

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 Committee), P. Spencer (Democratic Services), A. Kaur (Legal Officer), C. Jacobs, M. Sunter and J. Salter (Licensing).

Non Council Attendees

P. Groome, and R. Heathgate (Coopers Arms, Weston Hall, Weston on Trent), V. Shaw (Weston on Trent Parish Council) and P. Briggs (interested party).

LA/22. **APPOINTMENT OF CHAIR**

RESOLVED:-

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

MATTER DELEGATED TO COMMITTEE

LA/23. **APPLICATION FOR A PREMISES LICENCE AT THE COOPERS ARMS, WESTON HALL, WESTON ON TRENT**

The Commercial Standards and Licensing Manager was invited to submit his report on this application. It provided background to the application, including the current licenses held in respect of the premises. The report detailed those proposed variations to the current licence, comprising an extension of the hours for the provision of alcohol, late night refreshment, regulated entertainment and facilities. Details were provided of consultation responses and a representation had been made by the Pollution Control Section of the Council. It was reported that the applicant had withdrawn part of the application relating to playing live and recorded music outside the premises. As a result, the Pollution Control Section had withdrawn its representation. The applicant confirmed, when questioned by the Chair, that it was his intention to remove this part of the application. This information was welcomed by Mr. Briggs.

Mrs. V. Shaw reiterated the main points from the Parish Council's representation. She raised ongoing planning issues relating to the unauthorised siting of an outside bar. The Parish Council was unaware of the difficulties for local residents, as no complaints had been made to it. She noted the withdrawal of the outside music but noted the other problems caused by people using the garden area and the outdoor lighting. This was a very quiet area and noise from the garden filtered

into the Village. The Parish Council felt the siting of the outdoor bar was insensitive.

Mr. Briggs recognised the success of this public house and restaurant. He hoped that a reasonable solution could be reached and explained that previously he had made no formal representations regarding the premises. He recognised the gesture made by the applicant. There was a need to balance the nuisance for neighbours against the scale of this business, which had grown incrementally over a number of years. Problems had been experienced over the summer months with use of the garden area. He explained the potential capacity of this area, referred to the pub's car park and the obstruction of the narrow lane which served the public house. There were noise problems from a function room and Mr. Briggs explained that overall, the premises had a capacity in excess of four hundred people. The application had significant implications for residents in this small village. Mr. Briggs wished it to be recorded that he commended the Licensing Officers for their support throughout this process.

He then referred to the realignment of the outdoor bar, which was now adjacent to his property boundary. He explained the proximity of properties to this public house and this was shown by a further plan circulated to those present. As a compromise, Mr. Briggs suggested the removal of some garden furniture closest to his property, together with the planting of shrubs and bushes to deter customers, who sometimes gained access to his property. He offered to meet half of the costs of these works. Mr. Briggs requested that fencing be erected around a pump and cooling equipment in the garden to reduce those noise problems. He referred to the outdoor lighting and sought the removal of lighting on the bar and veranda areas. He questioned the reasonable time to close the outdoor bar and sought the landlord's compromise on this.

Mr. Briggs then referred to the Cromwell Bar and requested that doors and windows be closed when events took place, to reduce the noise impact. He recognised that the access road was owned by the public house and demonstrated the number of vehicle movements, explaining that some motorists travelled at speed along the lane. He questioned whether a speed limit could be agreed with the Police. There were also problems from commercial deliveries to the public house. Mr. Briggs then referred to the proposed extended opening hours. This was a busy public house in a small village and he questioned how much further development would be allowed. There was a large lake in close proximity to the garden area and he felt this posed a further risk. He spoke of the potential impact on the community if the application was allowed in its current form. Mr. Briggs also offered to circulate photographs, to give a clearer indication of the proximity of the premises to nearby properties. Following a discussion, it was agreed that the photographs be circulated. At the request of the applicant, one of the photographs was withdrawn.

Questions were invited. Mr. Groome agreed to work with Mr. Briggs and offered to meet the costs of undertaking the works requested. Councillor Dunn noted that the road and lake issues had not been raised by the statutory consultees. Mr. Briggs explained that he had tried to contact the Police on a number of occasions, but had been unsuccessful. He referred to traffic problems in the Village, was surprised that no Police

representations had been received and would pursue these issues with the Parish Council. Mrs. Shaw noted that this was a private drive, serving the premises and she was not sure how the issues could be pursued.

