

# REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

**REPORT OF:** Mark Jones, Community Safety & Licensing Service Manager

**REPORT NO:** CSL042

**DATE:** 8 November 2013

<b>TITLE:</b>	Application for variation of a premises licence for, Faces, Westgate Hall, Westgate, Grantham	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
<b>CONTACT OFFICER:</b>	Pam Robinson, Senior Licensing Officer Tel: 01476 406138 Email: <a href="mailto:p.robinson@southkesteven.gov.uk">p.robinson@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
<b>Equality and Diversity</b>	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 6 January 2011. <a href="http://www.southkesteven.gov.uk/index.aspx?articleid=2955">http://www.southkesteven.gov.uk/index.aspx?articleid=2955</a>  Guidance issued under section 182 of the Licensing Act 2003. <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf</a>	

## **1. RECOMMENDATIONS**

1.1 That the Licensing Committee consider this application for variation of a premises licence at a premises known as, Faces, Westgate Hall, Westgate, Grantham and the views of the representations made by the Police, bearing in mind the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of children from harm.

1.2 Where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made representations agree that a hearing is unnecessary

1.3 The committee may have regard to the representations and if it considers it appropriate for the promotion of the Licensing objectives;

- (a) Modify the conditions of the licence,
- (b) Reject the whole or part of the application.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new conditions are added.

1.4 The licensing authority should give appropriate weight to;

- (a) The steps that are appropriate to promote the licensing objectives.
- (b) The representations (including supporting information) presented by the parties.
- (c) The guidance issued under section 182 of the licensing Act 2003.
- (d) South Kesteven district Council's Licensing policy.

## **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 variation of the premise licence under Section 34 of the Licensing Act 2003 and establish whether any action is required to promote the four licensing objectives set out in section 1.1 of this report.

2.2 If it is felt appropriate to take action, the options listed in section 1.3 are open to the committee.

## **3. DETAILS OF REPORT**

3.1 An application to vary the existing premises licence for Faces, Westgate Hall, Westgate, Grantham, was received by this authority on 16 September 2013. (Appendix 1)

3.2 The details of the existing licence and variation are as follows:

Existing	Variation
<p>Live &amp; recorded music, performance of dance, late night refreshment – Monday to Sunday, 1000 hrs until 0330 hrs the following day.</p> <p>Sale of alcohol – Monday to Sunday, 1000 hrs until 0300 hrs the following day.</p>	<p>Live &amp; recorded music, performance of dance, late night refreshment and sale of alcohol – Saturdays until 0400 the following day</p>

3.2 The application also requests a non-standard timing on New Year’s Eve until 0500 hrs the following day but you will note at appendix two that they already have this on their existing premises licence.

3.3 A representation was received by the Police on 8 October 2013 under the licensing objectives:

Prevention of Crime and Disorder and Protection of Children from Harm

The representations refer to the concerns the police have with the management of the premises and the alleged problems of alcohol fuelled disorder occurring in Grantham town centre in the early hours of weekend mornings after late night premises have closed. Please see appendix three for the full details of the representations

3.4 For clarification, the witness statement submitted as part of the police representation makes reference to ‘the licensing team’ on a number of occasions. This reference is to the Police Licensing Team and should not be confused with SKDC’s Licensing Team.

3.5 The Committee should be aware that Taboo Gentlemen’s Club is situated directly opposite Faces and is licensed to stay open until 0415 hrs every day of the week.

**4. OTHER OPTIONS CONSIDERED**

Not applicable.

**5. RESOURCE IMPLICATIONS**

There are no resource implications associated with this report.

**6. RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
N/A	

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

Not applicable

**8. CRIME AND DISORDER IMPLICATIONS**

8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s.17 of the Crime and Disorder Act 1998

**9. COMMENTS OF FINANCIAL SERVICES**

9.1 There are no specific financial implications associated with this report however in the event of an applicant making an appeal against a decision which was then subsequently upheld, the council may occur additional legal costs

**10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

10.1 This is an application to vary a premises licence under S34 of the Licensing Act 2003. The Committee should consider whether the proposed variation is likely to impact on the promotion of the licensing objectives which are set out at paragraph 1.1 above. In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representations (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Council's own statement of licensing policy.

**11. COMMENTS OF OTHER RELEVANT SERVICES**

Not applicable

**12. APPENDICES:**

1. Application to vary premises licence
2. Current premises licence
3. Police representations
4. Map of area