

PLANNING & LICENSING COMMITTEE

27 April 2023

PREMISES LICENCE VARIATION APPLICATION – BILLS BAR, 2 – 4 GROSVENOR HOUSE, MELTON ROAD, OAKHAM, RUTLAND, LE15 6AX

Report of the Strategic Director for Places

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Rosemary Powell, Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Gareth Brighton Licensing & Business Manager	01733 864103 gareth.brighton@peterborough.gov.uk
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Ward Councillors	N/A	

COMMITTEE DECISION OPTIONS

The Committee may :

1. Decide to grant the licence in the same terms as it was applied for;
2. Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives)
3. Decide to refuse to vary to the licence

1. PURPOSE OF THE REPORT

- 1.1 To consider and determine this application for a variation to the premises licence for Bills Bar, 2-4 Grosvenor House, Melton Road, Oakham, Rutland, LE15 6AX taking into account the background information and representations received from three local residents. The application is to extend the premises licensable area and to amend and add conditions to the licence. There is no application to extend timings for licensable activities at the premises. A copy of the application can be found at **Appendix C**.

2. BACKGROUND INFORMATION

- 2.1 On 15th March 2023 an application for a variation to the current premises licence was submitted to the Licensing Authority by Jonathan Spencer on behalf of the applicant, Bills Bar 2017 Ltd.

2.2 A copy of the current premises licence is attached at **Appendix B**

3 APPLICATION

3.1 Please refer to the application attached at **Appendix C**

3.2 Representations against the application being granted have been received. These representations are attached at **Appendix D**

3.2 Part P of the application sets out the applicant's proposed conditions under the licensing objectives, these being, 'The Prevention of Public Nuisance', 'Public Safety', 'Prevention of Crime and Disorder' and 'The Protection of Children from Harm'. These are also contained within the body of this report (in section 7) and in accordance with section 10.5 of Guidance have been interpreted into enforceable conditions. Only those appropriate and proportionate for the promotion of the licensing objectives have been included in the Operating Schedule.

3.3 No representations have been received from any of the Responsible Authorities. Leicestershire Police, Trading Standards, Leicestershire Fire and Rescue Service, Licensing Authority, Rutland County Council Planning Department, Rutland County Council Health & Safety Department, Public Health, Rutland County Council Environmental Pollution Team, or Children's Services.

3.4 A 'Notice' was displayed in the newspaper in accordance with Part 4 No. 25 of Statutory Instruments 2005 No. 42 – The licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005

4. REPRESENTATIONS

4.1 Summary of issues raised in the representations against the application being granted

- Increase in anti-social behaviour from customers of the premises
- Increase in noise pollution from loud music coming from premises.

4.2 Members should note that the correspondence attached against the application are in their entirety. Please note that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what 'weight' they attach to these areas

5. APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES (AFTER MEDIATION)

CRIME & DISORDER

After 2300 Friday –Saturday and until the premises closes: A smoking area shall be created whilst the premises is in use. This shall be in the location indicated on the plan and shall be bordered by a barrier of at least 1.0m in height. The area shall be provided with artificial lighting. After 2300 and until the premises closes, no more than 10 customers to be permitted to be present in the smoking area at any one time unless agreed in writing with the police. A door supervisor shall be engaged to monitor the smoking area and the exit to this area. The door supervisor shall encourage customers to leave the smoking area if not smoking

The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises when they are open to the public and must be able to produce/download/ burn CCTV images upon reasonable & lawful request by a police officer or an authorised officer of the licensing authority or, if not present, the conversant member of staff shall produce the footage as described within 48 hours of a reasonable & lawful request. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.

The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.ico.org.uk) regarding installation of CCTV is provided at the premises

A minimum of 3 Security Industry Authority SIA-licensed door supervisors shall be on duty at the premises from 11pm until the premises is closed every Friday and Saturday. At all other times the premises licence holder shall ensure, by the completion of a risk assessment, that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises, and shall review this on a regular basis and upon request from the Police and/or the Licensing Authority

A 'no re-entry' by customers policy will be put in place and enforced daily after 1am

There shall be a policy agreed with Leicestershire Police for the premises relating to illegal drugs, weapons or other prohibited items found on persons attempting to enter or on the premises

When deemed appropriate and in any case after 11pm on Friday and Saturday all persons entering or re-entering the premises shall be searched by an SIA-trained member of staff in an area monitored by premises CCTV

A clearly visible notice shall be placed at each entrance to the premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons

Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by licensed door supervisors to ensure that there is no public nuisance or obstruction to the public highway

Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises. If that person is found to be under the age of 18 years then appropriate due diligence should be undertaken to ensure the safety & welfare of that underage person

Documented written / online records of training to prevent underage sales of alcohol shall be completed and kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made

available for inspection upon request by a police officer or an authorised officer of the Licensing Authority.

Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence

The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware

All tables and chairs in the outside consumption area shall be removed from the area at 1am on Saturday and Sunday each week and at close of play every other day.

