

MINUTES

**ALCOHOL, ENTERTAINMENT &
LATE NIGHT REFRESHMENT
LICENSING COMMITTEE
FRIDAY, 8 NOVEMBER 2013**



COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)
Councillor Breda Griffin
Councillor Reginald Howard
Councillor Graddon Rowlands

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

OFFICERS

Licensing Officer (Pam Robinson)
Solicitor to the Committee (Paul Rushworth)
Democratic Officer (Lucy Bonshor)

16. APOLOGIES

Apologies for absence were received from Councillors Ashberry, Broughton, Chivers and Susan Sandall.

17. DISCLOSURE OF INTERESTS

None disclosed.

18. MINUTES OF MEETING HELD ON 18TH OCTOBER 2013

The minutes of the meeting held on 18th October were agreed as a correct record of the decisions taken.

19. LICENSING ACT 2003: APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR, FACES, WESTGATE HALL, WESTGATE, GRANTHAM

Decision:

That the application to vary the Premises Licence for Faces, Westgate Hall, Grantham be refused.

The Solicitor to the Committee introduced those present and confirmed who was to speak in connection with the application. On behalf the applicant Miss Hannah Whelan, Barrister, Mr Jonathan Askham lease holder and Designated

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Premises Supervisor (DPS) of the premises and Miss Kirsty Rogers Manager's assistant at the premises. For the Police, Miss Clare Hennessy, Barrister and PC Alex Bedford.

The Licensing Officer presented report CSL042 which concerned an application to vary the existing Premises Licence for Faces, Westgate Hall, Grantham by an extra hour on Saturday/Sunday morning until 04:00hrs. A representation had been received from the Police under the licensing objectives, the Prevention of Crime and Disorder and Protection of Children from Harm. The representations concerned the management of the premises and alleged problems of alcohol fuelled disorder occurring in Grantham Town Centre in the early hours of weekend mornings after late night premises had closed.

Miss Whelan then presented the applicant's case. The owner of the premises Mr Askham had been in the licensing business for 14 years and owned other premises in Grantham including the Kings Arms, Gravity in the Market Place and RARA. Three months ago he had taken over as owner of Faces. Miss Kayleigh Newton, the applicant was the Manager of the premises and ran it in conjunction with Gravity. Faces was the only paying nightclub in the town. Under a Temporary Events Licence the owner had trialled events at the premises which had closed at 4am and as these had been successful he wished to vary the existing Premises Licence. The other premises owned by Mr Askham closed at staggered hours to help disperse patrons from the town centre and this was welcomed by the taxi drivers and the late night eateries.

Following issues with the CCTV equipment previously installed in the premises a new hard drive had been installed together with more cameras, also extra door staff were on duty late on Saturday/Sunday morning. Mr Askham was aware of his obligations to the police and the requirement of CCTV equipment and wished to work with the police. Reference was then made to the children's disco that was held at the premises on a Friday evening at which incidents had taken place and to which the Police had visited and found the conditions of the licence not being adhered to, when this had been pointed out to those present nothing was done and it appeared those people present did not know the conditions of the licence.

Questions were then asked about the children's disco and the Solicitor to the Committee clarified that reference to the children's disco had been given as background information and shouldn't be afforded weight as a consideration as to whether the club should be allowed to operate until 4am. The central issue was whether the extra hour asked for would undermine the licensing objectives.

Further questions were asked about the management of the premises and the events and incidents that had taken place to which Mr Askham replied.

Miss Hennessy, the barrister for the Police then presented their case. The basis of the objection by the police was the undermining of the licensing objectives; prevention of crime and disorder and protection of children from harm. The applicant's submission had suggested that the extra hour was commercially viable to both late night eateries and local taxi firms, however the

police urged the Committee not to grant the variation. Miss Hennessy then detailed eight reasons why the license should not be granted, which included incidents that the police had been called to at the premises (some violent), complaints received, the attitude and lack of responses received by the police from the management of the premises following requests for CCTV, also what seemed as a lack of regard for the conditions of the Premise licence. The police were concerned that they were not able to adequately resource the town centre at 4am and therefore, could not be there to protect the public. She reminded the committee that any decision made had to be balanced against the public interest and she referred to the guidance issued concerning the licensing function. She then made reference to the incidents at the children's disco and the conditions that were attached to the licence which had not been complied with. She concluded by stating that the police had real concerns about the undermining of the licensing objective of crime and disorder if the variation to the licence was granted.

