



# MINUTES

## ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

FRIDAY 19<sup>TH</sup> AUGUST 2005

9.30 a.m.

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### COMMITTEE MEMBERS PRESENT

Councillor Howard  
Councillor Parkin  
Councillor Mrs Percival  
Councillor Mrs M Radley

Councillor Turner  
Councillor H G Wheat  
Councillor Mrs M E Wheat (in the Chair)  
Councillor M G Williams

### OFFICERS

Corporate Manager – Democratic and Legal Services  
Committee Support Officer  
Head of Environmental Health and Licensing  
Environmental Health Manager (Environment)  
Environmental Health Practitioner (Licensing)  
Scrutiny Officer  
Trainee Democratic Support Officer

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### 15. APOLOGIES

Apologies for absence were received from Councillors Mrs Bosworth and Mrs Gaffigan.

### 16. DECLARATIONS OF INTEREST

There were none declared.

### 17. MINUTES

The minutes of the meeting held on 5<sup>th</sup> August 2005 were confirmed as a correct record of decisions taken.

**18. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE MALT SHOVEL, WESTGATE, GRANTHAM**

*Decision: -*

*That the application in respect of The Malt Shovel, Westgate, Grantham, as submitted, be agreed subject to varied hours for the sale of alcohol as follows:-*

*10.00 to 00.00 - Monday to Saturday*

*12.00 to 00.00 - Sunday*

*and subject to thirty minutes drinking up time.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV252 in relation to an application for conversion and variation to a licence for The Malt Shovel, Westgate, Grantham. A full copy of the application was attached at appendix 1, together with a plan showing the location of the premises, and comments from Lincolnshire Police at appendix 2.

Present at the meeting were representatives of the applicants, and the police, and the Chairman then outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants confirmed that they were aware of the procedure to be followed in determining the application.

The Head of Environmental Health and Licensing, in outlining his report, confirmed that following discussions between the applicants and the police, agreement had now been reached and the hours required would be reduced to twelve midnight throughout the week.

The police representative confirmed that discussions had taken place with the applicants particularly in relation to the use of CCTV and door staff, and agreement had now been reached, as mentioned, that licensing hours would be no longer than twelve midnight and therefore CCTV and door staff would not be required.

The applicant confirmed agreement to the police requirements.

It was then proposed and seconded that as there were now no objections, the application be agreed subject to the hours for the sale of alcohol being varied to a closure time of twelve midnight throughout the week, subject to thirty minutes drinking up time. On being put to the vote the proposition was agreed.

**19. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE SCOTGATE, STAMFORD**

*Decision:-*

*That the application in respect of The Scotgate, Stamford, as submitted, be agreed subject to varied hours for the sale of alcohol as follows: -*

*11.00 to 00.00 - Monday to Saturday*

*11.00 to 23.30 - Sunday*

*and subject to thirty minutes drinking up time, and subject also to the following conditions:-*

*1) That the existing CCTV system be maintained and any tapes be kept for a period of at least twenty-eight days.*

*2) That any music played at the premises finish at the close of alcohol sales.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV249 in relation to an application for conversion and variation to a licence for The Scotgate, Stamford. A full copy of the application was attached at appendix 1, together with a map of the premises. Attached at appendix 2 were fifty-three representations from interested parties. A letter from Lincolnshire Police in relation to the application was at appendix 3.

Present at the meeting were representatives of the applicants and the police, and the Chairman outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants confirmed that they were aware of the procedure to be followed at the meeting.

The Head of Environmental Health and Licensing then presented his report, drawing the attention of the Committee to a fundamental change in the variation of the hours of operation and various entertainment changes, as listed in detail in the report. He drew attention in particular to the letter from Lincolnshire Police, attached as appendix 3, and concluded by saying that the specific questions were in relation to the times of opening and whether these were appropriate for indoor and outdoor music. He also referred to the various letters of objection from local residents.

The police representative said that door staff and CCTV would be required if the application were to be approved up to 1am, but if the hours were amended, as had been agreed, then the objection would be withdrawn. It was recommended that CCTV be retained as existing and in the circumstances of the variation to the hours, door staff would not be required.

The applicants presented their case and confirmed that they were happy to comply with the police requirements. The specific point was made, in relation to objections received, that most of the matters raised by residents were outside the control of the applicants and did not comply with guidelines from the Department for Culture, Media and Sport (DCMS) in that they were not all attributable directly to the premises. No complaints had been received by Environmental Health Services since April 2000 and therefore conditions in relation to noise and nuisance were unnecessary. It was considered that the later opening hours would allow customers to leave gradually rather than being forced out at more unsocial hours.

Members then asked a variety of questions in relation to the use of recorded music both inside and outside, the hours of operation and the use of CCTV.

The Head of Environmental Health and Licensing, in summing up, recommended that the application be granted subject to the hours for the sale of alcohol as amended and subject to thirty minutes drinking up time. The applicant then summed up and the officers and applicant then left the room.

