

AGENDA



For a meeting of the
ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE
to be held on
TUESDAY, 24 MAY 2011
at
10.00 AM
in the
COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM
Beverly Agass, Chief Executive

Committee Support Officer:	Lucy Bonshor 01476 40 61 20 l.bonshor@southkesteven.gov.uk
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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 THE MEETINGS HELD ON 14TH APRIL AND 4TH MAY 2011

(Enclosures)

4. LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE - THE NEW INN FOLKINGHAM

Report ENV520 by the Service Manager, Community Safety & Licensing.

(Enclosure)

5. LICENSING ACT 2003: REVIEW OF A PREMISES LICENCE - BARCODE, 90 WESTGATE, GRANTHAM

Report ENV523 by the Service Manager, Community Safety & Licensing.

(Enclosure)

**6. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE -
DOWSBY VILLAGE HALL**

Report ENV525 by the Service Manager, Community Safety & Licensing.

(Enclosure)

(THE APPENDICES TO THE REPORTS AT AGENDA ITEMS 4, 5 & 6 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).

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

MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE THURSDAY, 14 APRIL 2011



COMMITTEE MEMBERS PRESENT

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
Councillor Mike Williams

OFFICERS

Solicitor to the Committee (Paul Rushworth)
Principal Democracy Officer (Jo Toomey)
Licensing Officers (Pam Robinson, Peter Harrison, Richard Etherton)

31. DECLARATIONS OF INTEREST

Councillor Chivers declared a personal and prejudicial interest in agenda item 6, the objection to a temporary events notice for Vibe nightclub, because a close family member worked at the premise. *[This item was later withdrawn from the agenda].*

32. MINUTES OF MEETING HELD ON 8TH MARCH 2011

The minutes of the meeting held on Friday 8 March 2011 were agreed as a correct record of the decisions taken.

33. LICENSING ACT 2003: REVIEW OF PREMISES LICENCE MARQUIS OF GRANBY

Decision:-

That Mr Humphries be removed as the designated premises supervisor for the Marquis of Granby, Bourne.

The Solicitor to the Committee introduced those present and clarified who

was to speak on behalf of Lincolnshire Police: Mr Richardson, the Force Solicitor and Sergeant Watt from Lincolnshire Police's Licensing Team. John Burke attended the meeting and spoke on behalf of Enterprise Inns, the freeholders for the premise.

A request for adjournment had been received from the solicitors acting for Enterprise Inns, on the grounds of insufficient notice of the hearing. The solicitor to the Committee asked the licensing officer, the police and the representative from Enterprise Inns to make submissions as to why the adjournment should or should not be allowed. The Licensing Officer explained that he had spoken to the solicitors acting for Enterprise Inns on the 21st March to inform them of the hearing, in any event this application was a review of the premises licence held by Mr Humphries and there was no question that Mr Humphries was not aware of the hearing. Furthermore Lincolnshire Police considered it necessary that the hearing were to go ahead in the interests of the Licensing objectives. The solicitor to the committee summarised that Enterprise Inns were interested in the review and had a representative in attendance at the hearing, Enterprise Inns' solicitors had been given notice of the hearing, the police representation was strongly against an adjournment and consequently the Committee were advised to proceed with the hearing. On being put to a vote the committee voted unanimously to proceed.

The Licensing Officer then presented report ENV519 which concerned the Marquis of Granby, 27 Abbey Road, Bourne. The request for review was submitted by Lincolnshire Police on the grounds of the prevention of crime and disorder and public nuisance.

Mr Richardson presented the application for review on behalf of Lincolnshire Police. He explained the reasons the police could request a review and summarised the evidence submitted, illustrating the premise had been serving alcohol beyond its licensed hours. Committee Members were also advised that the Designated Premises Supervisor's (Mr Humphries) personal licence had been suspended for a period of three-months by Spalding magistrates for these breaches of the Licensing Act.

