

LICENSING AND APPEALS SUB-COMMITTEE

15th September 2005

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Carroll, Dunn and Mrs. Mead (Labour Group).

District Council Representatives

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

Non Council Attendee

Mr P. Vavasour (Representing Punch Taverns plc – applicant).

LA/24. **APPOINTMENT OF CHAIR**

RESOLVED:-

That Councillor J. D. Carroll be appointed Chair for the Meeting.

MATTER DELEGATED TO SUB-COMMITTEE

LA/25. **APPLICATION FOR A PREMISES LICENCE AT THE MALT SHOVEL, ASTON ON TRENT**

Following introductions and clarification of the procedure by the Chair, the Licensing Enforcement Officer was invited to present his report, which had been circulated with the Agenda.

On behalf of the applicant company, Mr. Vavasour advised that the Malt Shovel Public House comprised two former terraced houses. Following the up-grading of the kitchen facilities, the introduction of food provision had been considered as it was felt that there was sufficient customer demand following a canvassing exercise. He advised that the Licensee had worked with local residents to minimise disruption and this approach would continue. The Licensee was prepared to close the doors to customers at 11 pm with no entry after this time and signs would also be posted requesting customers to depart quietly. He advised that only one complaint had been received to the application and there had been no other complaints within the previous nine months since the arrival of the current Licensee. He also noted that the Statutory Authorities had raised no objections.

The Legal Advisor raised questions regarding the alleged noise nuisance contained in the objection received. Mr. Vavasour advised that the objector lived in a cul-de-sac and noted that there were eight properties between the public house and the objector's property. In this regard, he could not understand the nature of this objection and noted that other residents in the vicinity had not responded.

The Chair queried the objector's comments concerning the playing of music outdoors at night which allegedly overwhelmed the area. Mr Vavasour advised that the village organised a well dressing event and the premises recently had a live band for entertainment purposes. In the future, individual applications would be submitted for these events and it was noted that the application did not relate to music outdoors.

At 1.25 pm, the Sub-Committee retired to consider its decision. At 2.00 pm, 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, 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 Licensing Enforcement Officer, the Solicitor on behalf of the applicant company and the interested party. The Sub-Committee agreed to grant the application for a variation of a Premises Licence, in part only, as follows:-

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

(Standard days and timings)

- Monday to Wednesday : 11.00am until 11.00pm;
- Thursday to Saturday : 11.00am until 12.00am (midnight);
- Sunday : 12.00pm (noon) until 11.00pm

(Non standard timings)

In relation to the May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday, an extra hour on the revised Standard days and timings (shown above) as follows:-

Friday : 11.00am until 1.00am;
Saturday : 11.00am until 1.00am;
Sunday : 12.00pm (noon) until 12.00am (midnight);
Monday : The Panel does not grant the extra hour on this day.

In relation to the Easter Bank Holiday weekend, an extra hour on the revised Standard days and timings (shown above) as follows:-

Thursday : 11.00am until 1.00am;
Friday : 11.00am until 1.00am;
Saturday : 11.00am until 1.00am;
Sunday : 12.00pm (noon) until 12.00am (midnight);
Monday : The Panel does not grant the extra hour on this day.

- Christmas Eve : an extra hour is granted on the revised Standard days and timings;
- Boxing Day : an extra hour is granted on the revised Standard days and timings;
- New Years Eve : an extra hour is granted on the revised Standard days and timings;

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

(Standard days and timings)

- Monday to Wednesday : 11.00am until 11.00pm;
- Thursday to Saturday : 11.00am until 12.00am (midnight);
- Sunday : 12.00pm (noon) until 11.00pm

(Non standard timings)

In relation to the May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday, an extra hour on the revised Standard days and timings (shown above) as follows:-

Friday : 11.00am until 1.00am;
Saturday : 11.00am until 1.00am;
Sunday : 12.00pm (noon) until 12.00am (midnight);
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Sunday : 12.00pm (noon) until 12.00am (midnight);
Monday : The Panel does not grant the extra hour on this day.

- Christmas Eve : an extra hour is granted on the revised Standard days and timings;
- Boxing Day : an extra hour is granted on the revised Standard days and timings;
- New Years Eve : an extra hour is granted on the revised Standard days and timings;

In relation to the Supply of alcohol, these were to be as follows:-

(Standard days and timings)

- Monday to Wednesday : 11.00am until 11.00pm;
- Thursday to Saturday : 11.00am until 12.00am (midnight);
- Sunday : 12.00pm (noon) until 11.00pm

(Non standard timings)

In relation to the May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday, an extra hour on the revised Standard days and timings (shown above) as follows:-

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Sunday : 12.00pm (noon) until 12.00am (midnight);
Monday : The Panel does not grant the extra hour on this day.

- Christmas Eve : an extra hour is granted on the revised Standard days and timings;
- Boxing Day : an extra hour is granted on the revised Standard days and timings;
- New Years Eve : an extra hour is granted on the revised Standard days and timings.

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

(Standard days and timings)

Monday to Wednesday : 11.00am until 11.00pm;
Thursday to Saturday : 11.00am until 12.00am (midnight);
Sunday : 12.00pm (noon) until 11.00pm

(Non standard timings)

In relation to the May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday, an extra hour on the revised Standard days and timings (shown above) as follows:-

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Monday : The Panel does not grant the extra hour on this day.

- Christmas Eve : an extra hour is granted on the revised Standard days and timings;
- Boxing Day : an extra hour is granted on the revised Standard days and timings;
- New Years Eve : an extra hour is granted on the revised Standard days and timings.

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 interested party. The Sub-Committee felt it was reasonable and proportionate to allow the variation, in part, with amendments subject to the conditions specified imposed to address specifically the concerns raised, particularly the prevention of public nuisance.

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

RESOLVED:-

That the application for a Premises Licence for the Malt Shovel, Aston-on-Trent be granted, as set out above.

J. D. CARROLL

CHAIR

The meeting terminated at 2.05 pm