

# AGENDA



For a meeting of the
<b>ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 7 JANUARY 2011</b>
at
<b>10.00 AM</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Pam Bosworth (Chairman), Councillor Christine Brough, Councillor Robert Broughton, Councillor George Chivers, Councillor Mike Exton, Councillor Reginald Howard, Councillor Mrs Margery Radley, Councillor Bob Russell, Councillor Frank Turner (Vice-Chairman), Councillor Graham Wheat and Councillor Mike Williams
Support Officer:	Lucy Bonshor 01476 40 61 20 <a href="mailto:l.bonshor@southkesteven.gov.uk">l.bonshor@southkesteven.gov.uk</a>

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

Members are asked to declare an interest in matters for consideration at the meeting.

**3. MINUTES OF MEETINGS HELD ON 3RD & 14TH DECEMBER 2010**

(Enclosure)

**4. LICENSING ACT 2003: APPLICATION FOR A LATE NIGHT REFRESHMENT PREMISES LICENCE FOR UK1 PIZZA AND KEBABS, 9 ABBEY ROAD, BOURNE**

Report ENVENV513 by the Community Safety & Licensing Service Manager.

(Enclosure)

**(THE APPENDICES TO THE REPORT AT AGENDA ITEM 4 ARE ATTACHED FOR COMMITTEE MEMBERS ONLY. IF ANY OTHER MEMBERS WISH TO SEE THE SUPPORTING INFORMATION, PLEASE CONTACT THE SERVICE MANAGER, COMMUNITY SAFETY AND LICENSING).**

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

# MINUTES

ALCOHOL AND ENTERTAINMENT  
LICENSING COMMITTEE  
FRIDAY, 3 DECEMBER 2010



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## COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)  
Councillor Christine Brough  
Councillor George Chivers  
Councillor Mike Exton

Councillor Mrs Margery Radley  
Councillor Bob Russell  
Councillor Graham Wheat  
Councillor Mike Williams

## OFFICERS

Assistant Solicitor (Paul Rushworth)  
Licensing Officers (Peter Harrison, Pam Robinson, Richard Etherton)  
Committee Support Officer (Lucy Bonshor)

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## 6. APOLOGIES

Apologies for absence were received from Councillors' Broughton and Turner.

## 7. DECLARATIONS OF INTEREST

None received.

## 8. MINUTES OF MEETING HELD ON 1ST OCTOBER 2010

Agreed as a correct record.

## 9. LICENSING POLICY - TRIENNIAL REVIEW

### Decision:

*That the Alcohol, Entertainment and Late Night Refreshment Licensing Committee recommends to Council the adoption of the Licensing Policy 2011 – 2013 as appended to report ENV505 for implementation from 6th January 2011.*

At the meeting of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee held on 24th August Members had approved a draft licensing policy for consultation; the policy was kept under review and revised at least every three years. The document had been sent out to all statutory consultees and advertisements placed in the local press. The Licensing Officer highlighted small changes that had been made to the document and typographical errors. No comments had been received during the consultation period. Legislation was currently going through parliament which could affect the length of time that the document was reviewed and who could make representations against an application. It was possible that the Committee would need to look at the document again next year. It was moved, seconded and unanimously agreed to recommend to Council the adoption of the Licensing Policy.

## **10. THE GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF PRINCIPLES (GAMBLING POLICY)**

### **Decision:**

***That the Alcohol, Entertainment and Late Night Refreshment Licensing Committee recommends to Council the adoption of the revised Statement of Principles as appended to report ENV509.***

Members had been circulated with the draft Statement of Principles (revised) which had been out to consultation for a twelve week period. Four replies to the consultation had been received, none of which resulted in any changes required to the document. The current Statement of Principles was adopted in October 2006 and it was necessary for the revised document to be adopted by Council at its December meeting. Since the Statement had been adopted by the Council no persons had been disadvantaged and all applications submitted under the Gambling Act had been dealt with within approved timescales and no appeals had been received against any decision. A meeting had been held with a Member of the Committee and of the two proposals put forward one had been incorporated into the document which concerned written evidence, the other referred to wording within the document which had been taken straight from the act and could not be changed. It was moved, seconded and unanimously agreed to recommend Council adopt the revised Statement of Principles.

## **11. CLOSE OF MEETING**

The meeting closed at 10.37am.