Mr Burke had nothing to add on behalf of Enterprise Inns. The solicitor to the committee asked Mr Burke if he was aware of any steps the owner was taking to improve the running of the premises. Mr Burke explained that Enterprise Inns was reviewing the freehold arrangements at the premises and confirmed Mr Humphries had been given notice to leave the premise. Mr Burke expected that Enterprise Inns would have possession of the premises within 28 days.

The Licensing Officer summarised the request for review and explained the options that were available to the Committee. She stressed that as part of their considerations, the Committee should determine the root cause of the problem and take appropriate and proportionate action to remedy this. Mr Richardson had nothing further to add.

10:22 *Officers, Lincolnshire Police representatives and Enterprise*

Inns' representative left the meeting

Members discussed the evidence they had heard and the actions that were available to them. The committee received legal advice about proportionate responses to the mischief alleged. Based on the submissions by Lincolnshire Police and the current actions of the freeholders it was proposed and seconded that Mr Humphries be removed as the designated premises supervisor and a warning given that if problems persist at the premises despite the actions of the Committee the police could bring another review where depending on the evidence more stringent action could be taken. On being put to the vote, this was unanimously carried.

10:31 Officers, Lincolnshire Police representatives and the representative from Enterprise Inns returned to the meeting.

The Solicitor to the Committee read the decision:

The Committee has considered the representations of all the parties and in particular, the Committee are aware that the freehold owners are attempting to take possession of the property and so decided to remove Mr Humphries as the designated premises supervisor as it was considered that the evidence relating to problems at the premises were due to poor management.. The Committee would like to remind the parties that if problems continue, the matter can be brought back by Lincolnshire Police for a further review when more stringent action can be taken.

The Solicitor to the Committee also advised all parties that there was a right of appeal against the decision. This could be made within 21 days of receiving the formal notice of decision.

34. LICENSING ACT 2003: REVIEW OF PREMISES LICENCE NEW INN, FOLKINGHAM

With the agreement of the Chairman, this application was deferred because of the indisposition of the designated premises supervisor.

35. LICENSING ACT 2003: OBJECTION TO A TEMPORARY EVENTS NOTICE VIBE NIGHTCLUB, WESTGATE HALL, GRANTHAM

This item was withdrawn. Lincolnshire Police had liaised with representatives from the premise and had withdrawn their objections to the Temporary Event Notice applications.

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

The Licensing Officer advised members that the Council would be reviewing its street trading policy. The review had arisen because the Council were operating under two different arrangements for the granting of street trading licences. The new policy would be presented to the Licensing Committee for

their consideration.

The Solicitor to the Committee advised Members that a further meeting would be held on Wednesday 4 May 2011 to consider a licence review. He also advised Committee members that an appeal had been made to magistrates in respect of a licence that was granted in September 2010 for the Pear Tree in Stamford.

37. CLOSE OF MEETING

The meeting was closed at 11:03.

**MINUTES
ALCOHOL AND ENTERTAINMENT
LICENSING COMMITTEE
WEDNESDAY, 4 MAY 2011**



COMMITTEE MEMBERS PRESENT

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

Councillor Reginald Howard
Councillor Mrs Margery Radley
Councillor Frank Turner (Vice-Chairman)
Councillor Mike Williams

OFFICERS

Licensing Officers (PJR & PH)
Solicitor (PR)
Committee Support Officer (JD)

OTHER MEMBERS

Steve Thick – Applicant
Richard Wormald – Applicant
Peter Fox – Objector
Andrew Watson – Objector

38. APOLOGIES

Apologies for absence were received from Councillors Broughton, Wheat & Russell.

39. DECLARATIONS OF INTEREST

None were declared.

40. LICENSING ACT 2003: VARIATION OF PREMISES LICENCE - OLDE BARN HOTEL, MARSTON, NR GRANTHAM

Application for variation of licence in respect of the Old Barn, Marston

The Solicitor introduced the Committee and officers present and clarified the speakers. Present were the applicants; Mr Steven Thick (Old Barn Marston), Richard Wormald (Solicitor TLT) and two interested parties; Mr Peter Fox and Mr Andrew Watkin – local residents.