The Committee then discussed the application and all matters raised by the Head of Environmental Health and Licensing and the applicants, and took into account the significant number of representations from local residents. It was proposed and seconded that the application be agreed for the hours for the sale of alcohol subject to further variation and to any music played finishing at the close of alcohol sales. On being put to the vote this was agreed.

The applicants and officers then returned to the meeting and were advised of the decision, as noted above.

*(The meeting adjourned from 10.10am to 10.42am)*

**20. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE HUNTINGTOWER ARMS, HARLAXTON ROAD, GRANTHAM**

*Decision:-*

*That the application for conversion and variation to a licence in respect of The Huntingtower Arms, Harlaxton Road, Grantham, as submitted, be agreed subject to the following hours for the sale of alcohol:-*

*11.00 to 00.00 - Monday to Thursday  
11.00 to 01.00 - Friday and Saturday  
12.00 to 23.30 – Sunday*

*and subject to thirty minutes drinking up time and also to the following conditions:-*

- 1) The maintenance of CCTV at the premises and to the retention of any tapes for a minimum of twenty-eight days.*
- 2) There shall be no admission or readmission to the premises after midnight on Friday and Saturday, when the premises are open to 1am.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV246 in relation to an application for conversion and variation to a licence for The Huntingtower Arms, Harlaxton Road, Grantham. A full copy of the application was attached at appendix 1, together with a map of the premises. Attached as appendix 2 were a number of representations/objections from local residents, and at appendix 3 was a letter from Lincolnshire Police in relation to the application.

Present at the meeting were representatives of the applicants, and the Chairman then outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants

confirmed that they were aware of the procedure to be followed in determining the application.

In introducing his report, the Head of Environmental Health and Licensing referred to representations which had been received from local residents and the police, particularly with regard to crime and disorder issues. He outlined the hours applied for and other requirements with regard to the application and reminded members that the times shown would have thirty minutes drinking up time added.

The applicants, in presenting their case, stressed that no incidents in relation to the premises had been reported by the police. In fact, the incidents reported were attributable to problems associated with the town centre. The premises were not a nightclub, but a public house for local residents only, with food provided and entertainment on the "two in a bar" basis. The police requirements in relation to CCTV and no admission/readmission after midnight were agreed and lobby entrances, windows and doors would remain closed at all times. It was intended to hold quarterly meetings with local residents to discuss any problems and reference was made to a neighbour who had indicated no problems over his seventeen years living adjacent to the premises. A petition in support was also referred to.

Members then asked a variety of questions in relation to the music situation, CCTV and readmission. The Corporate Manager asked for clarification that the police requirements regarding CCTV and admissions/readmissions had been agreed with the police and the applicants confirmed that this was the case.

In summing up, the Head of Environmental Health and Licensing recommended that the application could be granted for the hours applied for subject to the police requirements regarding CCTV and admission/readmission being met by the imposition of conditions.

The applicants, in summing up, said that they would do everything to minimise noise and disturbance directly associated with the premises and again confirmed that they would meet the police requirements.

The applicants and officers then left the room.

The Committee then discussed the application in detail and it was proposed and seconded that the application be agreed subject to the hours for the sale of alcohol as applied for and subject to the police requirements with regard to CCTV and admissions/readmissions. On being put to the vote this was agreed.

The applicants and officers then returned to the meeting and were advised of the decision, as noted above. In addition the Corporate Manager advised the applicants that the Committee were impressed with their commitment with regard to good relations with local residents, and they hoped that it would proceed as suggested.

**21. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE WALNUT TREE, 32 HORSEGATE, DEEPING ST JAMES**

*Decision:-*

*That the application for conversion and variation to a licence in respect of The Walnut Tree, 32 Horsegate, Deeping St James be granted for the following opening times for the sale of alcohol:-*

*11.00 to 23.00 - Monday to Wednesday*

*11.00 to 00.00 – Thursday to Saturday*

*11.00 to 22.30 – Sunday*

*and subject to thirty minutes drinking up time and also to the following conditions:-*

*1) That all doors and windows must be closed when karaoke/other entertainment is in operation.*

*2) That the outside drinking area is not to be used after 11pm.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV248 in relation to an application for conversion and variation to a licence for The Walnut Tree, 32 Horsegate, Deeping St James. A full copy of the application was attached at appendix 1 together with comments and representations from local residents at appendix 2.

Present at the meeting were representatives of the applicants and the Chairman outlined the procedure to be followed and introduced the committee members and officers present. The applicants confirmed receipt of the procedure to be followed in determining the application.

The Head of Environmental Health and Licensing then presented his report, drawing the attention of members to the proposed hours of operation, to the objections received and to the fact that there were no observations from the police.

The applicants then presented the case for approval of the application, stressing that most of the objections received related to incidents which had taken place before they took over ownership of the property. The application was only for one hour extra in the evening and there were no objections from the police or Environmental Health Services. It was confirmed that the applicants would agree to conditions to alleviate concerns in respect of closing windows and doors; the outside area not to be used after 11pm and that they would ensure that the outside of the premises was kept free of litter.

