

LICENSING AND APPEALS SUB-COMMITTEE

8 September 2022 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Dunn (Labour Group) and Councillor Haines (Conservative)

District Council Representatives

Elisabeth Page (Principal Legal Officer)

Emma McHugh (Senior Licensing Officer)

Beth Ward (Democratic Services Officer)

Other Persons

Melbourne Assembly Rooms Committee represented by:

Andrew Heafield – Manager

Richard Pipe – Committee Member

Barry Cheshire - Resident

LAS/09 **APOLOGIES**

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

LAS/10 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/11 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – MELBOURNE ASSEMBLY ROOMS OUTSIDE SPACE**

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.

This was a hearing to determine the application for a Premises Licence under the Licensing Act 2003 for to vary the Premises Licence.

The manager and Committee Member of Melbourne Assembly Rooms attended the hearing in person.

The Applicant had submitted documentation prior to the hearing.

The Chairman invited the Council's Licensing Representative, 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 Chairman invited the Applicant, to make representations to the Sub-Committee. Both Mr Heafield and Mr Pipe made representations to the Sub-Committee on behalf of the Applicant.

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

The Chairman invited Mr Cheshire to make his representations. The Sub-Committee had read all written representations submitted by the Other Persons'

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

The Chairman invited the Licensing Representative, the Other Persons 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 to vary the Premises Licence as follows:

- ***By removing conditions 5 and 6 from the Premises Licence issued on 2/10/2005 as amended on 17/1/2013***
- ***By granting the variation in relation to the outside space for the provision of recorded music and the performance of dance only between 9am and 10pm***

The grant of the application to vary the Premises Licence is subject to the following conditions, in addition to the mandatory conditions contained within the Licensing Act 2003, the conditions contained within the operating schedule of the Premises Licence issued on 2/10/2005 as amended on 17/1/2013, the steps detailed in Part M of the application and the proposed conditions (Annex 2):

- (a) Clear and legible notices shall be prominently displayed at the entrances to the premises advising that of patrons cause any disturbance or disorder admission will be refused as a result.***
- (b) When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity as quickly and quietly as possible.***
- (c) Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.***
- (d) The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority.***
- (e) 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.***
- (f) All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.***

- (g) ***Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all external windows and doors are shut.***
- (h) ***The Licenced outside area must be closed and cleared of customers by 10pm. Adequate notices shall be displayed to inform patrons of this requirement.***

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 reasonable and proportionate to grant the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

The Sub-Committee achieved this balance by reducing the regulated entertainment activities that could be engaged in in the outside space to recorded music and dance and by limiting the use of the outside space until 10pm.

LAS/12 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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 11:35am

COUNCILLOR M GEE

CHAIR