In introducing report number ENV522, the Licensing Officer gave a short summary of the application. The application was for the variation of a premise licence for an extension to the licensing hours to 0200hrs seven days a week. There were a number of representations from interested parties. The applicant had considered the representations and written to interested parties with new proposals reducing the hours applied for to 0100hrs and proposing additional conditions.

The original application also asked for late night refreshment to be added for residents and their bona fide guests until 0500 hours, 7 days a week so perhaps they will be able to confirm whether they wish the hours for this activity to remain as applied for.

The Committee were asked to consider the application bearing in mind the four licensing objectives.

Cllr Bosworth asked if there were any questions.

Applicant – no,

Panel – no.

The Applicant presented their case.

The Old Barn is a country hotel, ideal venue for wedding's, Christmas parties etc. A later application has now been made with a change. At present, the Old Barn are operating on an old licence which is 7/8 years old with PPL conditions. The applicant asked the Committee to loosen the ties in terms of hours. The hotel has traded well with no complaints to the Environmental Health Team or Noise Pollution Team, no objections from the Environmental Health Department. No complaints to Police, there have been no episodes of disturbance. They are commercially strong. Request hours that have been endorsed to be opened up until 1 o'clock and removal of PDL licence. A letter has been written and sent by the Applicant to the residents informing them that doors and windows will be closed during live entertainments (condition 2). They have thought more about the noise spillage and noise pollution control monitor is to be fitted so can be controlled, with help of Environmental Protection Team. Give the local residents a dedicated telephone number of the DPS so they can telephone if they have concerns about the noise levels. The applicant does not feel that they are asking for particularly late hours. The residents have shown some concern about traffic – the applicant cannot do a lot about that.

Smoking (condition 3) will take place in the central courtyard after 11 o'clock.

Doors and windows will be closed,

Noise monitor fitted

Dedicated phone line for the locals

Should be sufficient to meet the application.

The Chair asked PJR if she had any more questions.

PJR (licensing officer) asked the applicant to clarify their late night refreshments, the applicant replied it is open to all guests including the in house guests who can stay at the bar and have asked for late night refreshment until 5 o'clock.

The Chair asked if there were any questions from the panel. Councillor Williams asked if there will be an extension every night. The applicant replied not every night but they have the flexibility and have applied for Temporary Events in the past and have received no complaints.

Councillor Exton asked if there were any restrictions on times of fire work displays, PJR informed him that this is not covered under the licensing act and would come under Environmental Health if there was a problem with noise pollution.

Councillor Howard asked what time breakfast begins, the applicant replied 6 o'clock in the morning.

The Chair asked if windows and doors had been opened previously. The Applicant replied he has not been at the hotel very long but as far as he is concerned he is aware that they have been opened previously but in future will be closed.

The Chair asked if the smoking area was a new area and was it the on A1 side of the hotel or the south? The applicant replied that there are two smoking areas and they are internal courtyards overlooked by bedrooms but this will be an internal management matter for them to deal with.

Mr Fox (objector) asked how the noise limiter would work. The Applicant replied that it is quite a sophisticated device and is wired into the amplifier and cannot be tampered with. Environmental Health would ensure that it is fitted corrected and will set the correct noise levels from neighbouring properties.

The Chair asked if there were any other questions.

Mr Fox (objector) there is an issue with the traffic, it is a C class road but is used as a main thoroughfare to the A1 and there have been two deaths on the road.

Case from the Interested Parties

Mr Watson lives in the village and the Old Barn is 300 metres to the south of the village and there is one field between them. Recently Mr Watson saw a very small advertisement in the paper regarding the application to extend the licensing hours he then sent an email to the villagers of Marston and received back 100% objection to late night noise from disco's, public disorder and traffic which was also supported by the Parish Council. They can clearly hear music, distinct rhythmic beats, and cannot relax until 11 o'clock when the current licensing hours finish. A two o'clock limit would be totally unacceptable. Mr Watson has emailed the new proposal which is now 0100 hrs; they do not support any extension beyond 1100 hrs. They do not believe that keeping doors and windows closed will help.

