

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3 **Hearing Date:** Tuesday 8th June 2021

Contact Officer: Faye Norman

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

Applicant's Name	Roger Lowe
Premises Name	Stable Ales
Address	The Old Stables Unit D Melbourne Hall Church Square Melbourne Derbyshire DE73 8EN

1. PURPOSE

- 1.1 To determine an application to grant a premises licence received by this Authority on the 14th April 2021 from Roger Lowe. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a premises licence for live music, recorded music & sale by retail of alcohol for the times stated in paragraph 3.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Live music & recorded music – Indoors & Outdoors The above are exempt for the times stated if less than 500 people are in attendance	Monday - Sunday	10:00hrs – 21:00hrs
Sale by retail of alcohol for consumption on and off the premises	Monday – Sunday	10:00hrs – 21:00hrs
Electronic Sales	Monday – Sunday	24hrs
Opening hours of the premises	Monday – Sunday	08:00hrs – 23:00hrs
<u>Non-Standards Timings</u> Applicable to live music, recorded music and the sale by retail of alcohol for consumption on and off the premises to facilitate events such as: <ul style="list-style-type: none">• Outdoor Comedy shows• Food events within the courtyard• Tasting events with craft breweries• Christmas/New Year period between 27th November – 2nd January These non-standard timings shall be limited to no more than 20 days in each calendar year.	Monday – Sunday	10.00hrs – 22.30hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

4. CONSULTATION RESPONSES

4.1 Representations were received from the Responsible Authorities.

Derbyshire Constabulary Representation received during the 28 day consultation period. Full details can be found at **(Appendix 2)**.

4.2 9 representations were received from other persons.

J Hill Representation received during the 28 day consultation period. Full details can be found at **(Appendix 3)**.

M Harnden Representation received during the 28 day consultation period. Full details can be found at **(Appendix 4)**.

R. A. Farmer Representation received during the 28 day consultation period. Full details can be found at **(Appendix 5)**.

M Gilchrist Representation received during the 28 day consultation period. Full details can be found at **(Appendix 6)**.

P Lavin Representation received during the 28 day consultation period. Full details can be found at **(Appendix 7)**.

J Williams Representation received during the 28 day consultation period. Full details can be found at **(Appendix 8)**.

L Willams Representation received during the 28 day consultation period. Full details can be found at **(Appendix 9)**.

G Grant Representation received during the 28 day consultation period. Full details can be found at **(Appendix 10)**.

D Devey Smith Representation received during the 28 day consultation period. Full details can be found at **(Appendix 11)**.

5. AGREEMENT BETWEEN PARTIES

5.1 Derbyshire Constabulary has now agreed conditions with the applicant and have subsequently withdrawn their representation as shown at **(Appendix 12)**.

6. OTHER RELEVANT CONSIDERATIONS

6.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.

6.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.

- 6.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 6.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 6.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

7. DETERMINATION

- 7.1 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
1. Grant the licence in accordance with the application.
 2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
 3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
 4. Reject the whole of the application.
- 7.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 7.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 7.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

8. RIGHT OF APPEAL

- 8.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

9. APPENDICES

1. Copy of premises licence application (**Appendix 1**)
2. Copy of representation received – Derbyshire Constabulary (**Appendix 2**)
3. Copy of representation received – J Hill (**Appendix 3**)
4. Copy of representation received – M Harnden (**Appendix 4**)
5. Copy of representation received – R. A. Farmer (**Appendix 5**)
6. Copy of representation received – M Gilchrist (**Appendix 6**)
7. Copy of representation received – P Lavin (**Appendix 7**)
8. Copy of representation received – J Williams (**Appendix 8**)
9. Copy of representation received – L Williams (**Appendix 9**)
10. Copy of representation received – G Grant (**Appendix 10**)
11. Copy of representation received – D Devey Smith (**Appendix 11**)
12. Copy of Conditions agreed with the applicant and Derby Constabulary withdrawal of representation (**Appendix 12**)