The applicant was invited to make his submission. He repeated the offer to work with Mr. Briggs, to respond to the points raised about the boundary and regarding the compressor. He explained the works already undertaken, to reduce noise from this equipment. Mr. Briggs had also referred to an issue of disorder and the applicant confirmed that in his eighteen months at the premises, this was the only incident that had occurred. Mr. Groome was not willing to remove the lighting from the outside bar or decking area as this would affect the safety of his customers at night. Councillor Dunn asked the applicant whether a noise limiting cut-out device could be used. Mr. Groome replied that the music equipment would be removed from the garden area. Mr. Briggs pursued the suggestion about noise limiting equipment and asked whether this could be applied to the Cromwell Suite. In relation to removal of lighting from the garden area, Mr. Briggs felt that the existing street light would be sufficient, but this point was not accepted by the applicant. In response to a question from Councillor Mrs. Mead, the applicant again confirmed that he would work with Mr. Briggs on a planting scheme, to address the boundary concerns.

Note: At 10:50 a.m. the hearing was adjourned to enable Members to consider their decision. At 12:30 p.m. the Sub-Committee 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 Sub-Committee considered in detail the representations of the Council's Commercial Standards & Licensing Manager, all the Interested Parties and the Applicant. The Panel stated that it was favourable that the applicant had withdrawn the request for live and recorded music from the outside bar, and as a result of that Pollution Control had withdrawn their representation.

The Panel resolved 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 days and timings)

- Monday to Wednesday : 7.00 a.m. until 12.00 a.m., with an additional 30 minutes drinking up time;
- Thursday to Saturday : 7.00 a.m. until 1.00 a.m., with an additional 30 minutes drinking up time;

- Sunday : 7.00 a.m. until 11.30 p.m., with an additional 30 minutes drinking up time

(Non standard timings)

- Christmas Eve : 7.00 a.m. until 2.30 a.m.;
- New Years Eve : 7.00 a.m. until 2.30 a.m.;
- Sundays before Bank Holiday : 7.00 a.m. until 2.30 a.m.

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

(Standard days and timings)

- Monday to Wednesday : 11.00 a.m. until 12.00 a.m.;
- Thursday to Saturday : 11.00 a.m. until 1.00 a.m.;
- Sunday : 11.00 a.m. until 11.30 p.m.

(Non standard timings)

- Christmas Eve : 11.00 a.m. until 2.00 a.m.;
- New Years Eve : 11.00 a.m. until 2.00 a.m.;
- Sundays before a Bank Holiday : 11.00 a.m. until 2.00 a.m.

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

(Standard days and timings)

- Thursday to Saturday : 11.00 a.m. until 1.00 a.m.;
- Sunday : 11.00 a.m. until 11.00 p.m.

(Non standard timings)

- During December; Monday to Wednesday : 11.00 a.m. until 11.00 p.m.;
- Christmas Eve : 11.00 a.m. until 2.00 a.m.;
- New Years Eve : 11.00 a.m. until 2.00 a.m.;
- Sundays before Bank Holiday : 11.00 a.m. until 2.00 a.m.

For the avoidance of doubt, there will be no playing of live music in the outside bar at any time.

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

(Standard days and timings)

- Sunday to Wednesday : 11.00 a.m. until 11.00 p.m.;
- Thursday to Saturday : 11.00 a.m. until 1.00 a.m.

(Non standard timings)

- Christmas Eve : 11.00 a.m. until 2.00 a.m.;
- New Years Eve : 11.00 a.m. until 2.00 a.m.;
- Sundays before Bank Holidays : 11.00 a.m. until 2.00 a.m.

For the avoidance of doubt, there will be no playing of recorded music in the outside bar at any time.

In relation to Provision of Facilities for Making Music, these were to be as follows:-

- Sunday to Wednesday : 11.00 a.m. until 11.00 p.m.;
- Thursday to Saturday : 11.00 a.m. until 1.00 a.m.

In relation to Provision of Facilities for Dancing, these were to be as follows:-
(Standard days and timings)

- Sunday to Wednesday : 11.00 a.m. until 11.00 p.m.;
- Thursday to Saturday : 11.00 a.m. until 1.00 a.m.

(Non standard timings)

- During December; Monday to Wednesday : 11.00 a.m. until 11.00 p.m.;
- Christmas Eve : 11.00am until 2.00 a.m.;
- New Years Eve : 11.00am until 2.00 a.m.;
- Sundays before Bank Holidays : 11.00 a.m. until 2.00 a.m.

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

- Monday to Saturday : 11.00 a.m. until 12.00 a.m.
- Sunday : 11.00 a.m. until 11.00 p.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. The Panel was attempting to create a compromise between a viable business for the Applicant and the noise pollution experienced by the residents. The Panel believed that the Applicant's withdrawal of that part of their application relating to live and recorded music from the outside bar was adequate to reduce noise.

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 license for the Coopers Arms, Weston Hall, Weston on Trent as set out above.

J. CARROLL

CHAIR

The Meeting terminated at 12.40 p.m.