

LICENSING AND APPEALS SUB-COMMITTEE

29th October 2020 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Patten (Chairman), Councillor Muller (Conservative Group), and Councillor Richards (Labour Group).

District Council Representatives

Ardip Kaur (Head of Legal and Democratic Services), Faye Norman (Licensing Officer), Nigel Marston (Senior Licensing Officer), Donna Foster (Democratic Services Officer).

LAS/08 **APOLOGIES**

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

LAS/09 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/ 10 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – LAKESIDE COTTAGE**

The Chairman introduced herself 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.

This was a hearing to consider the application of a Premises Licence at Lakeside Cottage, Colliery Lane, Linton, Derbyshire.

The applicant, Mr Robinson, attended the hearing.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application. The Licensing Representative confirmed that the application had been received by the Licensing Authority on 9th September. The Licensing Representative also provided further information regarding a visit that was carried out at the premises on Saturday 24th October, when the premises was found to be operating and serving alcohol without a current licence.

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

The Chairman invited the Applicant to make representations to the Sub-Committee. Mr Robinson provided background information regarding purchase of the land and the log cabins. He advised that he had nothing but trouble from the Parish Council and local residents. He went on to say he employed approximately 50 people locally and he had provided his telephone number to all so that they could contact him directly with regard to any issues. Mr Robinson advised that three years ago he had developed the site further and now had 18 cabins. He advised that a marquee had been erected for a wedding and that he had subsequently applied for a licence. He further advised that he had previously operated under Temporary Event Notices (TEN). He advised that local people were appreciative of the bar as there was only one pub in the village. He also advised that he had contacted local taxi firms and provided information of where to drop off customers.

Mr Robinson advised that one of the local neighbours had posted a letter through others doors, encouraging them to object to his application. He also advised he had previously liaised with the Council's Environmental Health department regarding noise and appropriate decibel setting levels.

Mr Robinson stated that he did not wish to upset anyone and wanted to run his business successfully.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative to put questions to him as well. The Sub-Committee raised queries regarding the capacity of the log cabins, previous TEN applications, and the location of the marquee.

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

The Sub-Committee left the meeting to deliberate.

RESOLVED:

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.

In reaching its decision the Sub-Committee took into account the four Licensing Objectives namely;

- ***The prevention of crime and disorder;***
- ***Public safety;***
- ***The prevention of public nuisance; and***
- ***The protection of children from harm.***

The Sub-Committee also had regard to 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 considered all documentation before them and gave due regard to representations made.

The Sub-Committee granted the application for a Premises Licence as follows:

Plays, films, indoor sporting events, boxing or wrestling entertainment, live music, recorded music, performances of dance, anything of a similar description to live music, recorded music, or performances of dance.

Indoors and Outdoors - the above (except for films and boxing or wrestling entertainment) are exempt for times stated if less than 500 people are in attendance.

Monday to Sunday: 11:00 hrs to 23:00 hrs

- Late Night Refreshment***
Indoors and Outdoors

Friday & Saturday: 23:00 hrs to 00:00 hrs

- Sale by Retail of Alcohol***
On & Off the Premises

Sunday to Thursday: 11:00 hrs to 23:00 hrs

Friday & Saturday: 11:00 hrs to 00:00 hrs

- Opening Hours***

Sunday to Thursday: 11:00 hrs to 23:30 hrs

Friday & Saturday: 11:00 hrs to 00:30 hrs

The grant of the application of the Premises Licence was subject to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the application form:

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 felt that it was appropriate and proportionate to grant the Premises Licence, subject to the conditions specified.

LAS/11 **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 10:50hours.

COUNCILLOR PATTEN

CHAIRMAN