# MINUTES

## ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE TUESDAY, 14 DECEMBER 2010



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### COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)  
Councillor Christine Brough  
Councillor Mike Exton  
Councillor Reginald Howard

Councillor Mrs Margery Radley  
Councillor Bob Russell  
Councillor Frank Turner (Vice-Chairman)  
Councillor Graham Wheat

### OFFICERS

Assistant Solicitor (Paul Rushworth)  
Licensing Officers (Peter Harrison, Richard Etherton)  
Committee Support Officer (Lucy Bonshor)

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### 12. APOLOGIES

Apologies for absence were received from Councillor Chivers and Councillor Mike Williams.

### 13. DECLARATIONS OF INTEREST

None declared.

### 14. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE SEVEN SINS, 5 CHEYNE LANE, STAMFORD, LINCOLNSHIRE

#### ***Decision:-***

***That the application for a Premises Licence, in respect of Seven Sins, 5 Cheyne Lane, Stamford be approved as applied for.***

The Committee had before them report ENV511 for an application for a Premise License under section 54 of the Licensing Act 2003.

The Assistant Solicitor clarified the names of the applicants, Mr & Mrs Hurrell and the objectors, Mr & Mrs Heesom and Mr Heath who was representing Mrs Horvath and introduced the Committee.

The Licensing Officer informed the Committee that 56 representations had

been received although 53 had been discounted due to their location (South Witham, Bourne) and that some did not include an address and therefore could not be validated. The premises had been going under renovation and as a joke a notice had been displayed asking lap dancers to apply within. This had generated concern over the type of entertainment and activities to be offered in the premises but Mr Harrison confirmed that this application was for a premises licence only. Representations had been made by the police about the CCTV and storage of tapes however, before the hearing the police and applicant had agreed on a set of conditions and the police's concerns had been addressed.

A question was asked about advertising of the hearing and the Licensing Officer replied that the Government specified that people were notified in two ways by a site notice and advertisement in the local paper.

The applicants then put their case indicating that there are doormen stationed on the door at all time who did not allow anyone to take bottles out side; an ash tray was placed for smokers, but was removed when the club closed as the previous receptacle had caught fire, they were not asking for any increase in hours and strived to run a "tight ship". They had a good relationship with the police and had only one incident to which the police had attend. Unfortunately problems such as urinating in the street were something that they had no control over.

The Licensing Officer then asked for clarification about the door supervisors to which the applicant replied.

A Member asked how the premises license differed from the previous one to which the applicant replied that it didn't, they were still asking for the same opening hours. Further questions were then asked by Members about how the club was accessed and what sound proofing had been carried out to which the applicant replied.

The objectors then put their case. The chief concerns being the extended opening hours although those asked for were the same as the previous premises licence, the noise generated by the late opening and the opening and closing of doors to admit patrons together with the removal of band equipment late at night and the disposal of rubbish and people smoking. It was suggested that perhaps some conditions could be attached to the premise licence when equipment was collected.

The applicants then gave a closing statement in which they gave assurances that every step would be taken to try and minimise the noise generated, although they stated that only one band had been to the premise and the equipment had been collected the next day and rubbish was taken to their own vehicle and disposed of.

The Licensing Officer then gave his closing statement and reminded the Committee of their duty to promote the four licensing objectives, namely:

1. the prevention of crime and disorder
2. public safety;
3. the prevention of public nuisance;
4. the protection of children from harm.

*(10. 50 am - the applicants, objectors, Licensing Officers and public then left the meeting)*

The Committee then discussed the points raised by the objectors and the advice given by the Assistant Solicitor. As there appeared to be no evidence linking the noise generated late at night to the patrons of that particular premise it was moved, seconded and unanimously agreed to grant the premises licence as applied for without any conditions.

*(10.55am – the applicants, objectors, Licensing Officers and public returned to the meeting)*

The Assistant Solicitor advised the applicants that the licence had been granted as applied for and that there was a right of appeal to the Magistrates court within 21 days of the date of the written notification.

## **15. CLOSE OF MEETING**

The meeting closed at 11.00am.

## REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING COMMITTEE

**REPORT OF:** COMMUNITY SAFETY & LICENSING SERVICE  
MANAGER

**REPORT NO:** ENV 513

**DATE:** 7 January 2011

<b>TITLE:</b>	<b>APPLICATION FOR A LATE NIGHT REFRESHMENT PREMISES LICENCE</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>		
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	COUNCILLOR RAY AUGER, ACCESS AND ENGAGEMENT	
<b>CONTACT OFFICER:</b>	RICHARD ETHERTON 01476 406190 r.etherton@southkesteven.gov.uk	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
<b>Equality and Diversity</b>	N/A	N/A
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Statement of Licensing Policy 6th January 2011 as approved by Council on the 9 <sup>th</sup> December 2011	

### 1. RECOMMENDATIONS

1.1 That the committee considers the application for a premises licence under the Licensing Act 2003 at UK1 Pizza and Kebabs 9 Abbey road, Bourne, Lincolnshire, having regard to the relevant representation made by the interested party and take such steps (if any) as it considers necessary for the promotion of the four licensing objectives:

1a Approve the application

1b Reject the application

1c Approve the application with proportionate conditions attached.

## **2. PURPOSE OF THE REPORT/DECISION REQUIRED**

2.1 The purpose of this report is to provide the committee with information to enable them to make a decision to either:

2a Approve the application

2b Reject the application

2c Approve the application with proportionate conditions attached.

## **3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)**

3.1 This application is for a new premises licence for the sale of late night refreshment from premises, Uk1 Pizza and Kebabs situated at 9 Abbey Road, Bourne.  
( Appendix 1 refers)

3.2 The applicant has indicated on the application at Section P, under b, The Prevention of Crime and Disorder that he will fit CCTV cameras and he has supplied the details of the system he will have installed. (Appendix 2 refers).

3.3 The premises opening hours as indicated on the application are:-

Monday to Thursday 16.00hrs to 23.00hrs

Friday and Saturday 16.00hrs to 02.30hrs

Sunday 16.00hrs to 23.00hrs

Opening hours for Late Night refreshment

Monday to Thursday 2300hrs to 0000hrs (Midnight)

Friday & Saturday 23.00hrs to 02.30hrs

Sunday 23.00hrs to 0000hrs (Midnight) All Bank Holidays/Boxing day.

3.4 The Lincolnshire Police as a Responsible Authority have via an e-mail registered an objection to the application under Prevention of Crime and Disorder and Public Safety. (Appendix 3 refers)

3.5 The Government's expectation is that the police will have a key role in undertaking the following tasks – advising on the installation and monitoring of security devices such as CCTV.

3.6 The Information Commissioners Office (ICO) has stated that the police can not insist that CCTV is installed as a condition of a licence but they are entitled to ask the licensing authority to make CCTV installation a condition of the licence. The licensing committee must take into account any relevant representations made by responsible authorities appendix 3. (Appendix 4 refers)

3.7 All representations made by responsible authorities are relevant representations if

they concern the effect of the application on the licensing objectives.

#### **4. OTHER OPTIONS CONSIDERED**

N/A

#### **5. RESOURCE IMPLICATIONS**

N/A

#### **6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

N/A

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

N/A

#### **8. CRIME AND DISORDER IMPLICATIONS**

8.1 Please refer to Lincolnshire Police objection ( Appendix 3)

#### **9. COMMENTS OF SECTION 151 OFFICER**

9.1 I have no financial comments to make in respect of this report.

#### **10. COMMENTS OF MONITORING OFFICER**

Where relevant representations are made in respect of an application, the Council must hold a meeting to consider them, unless the Council, the applicant and each person who has made such representations agree that a meeting is unnecessary. The Council must have regard to the representation and take such steps (if any) as it considers necessary for the promotion of the licensing objectives. The representation from the police refers to three incidents involving violence close to the premises. Clear evidence of the incidents with copies of the incident log should be presented to the committee for consideration.

#### **11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

##### **Mark Jones- Service Manager, Community Safety and Licensing**

I consider the request from Lincolnshire Police for the standard CCTV condition to be appropriate in relation to this application, I base this on the information supplied regarding the amounts of violent incidents that take place within other similar premises, in the vicinity of 9 Abbey Road. With the exception of bullet point;

2- This would be of no benefit to the Police, I do not understand why this condition is included;

5- This should read "The system should record a minimum of 12 frames per second

per camera in the industry standard recording format (currently H.264)

I do not consider that the CCTV specification as at appendix 2 complies with the CCTV conditions, it does not state, the data retention period, that the system displays the date/time, that the images upon transfer will be able to be played on a DVD or PC without additional software, nor does it state how images are transferred ie memory stick, external hard drive, CD/DVD.

## **12. APPENDICES:**

- 1 Application for Premises Licence.
- 2 Details of CCTV system.
- 3 Responsible Authority/Lincolnshire Police Objection.
- 4 Information Commissioners Office comments.