

LICENSING AND APPEALS SUB-COMMITTEE

19th September 2005

**PRESENT:-**

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

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

**District Council Representatives**

J. Tsoi (Legal Advisor to the Sub-Committee), P. Spencer (Democratic Services), A. Kaur (Legal Officer), J. Morton, J. Salter and M. Sunter (Licensing).

**Non-Council Attendees**

A. Cochrane, P. Walton and R. Wilmot (Repton Royal British Legion) and D. Winter (interested party).

LA/26. **APPOINTMENT OF CHAIR**

**RESOLVED:-**

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

**MATTER DELEGATED TO SUB-COMMITTEE**

LA/27. **APPLICATION FOR A PREMISES LICENCE AT THE REPTON ROYAL BRITISH LEGION, 43 HIGH STREET, REPTON**

Following introductions, the Licensing Enforcement Officer was invited to present his report, which had been circulated with the agenda. The Officer provided a verbal update, that these premises did not hold an additional supper hour's certificate. In response to a question from the Chair, Mr Sunter confirmed that there was no Public Entertainment Licence held in respect of these premises.

Mr. D. Winter of 46 High Street, Repton was invited to make his representation. He referred to the map provided within the circulated papers, which he felt was not clear and explained that he lived virtually opposite the premises. Mr. Winter retracted elements of his written representations as he had misunderstood those aspects relating to the closing time on Sundays and the number of proposed events throughout the year. He referred to the noise problems and was concerned about the proposed extension to the hours on which entertainment could be provided. He spoke about the impact for residents living opposite the club and reminded Members of his suggested compromise. In response to a question from Councillor Southern, Mr. Winter confirmed that his main concerns related to the noise from music being played at the premises.

On behalf of the applicants, Mr. A. Cochrane a solicitor explained the existing rights of clubs such as the Royal British Legion, which were being changed by the 2003 Licensing Act. Such premises had to seek a variation in order to

continue with current activities. This club had some three hundred members, but attendance levels tended to be quite low. There were concerns that the community facility might be lost and the solicitor explained the measures introduced to keep the club financially viable. In essence, entertainment was provided twice each month and there were approximately five to ten private uses of the premises throughout the year, usually on Fridays.

Mr. Cochrane referred to the proposed extension of opening hours for special events and bank holiday weekends. It was not anticipated that the nature of the premises would change, but there was a need to make provision for the extended hours of operation. The club understood the concerns for residents, but this application was needed for the club to remain viable. Mr. Cochrane referred to the operating schedule and the measures the club was prepared to introduce to mitigate against public nuisance. He understood that no complaints had been received by the club and there had been no formal objections to this application from the Environmental Health Department.

Note: At 9.55 a.m. the Sub-Committee retired to consider its decision. At 10:40 a. 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 Panel considered in detail the representations of the Council's Licensing Enforcement Officer, the Interested Party and the Applicant. The Panel resolved 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)

Sunday to Thursday : 10.00 a.m. until 11.00 p.m.;

Friday and Saturday : 10.00 a.m. until 12.30 a.m.;

(Non standard timings)

In relation to Bank Holiday Sunday (but not including Bank Holiday Monday) and between 23rd and 30th December, there shall be a terminal hour of 12.30 a.m. i.e. Live Music from 10.00 a.m. to 12.30 a.m. and

In relation to 31st December, there shall be a terminal hour of 1.00 a.m. i.e. Live Music from 10.00 a.m. to 1.00 a.m.

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

(Standard days and timings)

Sunday to Thursday : 10.00 a.m. until 11.00 p.m.;

Friday and Saturday : 10.00 a.m. until 12.30 a.m.;

(Non standard timings)

In relation to Bank Holiday Sunday (but not including Bank Holiday Monday) and between 23<sup>rd</sup> and 30<sup>th</sup> December, there shall be a terminal hour of 12.30am i.e. Recorded Music from 10.00am to 12.30am and

In relation to 31st December, there shall be a terminal hour of 1.00 a.m. i.e. Recorded Music from 10.00 a.m. to 1.00 a.m.

In relation to the items in the Operating Schedules of the Applicant, namely:-

Plays (A), Indoor Sporting Events (C), Performances of Dance (G), Similar entertainment (H), Provision for making music (I), Provision for dancing (J) and Similar entertainment (K);

the Panel decided that the following would apply:-

(Standard days and timings)

Sunday to Thursday : 10.00 a.m. until 11.00 p.m.;

Friday and Saturday : 10.00 a.m. until 12.30 a.m.;

(Non standard timings)

In relation to Bank Holiday Sunday (but not including Bank Holiday Monday) and between 23<sup>rd</sup> and 30<sup>th</sup> December, there shall be a terminal hour of 12.30 a.m. i.e. from 10.00 a.m. to 12.30 a.m. and

In relation to 31st December, there shall be a terminal hour of 1.00 a.m. i.e. from 10.00 a.m. to 1.00 a.m.

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

(Standard days and timings)

Sunday to Thursday : 10.00 a.m. until 11.00 p.m.;

Friday and Saturday : 10.00 a.m. until 12.30 a.m.

(Non standard timings)

In relation to Bank Holiday Sunday (but not including Bank Holiday Monday) and between 23<sup>rd</sup> and 30<sup>th</sup> December there shall be the terminal hour of 12.30 a.m. and;

In relation to 31st December, there shall be the terminal hour of 1.00 a.m.

Having taken into the 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 all the Interested Parties. The Panel felt it was reasonable and proportionate to allow some variation (with amendments) to the Premises Licence.

The reason for the decision was based predominantly on the licensing objective relating to the prevention of Public Nuisance, particularly arising from noise. The Panel was attempting to create a compromise between a

viable business for the Applicant and the noise pollution experienced by the residents.

The Legal adviser 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 Sub-Committee grants the application for a premises licence for the Repton Royal British Legion, 43 High Street, Repton, as set out above.***

J. CARROLL

CHAIR

The Meeting terminated at 10.45 a.m.