The Chair asked if there were any questions.

Mr Watson said there have been noise problems going back years but they have not made any official complaints.

Have you liaised with the owners at all Mr Watson – no.

The Chair said there is a public house in the centre of village of Marston, have there been any problems from that premise? Mr Watson lives next door to the pub and has not had any problems “it is just a village pub”.

Mrs Bosworth said the objections are coming from the residents living closest to the hotel.

"Closing Statement from the Licensing Officer - PJR

After hearing what has been said today the steps open to the committee are -

Modify the conditions to the licence

Reject the whole or part of the application

When considering the application you must give appropriate weight to:

The steps necessary to promote the four licensing objectives

The representations presented by the interested parties

The guidance issued under section 182 of the Act and our own licensing policy

The applicant had nothing to add.

The Objectors, Applicants and Licensing Officers left the room

DECISIONS

A vote was taken and it was unanimously in support of approval of the variation. The members considered the representations of the parties and considered that there was insufficient evidence of any undermining of the licensing objective relating to public nuisance. The Committee were mindful that the applicant was new to the premises and was trying to run the business responsibly. The applicant had suggested proposed conditions and limited the scope of the variation to go some way to addressing the residents' concerns and the committee found the same approach helpful. The Committee was satisfied that the remaining licensing objectives were being promoted but asked that the applicant be reminded to continue a constructive dialogue with local residents to manage any issues in the future. They also asked that the residents be reminded of their ability to ask for a review of the licence if problems occur with the new managers of the hotel.

Decisions

The Objectors, Applicants and Licensing Officers returned to the meeting.

The committee has come to a decision and the variation is allowed subject to extra conditions as detailed in the letter from the applicant dated 26th

April 2011 and in addition a noise limiter to be installed and a telephone number for the hotel to be provided to Residents so that they can call the hotel in the case of noise nuisance. Mr Rushworth reminded the Residents that the licence can be brought back and a reviewed if problems occur in the future and asked that the applicants continue to have a dialogue with local residents.

Finally the solicitor to the Committee reminded the parties that the decision of the Committee could be appealed to a Magistrates court within a period of 21 days from the date that the written decision is notified to them.

Agenda Item 4

This report contains an exempt appendix number , This appendix is exempt by virtue of paragraph 1 schedule 12a of the Local Government Act 1972 as ammended

REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT LICENSING COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: ENV 520

DATE: 24 MAY 2011

TITLE:	Review of a Premises Licence – The New Inn Folkingham	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	<i>Not known at present pending recent elections</i>	
CONTACT OFFICER:	Peter Harrison	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity	N/A	N/A
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 . Appendix number 1Is an exempt appendix by virtue of paragraph 1 of schedule 12A of the Local Government Act 1972 (as amended) in that the appendix contains personal sensitive information relating to an individual	
BACKGROUND PAPERS	Statement of Licensing Policy 6 January 2011	

1. RECOMMENDATIONS

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee consider the application for a review of the Premises Licence relating to the New Inn at Folkingham and determine either:
- 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;
- e. revoke the licence.
- f. adjourn a hearing to a date to be specified where it considers it to be necessary in the public interest.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

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.

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 in the recommendation above.

2.3 The guidance issued under Section 182 of the Act is:

“In deciding which of these powers to invoke, it is expected that the Committee 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 a necessary and proportionate

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

Lincolnshire Police have asked for a review of the premises licence, appendix 1, of the New Inn Folkingham.

The Police and South Kesteven District Council have received numerous complaints regarding noise nuisance and public disorder from this premises stretching back to March 2010.

