



MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

FRIDAY, 7 OCTOBER 2005
9.30A.M.

COMMITTEE MEMBERS PRESENT

Councillor Mrs Gaffigan
Councillor Howard
Councillor Mrs Jalili
Councillor Parkin
Councillor Mrs Percival

Councillor Mrs Radley
Councillor Turner (Vice-Chairman)
Councillor H G Wheat
Councillor Mrs Wheat (Chairman)
Councillor M Williams

OFFICERS

Head of Environmental Health & Licensing
Committee Support Officer
Environmental Health Practitioner
Scrutiny Support Officer

The Committee Support Officer advised that as Councillor O'Hare had resigned from all panels and committees of the Council, Councillor Mrs Jalili was replacing him at this meeting and until the next annual general meeting of the Council.

120. APOLOGIES

An apology for absence was received from Councillor Mrs Bosworth.

121. DECLARATIONS OF INTEREST

There were no declarations of interest.

122. MINUTES OF MEETINGS HELD ON 27TH AND 30TH SEPTEMBER 2005

The minutes of the meetings held on 27th and 30th September 2005 were confirmed as a correct record of the decisions taken.

123. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - THE LORD NELSON, 2 BOURNE ROAD, MORTON, BOURNE

Decision:-

- 1. That a hearing into the application for conversion and variation to a licence in respect of The Lord Nelson, 2 Bourne Road, Morton, Bourne is unnecessary;*

and

2. *That the Head of Environmental Health and Licensing be authorised to take the appropriate action in respect of the licence, in accordance with the schedule of licensing objectives submitted with the application.*

The Head of Environmental Health and Licensing circulated an application for a premises licence in respect of The Lord Nelson, 2 Bourne Road, Morton, Bourne. Negotiations concerning an objection to the application had been agreed. As such, he requested that the committee agree that a hearing would be unnecessary and that he be permitted to take appropriate action in respect of the licence. It was proposed and seconded that a hearing was unnecessary with regard to the application. On being put to the vote the proposition was carried.

124. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE ANGEL INN, 13 CHURCH STREET, SOUTH WITHAM, GRANTHAM

Decision:-

1. *That a hearing into the application for conversion and variation to a licence in respect of The Angel Inn, 13 Church Street, South Witham, Grantham is unnecessary;*

and

2. *That the Head of Environmental Health and Licensing be authorised to take the appropriate action in respect of the licence, in accordance with the schedule of licensing objectives submitted with the application.*

The Head of Environmental Health and Licensing informed the committee that the objection to the application for conversion and variation to a licence in respect of The Angel Inn, 13 Church Street, South Witham, Grantham had been withdrawn following discussion with the applicant. He therefore requested that the committee agree that a hearing would be unnecessary and that he be permitted to take appropriate action in respect of the licence. It was proposed and seconded that a hearing was unnecessary with regard to the application. On being put to the vote the proposition was carried.

125. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - SMITHS', 25 NORTH STREET, BOURNE

Decision:-

That the application for conversion and variation to a licence in respect of Smiths', 25 North Street, Bourne be agreed as applied for, including thirty minutes drinking up time and an extension of the exterior licensed area by incorporating part of the grassed area for the consumption of alcohol, subject to

the following conditions:-

- 1. That the applicant works with the interested party and Environmental Health Services regarding insulation of the void area and roof spaces to minimise noise nuisance to the satisfaction of Environmental Health Services.*
- 2. That there be no amplified live music on the premises.*
- 3. CCTV be operated during opening hours and any recordings from the system to be made available immediately to the Police after a reasonable request and be retained for no less than twenty-eight days.*

The committee had before them the Head of Environmental Health and Licensing's report ENV268 in relation to an application for conversion and variation to a licence for Smiths', North Street, Bourne. A full copy of the application was attached at appendix 1, including a map showing the premises. An objection from a local resident, including a supporting email from her husband, and representations from Environmental Health Services were attached at appendix 2.

The Committee Support Officer, in introducing the application, clarified the speakers and confirmed that there were no representatives from the police present. The applicant and premises manager were present at the meeting, accompanied by Counsel, and the Chairman sought and received confirmation that they had received and understood the procedure to be followed. A representative from Environmental Health Services was also present.

