

CITY OF NOTTINGHAM

LICENSING COMMITTEE

MINUTES

of meeting held on **4 DECEMBER 2006** at the

Council House from 10.04 am to 1.30 pm

Councillor Cresswell (Chair)
Councillor Grocock (Vice-Chair)
Councillor Charlesworth
Councillor Clarke-Smith
Councillor Cobb
Councillor Heppell
Councillor Ibrahim
Councillor James
Councillor G Khan
Councillor Marshall
Councillor Morris
Councillor Packer
Councillor Smith
Councillor Stapleton

indicates present at meeting

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cobb, Ibrahim, Marshall and Morris.

17 DECLARATIONS OF INTERESTS

No declarations of interests were made.

18 ESTABLISHMENT OF SPECIAL LICENSING PANEL

Consideration was given to a report of the Acting Director of Corporate Services, copies of which had been circulated, recommending the establishment of a Special Licensing Panel to deal with the determination of complex or contentious applications and reviews of licenses under the Licensing Act 2003.

RESOLVED

- (1) that a Special Licensing Panel be established, comprising 2 majority group and 1 minority group Chair of Licensing Panels to be notified to the Acting Corporate Services Director, with the ability to use the other Chairs and any one non-Chair substitute to be drawn from the membership of the full Committee as substitutes, to meet as required to determine all reviews of licences and any other complex or contentious licensing applications referred to it by the Customer Services Manager (Food & Licensing);**
- (2) that the Customer Services Manager (Food and Licensing) be responsible for referring complex or contentious applications to the Special Licensing Panel, following consultation with the Chair or Vice-Chair of the Licensing Committee.**

**19 APPLICATION FOR A PREMISES LICENCE –
MINGLES, 390 ALFRETON ROAD, RADFORD**

Consideration was given to a report of the Corporate Director of City Development, copies of which had been circulated, detailing the application for a new premises licence at Mingles Bar, 390 Alfreton Road, Radford, Nottingham. Consideration was also given to representations from Mr Jonathan Clay, Mr James Connolly and Mr Michael Harrison (Interested Parties).

The applicant, Mr M Nyathi, accepted the Committee's invitation to attend the meeting and his case was presented by his legal representative Mr J Anderson of Poppleston Allen Solicitors. Mr A Ward of Poppleston Allen Solicitors also attended the hearing but took no part in the proceedings.

Mr G Ferris (representing Mr. Clay) and Mr. Connolly attended the meeting and presented their respective cases.

Mr Harrison informed the Committee that he wished to withdraw his representation as conditions offered by the applicant before the hearing met his concerns.

Mr Clay, Mr Ferris, Mr Connolly, Mr Harrison, Mr Nyathi and Mr Anderson, having made their submissions and been available for questioning withdrew from the meeting during the Committee's deliberations.

In reaching its decision, the Committee had regard to the following:-

- (a) the Licensing Act 2003;
- (b) Nottingham City Council's Statement of Licensing Policy;

- (c) submissions made by Mr Nyathi and Mr Anderson regarding the application;
- (d) submissions made by Mr Connolly, Mr Harrison and Mr Ferris regarding the application.

RESOLVED

- (1) **that the amended application for a premises licence be granted. The Committee was not satisfied that the granting of the application would undermine the licensing objectives of the prevention of crime and disorder, public safety or the prevention of public nuisance, having heard the submissions made on behalf of the applicant with regard to his proposed management of the premises and the submissions made by the Interested Parties. The Committee considered that the grant of the application subject to the following conditions would adequately address the need to promote the licensing objectives:-**

Mandatory Conditions

Section 19 Licensing Act 2003

- (i) **No supply of alcohol may be made under this licence:-**
 - (a) **at a time when there is no designated premises supervisor in respect of it, or**
 - (b) **at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- (ii) **Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.**

Section 21 Licensing Act 2003

- (iii) **Only individuals licensed by the Security Industry Authority (SIA) may be used at the premises to guard against:-**
 - (a) **unauthorised access or occupation (e.g. through door supervision), or**
 - (b) **outbreaks of disorder or damage.**

Agreed Conditions

- (iv) **All electrical sockets used by entertainers shall be fitted with residual current device protection (complying with BS 7671**

Requirements for Electrical Installations) and labelled accordingly.

- (v) A noise limiter shall be installed at the premises and shall operate at all times when regulated entertainment is being provided at the premises. The level of the noise limiter shall be no higher than as recommended by the Pollution Control Team of the City Council.**
- (vi) The premises licence holder and designated premises supervisor will ensure that noise levels from the regulated entertainment do not give cause for annoyance to persons living in the vicinity of the licensed premises.**
- (vii) Prominent, clear and legible notices shall be displayed at all exits requesting patrons:-**
 - (a) to leave the premises and the area quietly and quickly and not to slam doors or otherwise cause unnecessary noise;**
 - (b) to recognise that the premises are in a residential area and to drive and park with consideration so as not to obstruct other road users either walking or driving and in particular not to park on pavements.**
- (viii) The premises licence holder will offer to order taxis for customers so that he can request their drivers not to sound their horns and to turn their engines off when they arrive to pick up customers.**
- (ix) The premises licence holder or his nominated deputy will make reasonable requests for customers to leave quietly and not to cause unnecessary disturbance.**
- (x) The premises licence holder will reserve the right to refuse entry to any persons caught contravening any request to leave quietly.**

Additional conditions consistent with the operating schedule

- (xi) During all times when licensable activities are being provided, doors and windows shall remain closed other than for access and egress or where it impinges on public safety.**
- (xii) Not to use or permit or allow the use of the main entrance to the premises on Alfreton Road by patrons and others after 23.00 hours on any day.**
- (xiii) Children must be accompanied by an adult at all times.**
- (xiv) No children shall be inside the premises after 21.00 hours**

- (xv) If in doubt proof of age shall be requested in relation to relevant licensable activities.**

Additional condition imposed by the Committee

- (xvi) CCTV cameras shall be installed and maintained in the premises and external cameras shall cover all exits during their periods of use with sufficient lighting for the purposes of the proper operation of the CCTV system. The CCTV installation and maintenance shall be in accordance with the Police Licensing Officer's recommendations and images shall be retained and made available for 31 days to police officers and other authorised persons.**
- (2) that the information and evidence presented to the Committee regarding the alleged cumulative impact in the area did not warrant further investigation or referral to Council to consider consulting on an amendment to the Authority's Statement of Licensing Policy in relation to the existing Saturation Policy.**