

LICENSING AND APPEALS SUB-COMMITTEE

05 April 2022 at 10.00am

**PRESENT: -**

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

Councillor Gee (Chairman) and Councillor Taylor (Labour Group) and Councillor Haines (Conservative Group)

**District Council Representatives**

Samantha Craig (Legal Advisor to the Sub-Committee), Emma McHugh (Senior Licensing Officer) and Donna Foster (Democratic Services Officer).

LAS/29 **APOLOGIES**

The Sub-Committee was informed that no apologies have been received.

LAS/30 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/31 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – THE WALLED GARDEN, MELBOURNE**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was held to determine the application for a Premises Licence under the Licensing Act 2003.

The Applicant attended the hearing in person.

The Applicant submitted a Fire Risk Assessment and Noise Management Strategy documentation prior to the hearing.

The Chairman invited the Council's Senior Licensing Officer to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and the Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add. John Williams, Dot Devey Smith, Michael Fritchley, Joanne Hill, Caroline Crocker and Dot Devey Smith made representations to the Sub-Committee

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representative, and the Applicant to put questions to them as well.

The Chairman invited the Applicant to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and the Other Persons to put questions to them as well.

The Chairman invited the Licensing Representative and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

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, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

### **RESOLVED**

***The Sub-Committee granted the application but with a limit of 30 event days maximum per annum. The maximum number of people expected to attend the premises at any one time is 1000.***

***The Licence was subject to the following conditions (in addition to the Operating Schedule and Mandatory Conditions)-***

- ***Conditions 1 to 16 of the Licensing Officer's Conditions, subject to Condition 2 being amended to 30 event days and Condition 3 being amended so that an Event Management Plan for each event will be recorded and available for inspection upon request by a Police Constable or other authorised person as detailed within s13***

***Licensing Act 2003 and any member of the public who requests it in writing to the applicant***

- ***The Condition proposed by the Environmental Health Officer***
- ***The Applicant complies with the Noise Management Strategy (annexed)***
- ***A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.***

#### **REASON FOR THE DECISION**

***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 the interests of the Applicant and the representations made by the Other Persons.***

- ***The Sub Committee noted that there was no objection from Derbyshire Police on crime and reduction grounds. The Sub-Committee further noted that the objection from Environmental Health and the Licensing Officer had been withdrawn upon agreement with the Applicant as to additional conditions.***
- ***The Sub Committee also noted that the residents' concerns were mostly regarding parking and noise nuisance and the sub-committee concluded that parking issues had been adequately addressed by the Applicant. The Sub Committee considered that by imposing the conditions requiring the applicant to submit a noise-management strategy and provide a point of contact and by limiting the number of events each year, the noise nuisance concerns would be addressed.***
- ***The Sub Committee further noted that the residents are also able to request a review of the premises licence should that become necessary.***

***The Sub-Committee felt that it was reasonable and proportionate to grant the application for the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.***

LAS/32 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

The Meeting terminated at 12:20hours.

COUNCILLOR GEE

CHAIR