In introducing the report, the Head of Environmental Health and Licensing outlined the application and referred to the objections. Further correspondence from the objector was circulated, as she was not able to attend the meeting. The Head of Environmental Health and Licensing apologised for the error in the report as to the objector's address.

The applicant's representative referred to the application details as appended to the report. He stated that the request for extension in hours for the sale of alcohol had been made in response to customer demand; the extension in premises to allow consumption of alcohol on the grassed area was to allow parents to supervise their children whilst drinking. He added that many other premises within Bourne had been granted extensions. The premises manager also spoke to the committee. He explained that when he had been appointed, it had been apparent that there were problems with noise leakage and that, in cooperation with the neighbouring resident who had objected to this application, he had worked on reducing this. Among other changes implemented, bins were now emptied during the day and amplification was no longer used for quiz announcements and calling time. A major piece of work required for a significant reduction in noise leakage was re-lagging of the roof but access to the neighbour's property was required and this had previously been denied. Permission had recently been given, however. Upon questioning, the manager confirmed that they asked patrons to leave the grassed area by

dusk and children to leave the premises by 20.00hrs. The committee was also reminded that the planning application to convert the premises from a shop to a public house, did provide the opportunity for conditions on sound proofing and other related issues.

Mrs Evans, representing Environmental Health Services (EHS), spoke about the complaints received concerning the premises when it first opened as a public house. It had been considered initially that these may have been due to certain national events at the time but complaints had continued. These were from the objector to this application and had been made concerning the noise from the premises. Complaints concerning music had ceased but general noise leakage continued. Mrs Evans had visited the complainant's home and had been amazed at the level of noise leakage from the premises. She supported the proposed improvement works but also requested that acoustic insulation be installed in the roof as a continued step approach to resolving the problem. Upon questioning from the applicant's representative and the committee, Mrs Evans confirmed that monitoring following the improvements to the premises is ongoing and that at the time of the planning application, EHS had not requested a full acoustic report. The applicant's representative added that the applicant was prepared to have no amplified live music on the premises.

The Head of Environmental Health and Licensing summed up his report. The applicant's representative also summed up by stating that two of the points of objection, i.e. that the extension would add value to the premises and that the extension of hours would increase crime and disorder were not relevant and no evidence in support of these had been provided. The objection concerning noise was genuine, however, and the applicant was prepared to take the necessary steps to resolve the situation. Mrs Evans summed up the case of EHS. She stated that considerable noise could still leak from the building from musical instruments without amplification and that acoustic insulation was required.

The officers, applicant, manager and representatives then left the room. During the ensuing discussion, it was proposed and seconded that the application be agreed as varied subject to conditions regarding improvement works, no amplification of live music and CCTV. On being put to the vote, this was agreed.

The officers, applicant, manager and representatives then returned to the meeting and were advised of the decision, as noted above. The Committee Support Officer also advised that the decision could be reviewed at any time by any interested party.

(The meeting adjourned 10.50a.m. to 11.13a.m.)

126. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - MODEL FISH BAR & RESTAURANT, 52 BROAD STREET, STAMFORD

Decision:-

That the application for conversion and variation to a licence in respect of Model Fish Bar & Restaurant, 52 Broad Street, Stamford be agreed as submitted for the following operating hours for late night refreshment:-

23.00hrs to 00.30hrs – Sunday to Tuesday

23.00hrs to 02.30hrs – Wednesday to Saturday

subject to the following conditions:-

- 1. That the premises shall provide at or near the exits sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc. and these containers shall be emptied regularly and the contents stored securely.*
- 2. That the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.*
- 3. That the existing CCTV installation shall be maintained and all resulting tapes shall be kept for a period of no less than 28 days and made available to the police if required.*

The committee had before them the Head of Environmental Health and Licensing's report ENV269 in relation to an application for conversion and variation to a licence for Model Fish Bar & Restaurant, 52 Broad Street, Stamford. A full copy of the application was attached at appendix 1, including a map showing the premises. Objections from thirty-eight interested parties were attached at appendix 2.

