

# MINUTES

## ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE THURSDAY, 14 APRIL 2011



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### 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)

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### 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 *[This item was later withdrawn from the agenda].*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 21<sup>st</sup> 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.