

LICENSING SUB COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Tuesday, 30th October, 2018 at 10.00 am

Present: Councillor Sam Wilson in the Chair;
Councillors David Griffiths and Mike Smith.

Officers Present: Julian Alison, Beth Brown and Lynn Cain.

LSC.4 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

LSC.5 Hearing for Application for a new Premises Licence: Palms Bistro, 96-98 Victoria Road, Kirkby in Ashfield

The Chairman introduced himself and asked the Committee Members, Officers and those parties present to introduce themselves.

In attendance were Mr. Gary Thrall and Mrs. Deanna Thrall (Applicants) and Interested Parties Mr. Tim Barton, Mr. D. Toon and Mrs. D. Toon.

The Chairman explained the procedure to be adopted throughout the duration of the hearing.

The Licensing Team Leader then proceeded to outline the application for a Premises Licence.

The Chairman then invited the Applicants, Mrs. Deanna Thrall and Mr. Gary Thrall to put forward their case to the Sub Committee. Following this and in accordance with adopted procedure, the Interested Parties, the Sub Committee Members and the Legal Officer were offered the opportunity to ask questions of the Applicants for the purposes of lucidity and further explanation.

The Interested Parties, represented by Mr. D. Toon, were then invited to put forward to the Sub Committee the nature of their representations and concerns regarding the application for a new Premises Licence. Following this and in accordance with adopted procedure the Applicants, the Sub Committee Members and the Legal Officer were offered the opportunity to ask questions of the Interested Parties for the purposes of lucidity and further explanation.

Finally, the Chairman invited the Applicants and the representative for the Interested Parties to sum up their respective cases.

The Chairman and Members of the Sub Committee then withdrew from the hearing in order to deliberate upon the application and representations made in respect of it.

The hearing was adjourned at 10.31 a.m.

The Chairman and the Sub Committee Members subsequently returned to the room and the hearing was reconvened at 10.49 a.m.

The Legal Officer delivered the Sub Committee's findings, the decision and the reasons as follows:-

The Sub Committee had taken into account the evidence put before it at the hearing and also taken into account the contents of the application and written representations.

Findings of the Sub Committee

1. No representations were received from any Relevant Authority.
2. No representations were received from Nottinghamshire Police specifically in connection with anti-social behaviour or crime & disorder in the area the premises will be located.
3. No evidence was presented of anti-social behaviour or crime & disorder connected to this Premises and there was sufficient evidence to demonstrate the licensing objectives would be upheld.
4. The Interested Parties raised concerns as to noise issues they had experienced under the current operation at the premises but the Sub Committee felt that the impositions of conditions could address/alleviate such concerns.
5. The representations and concerns raised by Interested Parties were acknowledged by the Sub-Committee and the proposals from the Applicant should alleviate the residents' concerns.

Decision

RESOLVED

that the decision of the Licensing Sub-Committee (in exercise of its powers delegated by Ashfield District Council as Licensing Authority) was to grant the application for a premises licence subject to the following conditions:

- A. The mandatory conditions applicable under the Licensing Act 2003; and
- B. The following conditions as attached by the Licensing Sub-Committee as a result of this hearing (replacing those contained within the original application and those agreed by the Applicant with Nottinghamshire Police):

1. A CCTV system with recording equipment shall be installed and maintained at the premises. Cameras shall cover the entrance and exit to the premises and all areas where the sale/supply of alcohol takes place. The equipment shall be maintained in good working order and:
 - Be of evidential quality and produce images in all lighting conditions;
 - Indicate the correct time and date;
 - Be retained for 31 days; and
 - Sufficient staff will be trained to use the system;
 - The original images will be made available for inspection upon reasonable request to Officers of responsible authorities;
 - Copies of the recordings shall be provided in a format which can be viewed on readily available equipment without the need for specialist software;

2. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
 - The need to ensure the responsible sale and supply of alcohol
 - The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
 - The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years' old

The content of the training programme shall be agreed with the Force Licensing Officer of Nottinghamshire Police and the Licensing Authority prior to implementation;

Records of the training programme shall be maintained and made available to Authorised Officers upon request;

The Premises Licence holder shall provide “refresher” training to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every six months;

All details of the level of training shall be recorded in a bound and sequentially paginated book or electronic record. This information shall

be made available for inspection and copying by the Police or any other authorised person on request and all such books shall be retained at the premises for at least 12 months;

3. All details of the level of training shall be recorded in a bound and sequentially paginated book or electronic record. This information shall be made available for inspection and copying by the Police or any other authorised person on request and all such books shall be retained at the premises for at least 12 months;
4. A Premises Daily Register shall be held at the premises. This Register shall be maintained for a rolling minimum period of 12 months, and shall record:
 - The name of the person responsible for the premises on each given day.
 - The name of the person authorising the sale of alcohol each day.
 - All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and call.
 - Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused)
 - Any calls to or visits by Nottinghamshire Police or the Licensing Authority in relation to any crime and disorder / public nuisance or like related matter;

The Designated Premises Supervisor shall check the Premises Daily Register on a weekly basis ensuring that it is completed and up-to-date, sign the Premises Daily Register each time that it is checked, and make the Premises Daily Register available for inspection by any Authorised Officer throughout the trading hours of the premises;

5. The premises shall implement written policies and procedural statements and/or management action plans. Such documents shall include, but not be limited to, the following:
 - CCTV
 - Safeguarding Children & Vulnerable Adults
 - Responsible Service of Alcohol
 - Underage Sales and False Identity

- Acceptable Form of Identification
- Challenge “25”
- Zero Tolerance of Drugs

The above policies and procedural statements shall be “live” documents, subject to amendment following consultation with the Licensing Authority, Environmental Health Department, and Nottinghamshire Police;

6. The Premises Licence holder shall ensure that all staff employed at the premises are aware and understanding of the policies / procedures referred to at Condition 5 and the content of such policies and procedures and that they carry out their duties in accordance with them. Any necessary and justifiable deviation from those agreed shall be fully documented within the Premises Daily Register;
7. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage, other than to any external area owned or legally occupied by the Premises Licence Holder;
8. The Premises Licence holder shall participate in the designated local Pubwatch / Licensed Premises Partnership scheme (should one be in operation) and ensure that a representative of the licensed premises attend all of the arranged meetings or such a person has made all reasonable endeavours to attend the arranged meetings;
9. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo;
10. Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.

Reasons:

The Sub-Committee’s reasoning behind its decision was based on it being satisfied that:

1. The granting of a premises licence with conditions supports the licensing objectives.
2. The applicant is aware that the operating hours under the terms of the current planning permission take precedence over the operating hours

granted by the premises licence.

3. Granting a premises licence with conditions allows the licensing authority to exercise more control over the premises and address some of the concerns raised by the Interested Party.
4. Licensing law is not the primary mechanism for the general control of anti-social behaviour but rather a part of a holistic approach to the management of the District;
5. There are other mechanisms available and in place for controlling problems of anti-social behaviour and/or public nuisance in the area.
6. If a Responsible Authority and/or Interested Party felt that the license cannot be or is not being adhered to then a review application can be made to the Licensing Authority for the license to be reviewed.
7. The Applicant was willing to work with the community, responsible authorities etc. to address any concerns relating to the promotion of the Licensing Objectives.

Appeal

The decision would be notified to the parties in compliance with the legislation and regulations. The parties have a right to appeal against the decision to the Magistrates' Court within 21 days of the receipt of the notification of the decision.

The meeting closed at 10.55 am

Chairman.