The Committee Support Officer introduced the application and clarified who would be speaking for the applicants. Three local residents attended the meeting to speak and it was noted that there was no police representative present. The applicant, premises manager and representatives were present at the meeting and the Chairman sought and received confirmation that they had received and understood the procedure to be followed.

The Head of Environmental Health and Licensing introduced the report and drew attention to the representations which concerned mainly issues of noise, crime and disorder and public nuisance. In response to a question from the applicant's representative, the officer confirmed that no representations had been received from the statutory consultees.

The applicant's representative stated that for off sales of hot food and drink, the applicant would modify the application to 23.00hrs to 00.30hrs – Sunday to Tuesday and 23.00hrs to 02.30hrs – Wednesday to Saturday, because they

were aware that another similar outlet in Stamford had been granted such a licence. He informed the committee that the fish bar had been operating at the premises since the 1930s and that the present owner had been there over twenty years. There had seldom been public disorder at the premises hence no representations from the statutory bodies. The owner and manager were local residents and therefore sensitive to the impact of the fish bar on the community. It was suggested that people waiting for taxis at the nearby rank would use the fish bar therefore reducing public nuisance. Upon questioning, the manager explained what staff did to help with litter and how they dealt with persons under the influence of alcohol. The local residents confirmed their concerns regarding litter from the fish bar and discussed this with the applicant. The applicant was also asked about CCTV, to which he stated that CCTV was installed and he would be prepared to record tapes.

The local residents spoke to the committee. The modification to the application concerning off sales hours was appreciated but concerns prevailed regarding public nuisance late at night. Staggering of closing hours merely prolonged the nuisance.

In summing up his report, the Head of Environmental Health and Licensing confirmed that the application made no variation to the upstairs restaurant at the premises. The applicant's representative in summing up stated that the objections received seemed to be a general opposition to the statute, not this application.

The officers, applicant, representatives and members of the public then left the room. The committee considered the application and it was proposed and seconded that the application, as modified, be agreed subject to conditions concerning CCTV and litter.

The officers, applicant, representatives and members of the public then returned to the meeting and were advised of the decision, as noted above. The Committee Support Officer also advised the applicant that the decision could be reviewed at any time by any interested party.

(The meeting adjourned 12.22p.m. – 12.30p.m. Councillor Mrs Jalili did not return to the meeting)

127. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - THE TOWN HOUSE, 39 BROAD STREET, STAMFORD

Decision:-

That the application for conversion and variation to a licence in respect of The Town House, 39 Broad Street, Stamford be agreed as submitted, including thirty minutes drinking up time, subject to the following conditions:-

- 1. That the existing CCTV installation shall be maintained and all resulting tapes shall be kept for a period of no less than 28 days and made*

available to the police if required.

- 2. Door staff to remain present until the close of the premises when open after midnight or for extended entertainment.*
- 3. That the number of door staff accord with South Kesteven District Council current public entertainment licensing conditions.*
- 4. All external doors and windows shall be kept closed when regulated entertainment is being provided except for access and egress and in the event of an emergency.*

The committee had before them the Head of Environmental Health and Licensing's report ENV270 in relation to an application for conversion and variation to a licence for The Town House, 39 Broad Street, Stamford. A full copy of the application was attached as appendix 1, including a map showing the premises. A letter of objection from a local resident was attached as appendix 2.

The Committee Support Officer introduced the application and clarified who would be speaking for the applicants. The co-licensee was present at the meeting, accompanied by Counsel. A local resident was present at the meeting to speak. The Head of Environmental Health and Licensing informed the committee that the police had made a representation but there was uncertainty as to whether or not it was received within the consultation period. The applicant agreed to the police making representations and the committee allowed the police representative present to make representations at the meeting. The Chairman sought and received confirmation that the applicant and representative had received and understood the procedure to be followed.

The Head of Environmental Health and Licensing introduced the report and confirmed the variations to the existing licence. Upon questioning from the local resident, the officer confirmed the conditions of the current licence.

