

LICENSING AND APPEALS SUB-COMMITTEE

28th October 2005

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Southern and Whyman, M.B.E. (Labour Group) and Councillor Atkin (Conservative Group).

District Council Representatives

J. Tsoi (Legal Advisor to the Sub-Committee), A. Kaur (Legal Officer), C. Jacobs (Commercial Standards and Licensing Manager).

Non-Council Attendees

Mrs. L. Butler (Licensee) and Mrs. J. Bates (Interested Party).

LA/48. **APPOINTMENT OF CHAIR**

RESOLVED:-

That Councillor B. Whyman, M.B.E. be appointed Chair for the Meeting.

MATTER DELEGATED TO COMMITTEE

LA/49. **APPLICATION FOR PREMISES LICENCE AT THE THORNTREE INN, 59 BRETBY LANE, NEWHALL**

Following introductions and clarification of the hearing procedure, the Commercial Standards and Licensing Manager was invited to present his report, which had been circulated with the Agenda.

The Sub-Committee heard in person from Mrs. Julie Bates of 57 Bretby Road, Newhall, who was an interested party and had previously provided a written representation. Mrs. Bates stated that she felt it unreasonable for a village pub to have such licensing hours. She referred to an incident where children were running around the licensed premises at 10.15 p.m. and then went into the public house. Mrs Bates claimed that the Police were called out to this incident. She also explained that she had suffered damage to her front door, and felt that increasing the licensing hours at the Thorntree Inn would cause more trouble. Mrs. Bates explained that she could hear music and noise from the premises as people left the Thorntree Inn. She also stated that people were fighting outside the public house, which had resulted in damage to her property.

The Sub-Committee asked questions of the Interested Party.

The Sub-Committee then heard from Mrs. Lisa Butler, the Landlady of the Thorntree Inn. Mrs. Butler stated that she and her husband had been at the Thorntree Inn since April 2005. She explained that there had been problems with children, but she was attempting to take control of the situation. She added that if approached with a complaint, she would endeavour to help.

However, if she was not informed of a problem, she couldn't address it. Mrs. Butler stated that she had the music system changed, so there were no speakers towards the outside of the property. Mrs Butler added that people that came into the public house were of a respectable nature.

The Sub-Committee asked questions of the Applicant and invited all present at the Meeting to ask questions too.

Note: At 4:00 p.m., the Sub-Committee retired to consider its decision. At 4.15 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 its four 'licensing objectives' as follows:-

- (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 Commercial Standards and Licensing Manager, the interested party and the applicant. The Sub-Committee agreed 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)

- Monday to Thursday : 11:00am until 12:30am;
- Friday and Saturday : 11:00am until 1:30am;
- Sunday 12:00pm until 12:30am

(Non Standard times)

- Bank Holiday Sunday : 12:00pm until 1:30am;
- Bank Holiday Monday : 11:00am until 1:30am;
- Christmas Eve : 11:00am until 1:30am;
- Boxing Day : 11:00am until 1:30am;

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

(Standard times)

- Monday to Thursday : 11:00am until 12:00 am (midnight) with an additional 30 minutes drinking up time;
- Friday and Saturday : 11:00am until 1:00am with an additional 30 minutes drinking up time;
- Sunday : 12:00pm until 12:00am (midnight) with an additional 30 minutes drinking up time

(Non Standard times)

- Bank Holiday Sunday : 12:00pm until 1:00am with an additional 30 minutes drinking up time;
- Bank Holiday Monday : 11:00am until 1:00am with an additional 30 minutes drinking up time;
- Christmas Eve : 11:00am until 1:00am with an additional 30 minutes drinking up time;
- Boxing Day : 11:00am until 1:00am with an additional 30 minutes drinking up

In relation to the consumption of alcohol in the garden, patio area, and on the benches at the front of the property, this is permitted until 11:00 p.m. only, on every day of the week.

