

LICENSING AND APPEALS SUB-COMMITTEE

24th November 2005

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillors Southern and Dunn (Labour Group) and Councillor Mrs. Littlejohn (Conservative Group).

**District Council Representatives**

J. Tsoi (Legal Advisor to the Sub-Committee), A. Kaur (Legal Officer), D. Townsend (Democratic Services Assistant), J. Salter and M. Sunter (Licensing Enforcement Officers).

**Non-Council Attendees**

J. Cripps (Licensee), J. Harrison (Premises Supervisor) P. Tolley (Union Pub Company), J. Williams, W. Rowley and R. Harrison (Interested Parties).

LA/50. **APPOINTMENT OF CHAIR**

**RESOLVED:-**

***That Councillor B. Southern be appointed Chair for the Meeting.***

**MATTER DELEGATED TO SUB-COMMITTEE**

LA/51. **APPLICATION FOR PREMISES LICENCE AT THE ALMA INN, DERBY ROAD, MELBOURNE**

Following introductions and clarification of the hearings procedure, the Licensing Enforcement Officer was invited to present his report, which had been circulated with the Agenda. The Officer gave a verbal update, that there were Grandparent Rights relevant to this application.

Mr. J. Williams of 65 Derby Road had submitted an objection to the application and he addressed the Committee. Mr. Williams stated that he had lived in the locality of The Alma Inn public house for many years. He believed that clients at the premises had been the cause of anti-social behaviour in the neighbourhood for many years. Mr. Williams added that customers from The Alma Inn had damaged his property, urinated against his property and disposed of contraceptives in the vicinity of it. Mr. Williams no longer called the Police to less serious incidents, as they were often unable to attend. Mr. Williams stated that a supper licence was mentioned in the application. However, the public house no longer had a dining area, as it had been replaced by a pool table. Mr. Williams felt that The Alma Inn was a badly managed public house and there was no benefit from complaining to the landlord, as there was no redress. He summarised that the public house was not an amenity for the Village and residents were seeking protection.

Mr. W. Rowley of 63 Derby Road then addressed the Sub-Committee. He had also provided a written representation. Mr. Rowley endorsed Mr. Williams' representations. He added that the clientele who used The Alma Inn public house included people from neighbouring villages. He was disturbed continually by people leaving the public house, and could not sleep with his windows open, as the noise was intolerable.

Mr. R. Harrison of 34 Derby Road then addressed the Sub-Committee. He read out the letter of representation he had submitted, which outlined that The Alma Inn was located in a well populated area of the Town and had a history of disorder, resulting in the attendance of Police. It also had a history of playing live music and the premises lacked sound proofing. Mr. Harrison added that he did not object to people drinking into the early hours of the morning but did object to entertainment, which was noisy. Mr. Harrison summarised that if the licence did not include the provision of entertainment past 11.00 p.m., then he had no objection to people drinking past this time.

The Sub-Committee asked questions of the Interested Parties and invited the Council's Licensing Representatives and the Applicant to put questions to them.

Mr. J. Cripps, the Applicant and Licensee for The Alma Inn then addressed the Sub-Committee. He stated that this was his first venture as a landlord and he did not want to operate a late licence. He added that the dining room was very small and as the supper licence had not previously been used he had decided to situate a pool table in this area. Mr. Cripps also confirmed that whilst he was landlord, the Police had not attended any incidents at the premises and he could not be held responsible for any previous bad behaviour by customers. He remarked that he asked customers to leave the premises quietly on their departure, but it was not possible for him to escort people home. Mr. Cripps added that as a new landlord to the premises he would do all he could to reduce the nuisance to neighbours. The Sub-Committee asked questions of the Applicant and invited the Council's Licensing Representative and the interested parties to ask questions too.

At 12.00 p.m. the Sub-Committee retired to consider its decision. At 12.35 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

The Sub-Committee considered in detail the representations of the Council's Licensing Enforcement Officer, the Interested Parties and the Applicant. The Sub-Committee resolved to grant the application for a variation of a Premises Licence in part only, as follows:-

In relation to the Opening Hours these were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 12.00am (midnight);
- Friday and Saturday : 10.00am until 1.00am;

(Non Standard times)

- Bank Holidays : Sunday and Monday; 10.00am until 1.00am;
- Christmas Eve : 10.00am until 1.00am;
- Boxing Day : 10.00am until 1.00am;
- New Years Eve : 10.00am to terminal hour on New Years Day

In relation to the Supply of Alcohol these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.30pm with an additional 30 minutes drinking up time;
- Friday and Saturday : 10.00am until 12.30am with an additional 30 minutes drinking up time;

(Non Standard times)

- Bank Holidays : Sunday and Monday ; 10.00am until 12.30am with an additional 30 minutes drinking up time;
- Christmas Eve : 10.00am until 12.30am with an additional 30 minutes drinking up time
- Boxing Day : 10.00am until 12.30am with an additional 30 minutes drinking up time
- New Years Eve : 10.00am to terminal hour on New Years Day

In relation to Live Music these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays : Sunday and Monday : 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

In relation to Recorded Music these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays : Sunday and Monday : 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

In relation to the Late Night Refreshment these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.30pm;
- Friday and Saturday : 10.00am until 12.30am;

(Non Standard times)

- Bank Holidays : Sunday and Monday : 10.00am until 12.30am;
- Christmas Eve : 10.00am until 12.30am;
- Boxing Day : 10.00am until 12.30am;
- New Years Eve: 10.00am to terminal hour New Years Day

In relation to Performances of Dance these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays: Sunday and Monday : 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

In relation to Facilities for Making Music these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays: Sunday and Monday : 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

In relation to Facilities for Dancing these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

In relation to Indoor Sporting Events these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

In relation to Films these hours were to be as follows:-

(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

All variations are subject to the following conditions;

- The licensee shall ensure that all windows and doors are kept closed for the duration of live and recorded music and other entertainment, except for access to and egress from that room;
- The licensee shall install a noise limiting cut out device at a decibel rating determined by South Derbyshire District Council's Environmental Health Department;
- The licensee shall ensure that prominent signage is displayed at all exit doors requesting customers to leave the area quietly and to respect neighbouring residents and their properties;
- The licensee shall ensure that no alcohol is consumed outside of the premises after the hours of 10.30pm;
- The licensee shall ensure that non specific sporting extensions shall be restricted to 12 occasions per year on 14 days written notice to the Police, and the Police shall have right of veto on the grounds of contravention of one or more of the licensing objective, such a right of veto not to be unreasonably exercised.

In the event of any conflict between the Decision Notice and Grandfather Rights already in existence, Grandfather Rights will take precedence.

Having taken into account the four licensing objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the panel sought to balance the interests of the Applicant and the representations made by the Interested Parties.

The panel felt that it was reasonable and proportionate to allow the premises licence, in part, with amendments subject to the conditions specified which are imposed to specifically address the concerns raised, in particular the prevention of public nuisance, the prevention of crime and disorder and public safety.

The Legal Adviser reminded all parties that they could appeal to the Magistrates Court against this Decision within a period of 21 days from the receipt of the Decision Notice.

**RESOLVED:**

***That the application for a premises license for the Alma Inn, Derby Road, Melbourne be granted, as set out above.***

B. SOUTHERN

CHAIR

The Meeting terminated at 12.50 p.m.