The applicant's representative then spoke to the committee. The applicant had already discussed with the police their concerns and the applicant considered the variations requested to be minor in comparison with other premises. The representative spoke in detail concerning the representation from the local resident. He stated that the comments were in relation to conditions only and that they did appear to be premises specific. He added that there had been no other complaints. Upon questioning from the committee, the representative confirmed that no crime and disorder incidents had occurred during the present ownership.

The police representative then spoke to the committee. He asked that the CCTV condition continue and that door staff remain when the premises is open past midnight or when open for extended periods of entertainment. This was acknowledged by the applicant's representative.

The local resident then spoke about his objection, which he believed to

represent the views of many other local residents. He stated that music from the premises could be heard at his home late at night and that the entrance door to the premises was rarely closed. He was concerned that later opening hours may increase public nuisance. The applicant's representative questioned the local resident about his evidence and previous objections.

The Head of Environmental Health and Licensing summed up his report and reminded the committee of the variations in the application. The applicant's representative in summing up emphasised his client's willingness to cooperate with the police on their requests.

The officers, co-licensee, representative and members of the public then left the room. The committee considered the application and it was proposed and seconded that the application be agreed subject to the conditions requested by the police and that doors and windows remained closed during public entertainment. This was carried on being put to the vote.

The officer, co-licensee, representative and members of the public returned to the meeting and were advised of the decision, as noted above. The Committee Support Officer also advised the applicant that the decision could be reviewed at any time by any interested party.

(The meeting adjourned 1.15p.m. – 2.10p.m. Councillor Parkin did not return to the meeting)

128. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION TO A LICENCE - CENTRAL NIGHT CLUB, 9 SILVER LANE, STAMFORD

Decision:-

That the application for conversion and variation to a licence in respect of Central Night Club, 9 Silver Lane, Stamford be agreed as submitted for the following hours for the sale of alcohol:-

11.00hrs to 02.45hrs – Monday to Sunday

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

- 1. That there be no admission or readmission after 01.45hrs.*
- 2. Door staff to remain present until the close of the premises when open after midnight.*
- 3. That the number of door staff accord with South Kesteven District Council public entertainment licensing conditions.*
- 4. That notice be provided to Lincolnshire Police when the premises intends opening on a Sunday, Monday or Tuesday*

The committee had before them the Head of Environmental Health and Licensing's report ENV274 in relation to an application for conversion and variation to a licence for Central Night Club, 9 Silver Lane, Stamford. A full copy of the application was attached as appendix 1, including a map showing the premises. Representations from 43 local residents were attached at appendix 2.

The Committee Support Officer introduced the application and clarified who would be speaking for the applicant. Three local residents and a police representative were at the meeting to speak.

The applicant was present at meeting, accompanied by Counsel, and the Chairman sought and received confirmation that they had received and understood the procedure to be followed.

The Head of Environmental Health and Licensing introduced the report and informed the committee that the applicant's representative had indicated that some representations, including one from the police, had been received outside the consultation period. The applicant's representative stated that the applicant had discussed with the police their representation and did not take issue with its time of receipt. The committee were therefore minded to allow the police representative to speak in the meeting.

The applicant's representative gave the case for the application. He stated that following the discussions with the police, the application had been modified to 11.00hrs to 02.45hrs for supply of alcohol. Drinking up time would remain as at present. It had been agreed with the police that two weeks notice would be given if they intended opening on a Monday, Tuesday or Sunday and that door staff remain if the premises was open past midnight or for extended public entertainment. The representative then related the application to certain sections of the Council's Licensing Policy and the licensing objectives. He added that there were few residential properties nearby. He acknowledged the complaints concerning public nuisance but stated that these were too general and may not result from the Central Night Club premises. Upon questioning, the applicant confirmed that the current policy to close admissions at 1.45a.m. would remain.

The police representative then spoke to the committee about his meeting with the applicant. The police had no objections concerning the modified opening hours. He confirmed the requested conditions, as stated by the applicant's representative previously in the meeting.

The local residents then addressed the committee. They were concerned as to the effect on the town when patrons left the premises. Noise from patrons leaving reverberated through the streets and the public nuisance was dreadful. The applicant was commended, however, on having addressed concerns regarding noise expressed to him previously. The residents were questioned by the committee on matters for clarification.