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

(Standard times)

- Monday to Thursday : 11:00am until 12:00 am (midnight) ;
- Friday and Saturday : 11:00am until 1:00am;
- Sunday : 12:00pm until 12:00am (midnight)

(Non Standard times)

- Bank Holiday Sunday : 12:00pm until 1:00am;
- Bank Holiday Monday : 11:00am until 1:00am;
- Christmas Eve : 11:00am until 1:00am;
- Boxing Day : 11:00am until 1:00am

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

(Standard times)

- Monday to Thursday : 11:00am until 12:00 am (midnight) ;
- Friday and Saturday : 11:00am until 1:00am;
- Sunday : 12:00pm until 12:00am (midnight)

(Non Standard times)

- Bank Holiday Sunday ; 12:00pm until 1:00am;
- Bank Holiday Monday : 11:00am until 1:00am;
- Christmas Eve : 11:00am until 1:00am;
- Boxing Day : 11:00am until 1:00am

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

(Standard times)

- Monday to Thursday : 11:00am until 12:00 am (midnight) ;
- Friday and Saturday : 11:00am until 1:00am;
- Sunday : 12:00pm until 12:00am (midnight)

(Non Standard times)

- Bank Holiday Sunday : 12:00pm until 1:00am;
- Bank Holiday Monday : 11:00am until 1:00am;
- Christmas Eve : 11:00am until 1:00am;
- Boxing Day : 11:00am until 1:00am

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

(Standard times)

- Monday to Thursday : 11:00am until 12:00 am (midnight) ;
- Friday and Saturday : 11:00am until 1:00am;
- Sunday : 12:00pm until 12:00am (midnight)

(Non Standard times)

- Bank Holiday Sunday : 12:00pm until 1:00am;
- Bank Holiday Monday : 11:00am until 1:00am;
- Christmas Eve : 11:00am until 1:00am;
- Boxing Day : 11:00am until 1:00am

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

(Standard times)

- Monday to Thursday : 11:00am until 12:30am;
- Friday and Saturday : 11:00am until 1:30am;
- Sunday 12:00pm until 12:30am

(Non Standard times)

- Bank Holiday Sunday : 12:00pm until 1:30am;
- Bank Holiday Monday : 11:00am until 1:30am;
- Christmas Eve : 11:00am until 1:30am;
- Boxing Day : 11:00am until 1:30am;

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

(Standard times)

- Monday to Thursday : 11:00am until 12:00am (midnight);
- Friday and Saturday : 11:00am until 1:00am;
- Sunday 12:00pm until 12:00am (midnight)

(Non Standard times)

- Bank Holiday Sunday : 12:00pm until 1:00am;
- Bank Holiday Monday : 11:00am until 1:00am;
- Christmas Eve : 11:00am until 1:00am;
- Boxing Day : 11:00am until 1:00am;

All variations are subject to the following conditions;

- The licensee shall ensure that prominent clear notices are displayed at all exit doors requesting customers to respect the needs of local residents and leave the area quietly;
- The licensee shall ensure that all windows and doors are closed, in the room where live music is being played, for the duration of the music, except for access to and egress from that room;
- The licensee shall ensure the non specific sporting extensions shall be restricted to 12 occasions per annum, 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 objectives, such a right of veto not to be unreasonably exercised;

- The licensee shall ensure the premises shall comply with reasonable recommendations of the Police Crime Reduction Officer;
- The licensee shall ensure that no young person under the age of 16 is permitted within any internal or external licensed area after 9:00pm on any day of the week.

In the event of any conflict between the Decision Notice and grandfather rights in existence, the 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 Sub-Committee sought to balance interests of the Applicant and the representation made by the Interested Party.

The Sub-Committee felt that it was reasonable and proportionate to allow the variation, 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, public safety, and the protection of children from harm.

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 Sub-Committee grants the application for a Premises License for the Thorntree Inn, 59 Bretby Lane, Newhall as set out above.

B. WHYMAN, M.B.E.

CHAIR

The Meeting terminated at 4.25 p.m.