PUBLIC SAFETY

A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

If it is proposed to play music (other than background music) a suitable cut out device, wired into the fire alarm system, should be installed so that in the event of the fire alarm sounding the music will be automatically shut down. Once installed this cut out relay must be tested on a weekly basis in conjunction with the fire alarm test

Valid public liability insurance shall be kept in force and a copy of the schedule will be displayed at the venue and made available for inspection by an authorised Local Authority or Police Officer on request

PUBLIC NUISANCE

All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons

The holder of the premises licence shall ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of residential properties

The holder of the premises licence shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property at any time. **Note:** For the purposes of this condition noise may be considered inaudible when it is at a low enough level that it is not recognisable as emanating from the source in question and/or it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question

The premises licence holder, or a responsible person nominated by them in writing, shall receive and respond to complaints throughout the duration of all licensable activities. These complaints shall be recorded and the records made available to the local authority upon request. Such records shall be retained for a minimum of 2 years

Prominent, clear notices shall be displayed at all exits requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly

At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb

edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements

PROTECTION OF CHILDREN

The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises & signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative

Entry by children under the age of 18 to the premises is prohibited daily after 9pm

All persons under the age of 18 must be seated at the premises and must not approach the bar area

6. FINANCIAL IMPLICATIONS

- 6.1 An appeal against this decision would incur costs in repairing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed

7. LEGAL AND GOVERNANCE CONSIDERATIONS

The following sections/paragraphs are applicable to this application:

7.1 Council's Statement of Licensing Policy

- Objectives, Section 4 on Page 6 and 7
- Fundamental Principles, Section 6 on Page 7 and 8
- Licence Conditions, Section 15 on page 14 and 15
- Delegation / Decision Making / Administration, Section 18 on Page 17

7.2 Guidance Issued under Section 182 of the Licensing Act 2003 - December 2022

- The Licensing Objectives – Section 2 pages 6 to 13
- Applications for Premises Licences – Section 8 pages 54 to 72
- Determining applications – Section 9 pages 73 to 81
- Conditions Attached to Premises Licences – Section 10 page 82 to 93

8. LICENSING OFFICER'S COMMENT (FOR INFORMATION)

- 8.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is "not relevant" to the application.

- 8.2 Members should note that the letters and emails attached are in their entirety and that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what 'weight' they attach to these areas.

9. LEGAL OFFICER'S COMMENTS

9.1 The Licensing Authority (hereafter referred to as "the Council") is charged with implementing the provisions of the Licensing Act 2003. This is an application for a variation to a licence made under Section 17 of the Licensing Act.

9.2 In this case, the application was received at these offices on 15 March 2023.

9.3 The application before this committee will be treated on its own merits, and the Licensing committee will make its decision based upon:

- The merits of the application;
- The promotion of the four licensing objectives;
- The statement of policy of the Licensing Authority; and
- The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 – December 2022.

9.4 The licensing authority may determine the application, depending upon what is appropriate for the promotion of the licensing objectives, in any of the following ways:

- Decide to grant the licence in the same terms as it was applied for;
- Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);
- Decide to refuse to grant the licence.

9.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

10. APPENDICES

10.1 Appendix A – Glossary of Terms

10.2 Appendix B - Current Premises Licence

10.3 Appendix C – Application

10.4 Appendix D - Representations

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577

APPENDIX A

LICENSING ACT 2003

GLOSSARY OF TERMS

NOTE: IN THIS DOCUMENT, THE FOLLOWING DEFINITIONS ARE INCLUDED TO PROVIDE AN EXPLANATION OF CERTAIN TERMS INCLUDED IN THE ACT. IN SOME CASES THEY ARE AN ABBREVIATION OF WHAT IS STATED IN THE LICENSING ACT 2003 OR AN INTERPRETATION OF THOSE TERMS. FOR A FULL DEFINITION OF THE TERMS USED, THE READER MUST REFER TO THE LICENSING ACT 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Other Persons’:

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Rutland County Council

‘LICENSED PREMISES’ INCLUDES CLUB PREMISES AND EVENTS UNLESS THE CONTEXT OTHERWISE REQUIRES.

‘Licensing Objectives’

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

‘Challenge 25’ means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

‘Rateable Value’: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

‘Regulated Entertainment’ (Schedule 1 of the Act) means: -

- **A PERFORMANCE OF A PLAY**
- **AN EXHIBITION OF A FILM**
- **AN INDOOR SPORTING EVENT**
- **A BOXING OR WRESTLING ENTERTAINMENT**
- **A PERFORMANCE OF LIVE MUSIC**
- **ANY PLAYING OF RECORDED MUSIC**
- **A PERFORMANCE OF DANCE**

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

OR ENTERTAINMENT OF A SIMILAR DESCRIPTION FALLING WITHIN THE LAST THREE OF THE CATEGORIES LISTED ABOVE, WHERE THE ENTERTAINMENT TAKES PLACE IN THE PRESENCE OF AND FOR THE PURPOSES OF ENTERTAINING THAT AUDIENCE OR SPECTATORS.

‘Relevant Licensing Authority’: is the Authority in the area the premises are situated.

‘Responsible Authority’ means any of the following: -

- Leicestershire Police (The Chief Officer of Police)
- Leicestershire Fire & Rescue Service (The Fire Authority)
- Health and Safety Team, Rutland County Council
- Planning authority, Rutland County Council

- Trading Standards, Rutland County Council
- Environmental Health – Pollution, Rutland County Council
- Children’s Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Rutland County Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

‘Supply of alcohol’:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

‘Temporary Event Notice’ means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

‘the Act’: means the Licensing Act 2003