The premises have been visited by officers from the council and police to give advice on multiple occasions

The review has been requested following an enforcement visit by the police in the early hours of the 5th of February 2011, a team of officers entered the building having found it open and operating past the hours specified on their licence.

Police found customers who were drunk and who argued with police when asked to leave, they feel that the Licence Holder at the time who continues as the Designated Premises supervisor was belligerent and unhelpful and had they not enforced the closure at 00.15 the premises would have remained open for some time after the event

The review application also states that Licence Holder at the time has pursued a campaign of harassment against the neighbours whom he believes have reported him to the authorities, this has resulted in his arrest and prosecution for a public order offence.

On the 1st April 2011, the owners of the premises, Scottish and Newcastle Pub Company (Management Limited) took over the Premises Licence. The Designated Premises Supervisor is currently not present on the premises. In the request for review, the Police have requested the withdrawal of the Designated Licence Supervisor and the Premises Licence

There have been 39 letters from interested parties, appendix 2, one has been rejected as the person does not live within the vicinity.

The letters are a mixture of support for the police action and support for the licensee, most point to the fact that the village does not want to lose yet another community facility regardless of whether the current holder remains at the premises or not.

There is also a letter, appendix 3, from the Team Leader of Environmental Protection regarding the intervention of her team

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

Anti-Social Behaviour

9. COMMENTS OF FINANCIAL SERVICES

I have no specific comments to make in respect of this report

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

. 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 Council are not obliged to determine the application within that time if it is considered in the public interest not to do so.

In making any decision relating to the application, it must be reasonable and proportionate and must be necessary for the promotion of a licensing

objective. The licensing objectives are:

- Prevention of Crime & Disorder
- Public Safety
- Public Nuisance
- Protection of Children from harm

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

12. APPENDICES:

Appendix 1 Review Application

Appendix 2 Letters from Interested Parties

Appendix 3 Letter from Environmental Protection

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: ENV 523

DATE: 24th of May 2011

TITLE:	Review of a Premises Licence – Barcode, 90 Westgate, Grantham, Lincolnshire, NG31 6LE	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	<i>Not yet known pending the elections</i>	
CONTACT OFFICER:	Peter Harrison – peter.harrison@southkesteven.gov.uk 01476 406190	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	N/A	N/A
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 S182 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 Barcode, Westgate, Grantham 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 to;
- e. revoke the licence.

If the Committee decides that none of the above steps are necessary 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 in the recommendation section above.

The guidance issued under Section 182 of the Act should be read in full but a relevant part of the guidance is set out below:

“In deciding which of these powers to invoke, it is expected that the Committee 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 a necessary and proportionate response.” (paragraph 11.19 at page 100 of the Guidance Issued under S182 of the Act.)

3. DETAILS OF REPORT

Lincolnshire Police have applied for a review of this premises licence as they consider that the following licensing objectives are being undermined.

- 1) Prevention of Crime and Disorder
- 2) Public Safety
- 3) Protection of Children from Harm

The application and representation from the Police is found at Appendix ... and states that there have been significant concerns in relation to the licensing objectives above..

The police say that the premises licence holders initially indicated a willingness to work with them but now appear to be supporting the tenants view to have the licence reviewed. (??)

The application for review says that although there are numerous conditions on the licence they are not worded in such a way that makes them enforceable or effective .

The application states that the licence has a condition saying “no children are allowed on to the premises” and that this has been breached because they have evidence that on two separate occasions there have been assaults on the premises where the offenders were 17 years of age.

Section 145(2)(a) of the Licensing Act 2003 relating to unaccompanied children prohibited from certain premises says that, child means an individual aged under 16 And they would only be unaccompanied if not in the company of an individual aged 18 or over. There is no evidence to say whether the two 17 years old were accompanied by 18 year olds.

The Police have suggested five conditions that they think are necessary and proportionate to safeguard and promote the licensing objectives.