The Head of Environmental Health and Licensing summed up his report and

reminded the committee that the premises was already licensed until 02.00hrs and until 02.30hrs for entertainment on Friday and Saturday nights. The applicant's representative also summed up by reiterating the main points of his case and that the licensing objectives could be met by the application.

The officers, applicant, representative and members of the public then left the meeting. The committee discussed the application and it was proposed and seconded that the application, as modified, be agreed subject to the retention of the admission policy and the inclusion of conditions relating to door staff and giving notice to the police for Sunday, Monday or Tuesday opening. On being put to the vote, this was carried.

The officer, applicant, representative and members of the public returned to the meeting and were advised of the decision as noted above. The Committee Support Officer also advised the applicant that the decision could be reviewed at any time by any interested party.

(The meeting adjourned 3.11p.m. – 3.30p.m. Councillor Turner did not return to the meeting)

129. LICENSING ACT 2003 - APPLICATION FOR CONVERSION AND VARIATION OF A LICENCE - THE BASKERVILLES, MAIN STREET, BASTON

Decision:-

That the application for conversion and variation to a licence in respect of The Baskervilles, Main Street, Baston be agreed as submitted, included thirty minutes drinking up time, subject to the following conditions:-

- 1. That the residents' certificate and restaurant licence be presented to the Head of Environmental Health and Licence prior to the issue of the new licence.*
- 2. That the maximum occupancy figure remain at 200 persons for the whole premises or a figure agreed subsequently with the fire officer.*
- 3. That notices are displayed within the premises requesting customers to leave quietly and have respect for their residential neighbours.*

The committee had before them the Head of Environmental Health and Licensing's report ENV275 in relation to an application for conversion and variation to a licence for The Baskervilles, Main Street, Baston. A full copy of the application, including a map showing the premises, was attached at appendix 1. Representations from interested parties and the police were attached at appendix 2.

The Committee Support Officer introduced the application and clarified that the applicant would be representing himself. The co-licensee was also present at the meeting and the Chairman sought and received confirmation that they had

received and understood the procedure to be followed. It was noted that a police representative and a local resident were present at the meeting.

The Head of Environmental Health and Licensing introduced his report. He explained that the objections from local residents had mainly concerned the lack of notice displayed on the premises during the application process. The applicant confirmed that this has been resolved and he apologised for the mistake. Objections remained, however, concerning public nuisance and noise.

The applicant then addressed the committee. He explained that since taking over the premises, historical problems concerning disturbance had been decreasing. The extension in hours for the sale of alcohol would allow patrons to drink after the end of entertainment to provide a gradual departure from the premises. This would resolve the problem of people waiting on the street for taxis, which were few given the rural location of the premises.

The Head of Environmental Health and Licensing asked the applicant to clarify the current licensing position, as the residents' certificate and restaurant licence had not been submitted with the application. The applicant confirmed that these would be provided. The committee asked the applicant about noise leakage. He confirmed that they monitored noise themselves and that air conditioning had been installed in the function room to stop people opening doors in the warmer weather. Windows were locked and could not be opened.

The police representative spoke to the committee regarding the police's objection to the increase in occupancy levels. He asked that this should be reviewed. This was supported by the Head of Environmental Health and Licensing.

The local resident spoke to the committee about the history of nuisance from music and quiz events at the premises. Previous complaints had had only a temporary resolution although there had been improvement in the last year. He added that an increase in sale of alcohol hours would delay disturbances until later in the night.

The Head of Environmental Health and Licensing summed up his report, reminding the committee that a licence could not be issued without evidence of the necessary certificates. The applicant had nothing else to add.

The officers, co-licensee, local resident and police representative then left the room. The committee considered the application and it was proposed and seconded that the application be agreed as submitted subject to the presentation of certificates, the addition of a condition relating to patrons leaving the premises and that the occupancy figure remain at 200 unless altered by the fire officer. On being put to the vote, this was agreed.

The officers, co-licensee, local resident and police representative then returned to the meeting and were advised of the decision as noted above. The Committee Support Officer also advised the applicant that the decision could be reviewed at any time by any interested party.

130. CLOSE OF MEETING

The meeting closed at 4.10p.m.