

LICENSING AND APPEALS SUB-COMMITTEE

28th September 2007

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Mrs. Patten and Watson (Conservative Group) and Councillor Mrs. Mead (Labour Group).

District Council Representatives

J. Tsoi (Legal Services Manager), D. Townsend (Democratic Services) J. Salter and M. Sunter (Licensing Enforcement Officers).

Non Council Attendees

Mr. T. Meegan (Punch Taverns PLC – Counsel) and Mr. C. Knights (Punch Taverns PLC).

LAS/28. **APPOINTMENT OF CHAIRMAN**

RESOLVED:-

That Councillor Mrs. Patten be appointed Chairman for the Meeting.

MATTER DELEGATED TO SUB-COMMITTEE

LAS/29. **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT THE WHEEL INN, FINDERN**

Following introductions, the Licensing Enforcement Officer was invited to present his report, which had been circulated with the agenda. The Licensing Officer confirmed that Derbyshire Fire Service had withdrawn its objection.

As there were no interested parties present, the Chairman invited Mr. Meegan to make his representations on behalf of Punch Taverns PLC. Mr. Meegan confirmed that the application was for a variation of the premises licence, to permit live music and also to permit structural alterations to the interior of the building. In addition, it was requested that a condition be removed from Annex 2 of the existing premises licence, which stated “only background music to be played on these premises”. Mr. Meegan advised the Sub-Committee that Punch Taverns PLC had agreed to amend the application in relation to live music to a finishing time of 12 midnight.

Councillor Mrs. Patten asked how Punch Taverns PLC intended to control the levels of music heard at the perimeter of the premises. Mr. Meegan responded that the Licensee would be asked to patrol the perimeter during live music and in addition, it was proposed that the ground floor windows would be double-glazed.

At 1.25 p.m. the Sub-Committee retired to consider its decision. At 1.55 p.m. the Meeting was reconvened.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and considered carefully all the evidence presented to it.

The Sub-Committee made its decision to promote the four licensing objectives:-

- (a) prevention of crime and disorder.
- (b) public safety
- (c) prevention of public nuisance
- (d) protection of children from harm

RESOLVED:-

That the application for a variation of the premises licence for The Wheel Inn, Findern be granted as follows:-

- a) Live music to be permitted from 10.00 a.m. to midnight everyday.***
- b) The following condition to be removed from Annexe 2 of the existing premises licence, namely "only background music to be played on these premises".***
- c) Permission be given for the internal alterations as shown on the plan attached to the application.***
- d) The variations to the premises licence be subject to the following conditions:-***
 - 1) All doors and windows on the ground floor, in the public areas are to be kept closed during recorded music (other than background music) and during performances of live music, except for access to and egress from the premises.***
 - 2) A noise limiting device to be fitted at the premises and used during recorded music (other than background music) and during performances of live music. This must be set to a reasonable level as specified by the Environmental Health Officers of the District Council.***
 - 3) The Licensee is to undertake regular perimeter checks of noise levels during loud music performances and recorded music performances (other than background music).***

J. E. PATTEN

CHAIRMAN

The meeting terminated at 2.10 p.m.