The Solicitor to the Committee stated that as the Police Barrister had made extensive submissions and there seemed to be some doubt as to whether the applicant's barrister had seen the extra paperwork submitted by the Police and in fairness to both parties advised the Chair of the Committee that a brief adjournment would allow the Applicant to read the witness statements which they had not seen and then provide a response if they wished to do so. The Committee agreed and the meeting adjourned between 11.10am – 11.30am.

11.30am meeting reconvened.

Following the adjournment the Solicitor to the Committee advised those present that the hearing should be a discussion between both sides because he was concerned about the extensive cross examination which had taken place in the first session. However, as both parties were represented and neither party had objected he had not intervened, but going forward he advised both sides against cross examination.

The applicant's barrister then asked Miss Rogers to respond to the specific incidents as listed by the police barrister which she did. Following this Members asked questions about the number of police on duty and the applicant's barrister made a statement indicating that by staggering the time when premises closed helped the police disperse people from the town centre. The police barrister reiterated that the police's concern was that the extra hour drinking helped incidents to bubble up in the premises and she referred to the lack of cooperation that had been given to the police in the past. Reference was then made to the Temporary Events Notices and why the police had not objected to these. Miss Hennessy, the police barrister replied that unfortunately the police only had three days to respond and had missed the deadlines; however, the individual incidents of complaints were a severe concern to the police.

The Licensing Officer gave her closing statement. She asked the committee to take into consideration all the representations they had received and heard and the need to promote the four licensing objectives. Appropriate weight needed

to be given to the representations received and the legislation and guidance issued both within South Kesteven District Council's Licensing Policy and Section 182 of the Licensing Act 2003. Options open to the committee were:

- To Modify the conditions of the licence
- To reject the whole or part of the application
- To grant the variation.

The conditions of the licence were modified if any of them were altered or omitted or any new conditions were added.

The Barrister, Miss Whelan on behalf of the applicant made her closing statement. She referred to the licensing objectives and stated that no concerns had been raised under the public safety objective. Work had been undertaken by the owner to rectify problems with the CCTV and he wished to work with the police in the future. More robust systems had been put in place and following the trial events no evidence had been given that extra police had been brought in to deal with incidents and she asked the committee to grant the variation.

The Police Barrister then made her closing statement referring to the police concerns about the lack of cooperation with the police, the lack of knowledge of the conditions of the licence with regard to the children's disco. Genuine concerns about the undermining of the licensing objective for the prevention of crime and disorder and the management of the premises.

(12.05pm the licensing officer, applicants, barristers and police leave the meeting)

Members discussed the application before them having regard to all the representations that they had received and heard. Members were very concerned about the management of the premises and what seemed as a lack of co-operation with the police. They felt that the conditions of the licence were something that should be known by those in charge of the premises. Although steps had been taken by the applicant to address some of the issues the committee felt that at this time they were unable to grant the variation and it was proposed, seconded and unanimously agreed to refuse the variation of the licence.

(12.20pm the licensing officer, applicants, barristers and police returned to the meeting)

The Solicitor to the Committee read out the Committee's decision. The Committee had considered the representations of all the parties. The Committee had decided that there was sufficient evidence of the undermining of the licensing objective of crime and disorder, some of which had taken place since the new manager took over at the premises. At this stage the Committee considered that approving the application would further undermine the licensing objective of crime and disorder. The decision might be different if the applicant could demonstrate that they could manage the premises in the future but at this stage having regard to the evidence, the Committee felt that they needed to

protect the licensing objective of crime and disorder and as a result the application was refused. The decision was appealable to the Magistrates Court within 21 days of written notification of the decision.

20. CLOSE OF MEETING

The meeting closed at 12.22pm.