4. OTHER OPTIONS CONSIDERED

Having spoken to both parties it is clear that negotiation is not an option

5. RESOURCE IMPLICATIONS

6. RISK AND MITIGATION

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

8. CRIME AND DISORDER IMPLICATIONS

9. COMMENTS OF FINANCIAL SERVICES

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

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

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
- Public Nuisance
- Protection of Children from harm

Any decision taken by the Committee should be reasonable and proportionate and must be necessary 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 the police.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

1) Application for review

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: Community Safety and Licensing Manager

REPORT NO: ENV 525

DATE: 24TH May 2011

TITLE:	Application for a Premises Licence – Dowsby Village Hall	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	<i>Not known yet pending the elections</i>	
CONTACT OFFICER:	Peter Harrison peter.harrison@southkesteven.gov.uk 01476 406355	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	N/A	
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 dated 6 January 2011, guidance issued under s182 of the licensing act 2003	

1. RECOMMENDATIONS

1.1 It is recommended that the committee consider this application for a premises licence known as Dowsby Village Hall and having regard to the representations of the parties take such steps as it considers necessary for the promotion of the licensing objectives:

Grant the Licence subject to

- a. conditions that are consistent with the operating schedule modified to the extent that the committee consider necessary for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003 (the act)
- b) exclude from the scope of the licence a licensable activity to which the application relates
- c) refuse to specify a person in the licence as premises supervisor
- d) reject the application

2. PURPOSE OF THE REPORT

The purpose of this report is to provide the committee with information to enable it to consider this application for the grant of a premise licence under Section 17 of the Licensing Act 2003.

2.2 Where an application for the grant of a premises licence is received, the Licensing Authority must hold a hearing to determine the application. The options available to the Committee are as detailed in the recommendation section above:

3. DETAILS OF REPORT

This application is for the grant of a premises licence for Dowsby Village Hall to allow the following activities

Activity	Times	Days
Plays	18.00 – 23.00	Every Day
Films	18.00 – 23.00	Every Day
Indoor sporting events	10.00 – 23.00	Every Day
Live Music	12.00 – 23.00	Every Day
Recorded Music	12.00 – 23.00 12.00 – 01.00	Sunday to Thursday Friday & Saturday
Provision of facilities for dancing	10.00 – 22.00	Every Day
Provision of facilities for making music	10.00 – 21.00	Every Day
Late Night Refreshment	23.00 – 01.00	Fridays and Saturdays
Supply of Alcohol	10.00 – 23.00 10.00 – 24.00	Sunday to Thursday Friday and Saturday
Opening Hours	09.00 – 24.00 09.00 – 01.00	Sunday to Thursday Friday and Saturday

The application is for these activities to take place indoors with the exception of plays, live music and late night refreshment which they request to be held inside and outside the premises. The extent of the licensable area can be seen on the plan attached at Appendix 2

There have been eleven objections from interested parties and one from a responsible authority.

The interested parties allege that there are already problems since a bikers club have been booking the hall up to three times a week, they say that this has resulted in increased noise in the early hours of the morning, vomit and broken glass in the grounds of the hall and children's playground, increased traffic parking problems and unacceptable language within earshot of children.

The responsible authority say that because the hall is close to residential properties they have concerns regarding the provision of live music outdoors until 23.00, this may lead to public nuisance.

4. OTHER OPTIONS CONSIDERED

5. RESOURCE IMPLICATIONS

6. RISK AND MITIGATION

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

8. CRIME AND DISORDER IMPLICATIONS

9. COMMENTS OF FINANCIAL SERVICES

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

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

On receipt of an application for the grant of a Premises licence, the Council are obliged to hold a hearing to consider the application within 28 days of receipt of the application. The Council are not obliged to determine the application within that time if it is considered in the public interest not to do so.

In making any decision relating to the application, the Committee be reasonable and proportionate and must be necessary for the promotion of a licensing objective. The licensing objectives are:

- Prevention of Crime & Disorder
- Public Safety
- Public Nuisance
- Protection of Children from harm

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

- 1) Application
- 2) Objections