Members then asked a question in respect of the operation of karaoke and other entertainment and the hours of operation.

The committee then heard representations from:-

Mrs E Ward – 45 Horsegate, Deeping St James

Mr A W Sharp – 47a Horsegate, Deeping St James

in relation to their objection to the application.

In summing up his report, the Head of Environmental Health and Licensing reminded members that the issue of car parking, which had been raised by objectors, could not be considered as part of the application.

The applicants summed up their case, and asked the Committee to grant the application. It was pointed out that there were other authorities in place to deal with most of the matters which had been raised by the objectors.

Prior to the applicants and officers leaving the room, the Corporate Manager clarified suggested conditions in relation to karaoke, when windows and doors would be closed; the hours of operation and the outside drinking area not to be used after 11pm. In relation to a suggestion concerning the installation of a noise-limiting device, the applicants said that in their view this could not be imposed, but, however, they would confirm a previous agreement to close windows and doors and to put up notices in relation to excessive noise.

The applicants and officers then left the room.

During the ensuing discussion on the application, members expressed views in relation to the proposed operation of karaoke and in order to clarify the situation, the applicant, officers and objectors returned to the meeting to clarify the situation.

The Corporate Manager asked for clarification on specifically whether the karaoke proposal was a separate part of the application. In response, the Head of Environmental Health and Licensing confirmed that it was a variation to the application.

The applicants, officers and objectors then again left the meeting.

The Committee then discussed the application in the light of the information received in relation to karaoke and it was proposed and seconded that the application be agreed as applied for, subject to the conditions mentioned, but with an explanation that the licence was reviewable in the light of any problems which might arise. On being put to the vote, the proposal was agreed.

The applicants, officers and objectors then returned to the meeting and were advised of the decision, as noted above. The Corporate Manager advised of the Committee's concern in relation to karaoke/entertainment and that the Committee had some sympathy with local residents. He pointed out that the licence was reviewable at any time and that objectors could contact Environmental Health and Licensing or the police. In conclusion, it was hoped that the applicants would take the concerns on board and operate with minimum effect of local residents.

**22. LICENSING ACT 2003 – APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE – THE THREE GABLES, SIGNAL ROAD, GRANTHAM**

*Decision: -*

*That the application in respect of The Three Gables, Signal Road, Grantham, be agreed as submitted for the following hours for the sale of alcohol: -*

*11.00 to 23.00 – Sunday to Wednesday*

*11.00 to 00.00 – Thursday*

*11.00 to 01.00 – Friday and Saturday*

*and subject to thirty minutes drinking up time.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV244 in relation to an application for conversion and variation to a licence for The Three Gables, Signal Road, Grantham. A full copy of the application was attached as appendix 1 and objections from local residents were attached as appendix 2.

Present at the meeting were representatives of the applicants and the Chairman outlined the procedure to be followed and introduced the committee members and officers present at the meeting. The applicants confirmed that they had received a copy of the procedure to be followed in considering the application and the Corporate Manager advised the objector, who was present at the meeting, of the procedure to be followed.

The Head of Environmental Health and Licensing then presented his report and outlined the hours of operation proposed.

The applicants presented their case and stressed the fact that no representations had been received from any responsible authorities and only three representations had been received from local residents. There was no history of incidents at the premises and they were not currently causing any complaints. Reference was again made to DCMS guidance in relation to consideration of licensing applications and it was stressed by the applicants that in their view it was unnecessary to put further conditions on the licence. If there were any problems apparent, the licence could be reviewed.

The Head of Environmental Health and Licensing then read representations which had been received from the objector who was present at the meeting and which had unfortunately not been circulated with the agenda.

The Committee then considered representations from

Mrs M McGuinness – 12 Signal Road, Grantham

who said that the main concern of residents was the effect of later opening, particularly on children living nearby. She said that there had been problems in the past with karaoke and other entertainment, particularly at weekends, although she appreciated that the premises needed to consider matters from a business point of view, the hours proposed were too long.

The Head of Environmental Health and Licensing said that the current application did not include any reference to music as part of the licence.

In summing up, the Head of Environmental Health and Licensing suggested that the application could be agreed for the varied hours as applied for, noting that there was no entertainment proposed, and subject of course to thirty minutes drinking up time.

The applicant summed up and again referred members to the DCMS guidance in relation to the consideration of applications.

The applicant, officers and objector then left the room.

The Committee then discussed the application and it was proposed, seconded and agreed that it be approved in the terms made, subject to mention being made in the decision of the co-operation with local residents.

The applicant, officers and objector then returned to the meeting and were advised of the decision, as noted above. The Corporate Manager again pointed out that should there be problems, the licence was reviewable and the applicants should bear this in mind in operating the premises to minimise disturbance to local residents.

## **23. CLOSE OF MEETING**

The meeting closed at 12.37pm.