 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 appropriate, 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 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.”

3. DETAILS OF REPORT

- 3.1 An application to review the premises licence, appendix 1, for the Millstone was received on the 30th July 2012 from the Environmental Protection Team at South Kesteven District Council.
- 3.2 The review asks to specifically look at the provision of outside music and they suggest consideration should be given to remove this activity from the licence.
- 3.3 Environmental protection has worked with the premises licence holder to try and address the continued complaints from members of the public regarding outside music.
- 3.4 A sound level meter was installed in neighbouring property between the 5th and 12th of July 2012 the recordings showed the music was loud, heavy bass, live music.

- 3.5 The difference between when the music was being played and stopped was 11.9dB(a), any difference of 10dB(a) or more is a significant difference and indicates a nuisance .
- 3.6 Following the display of the public notices of this review seven letters, two from the same address, appendix 2, have been received from neighbours who support the review.
- 3.7 They indicate that outdoor music is a particular problem but also that indoor music can be problematic. They have complained to environmental protection and the premises licence holder but there has been no improvement.
- 3.8 One complainant has spoken to the police and says she has witnessed customers sniffing drugs and urinating, she has now resorted to leaving her premises when she knows an event is taking place because she cannot bear the music.

4. OTHER OPTIONS CONSIDERED

There are no other options available.

5. RESOURCE IMPLICATIONS

5.1 There are no resource implications associated with this report

6. RISK AND MITIGATION

6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
N/A	N/A

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 Impact analysis not required.

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 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
- Prevention of Public Nuisance
- Protection of Children from harm

10.2 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 a proportionate response to the concerns raised by Environmental Protection Services and local residents.

11. COMMENTS OF OTHER RELEVANT SERVICES

Not applicable

12. APPENDICES:

- 1) Application to review**
- 2) Representations by local residents**