

LICENSING AND APPEALS SUB-COMMITTEE

21st October 2019 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs. Bridgen (Chairman), Councillor Hewlett (Conservative Group), and Councillor Mrs Heath (Labour Group)

District Council Representatives

L Arnold (Legal Officer), E McHugh (Senior Licensing Officer) and P Hill (Democratic Services Assistant)

LAS/8 **APPOINTMENT OF CHAIRMAN**

The Sub-Committee was informed that Councillor Bridgen was appointed as Chairman.

LAS/9 **APOLOGIES**

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

LAS/10 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

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 paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered an application for the renewal of a Private Hire Driver's Licence.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered an application for the renewal of a Private Hire Driver's Licence.

The Meeting terminated at 12.00 noon.

COUNCILLOR MRS BRIDGEN

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

16 December 2019 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Mrs Bridgen (Chairman) and Muller (Conservative Group) and Councillor Rhind (Labour Group).

District Council Representatives

R Munir (Solicitor), M Lomas (Licensing Officer [Enforcement]) and R Pabla (Senior Democratic and Electoral Services Officer)

LAS/14 **APOLOGIES**

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

LAS/15 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/16 **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.

HEARING FOR CONSIDERATION OF A PERSONAL LICENCE (Paragraph 1)

The Sub-Committee considered determination of a Personal Licence, based on the evidence before them.

HEARING FOR THE DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered an application of a Private Hire Driver's Licence, based on the evidence before them.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee reviewed a Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 13:00hours

COUNCILLOR M BRIDGEN

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

29th September 2020 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Hewlett (Chairman), Councillor Angliss (Conservative Group), and Councillor Dunn (Labour Group)

District Council Representatives

A Kaur (Head of Legal and Democratic Services), E McHugh (Senior Licensing Officer), M Lomas (Licensing Officer [Enforcement]) Donna Foster (Democratic Services Officer), Faye Norman (Licensing Officer [Observer]) and P Hill (Democratic Services [Observer]).

LAS/01 **APPOINTMENT OF CHAIR**

Councillor Hewlett was appointed Chairman of the Sub-Committee for these hearings.

LAS/02 **APOLOGIES**

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

LAS/03 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/04 **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.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee reviewed a Private Hire Driver's Licence, based on the evidence before them.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee reviewed a Private Hire Driver's Licence, based on the evidence before them.

DETERMINATION OF AN APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the renewal of an application for a Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 13:05hours.

COUNCILLOR J HEWLETT

CHAIRMAN

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

LICENSING AND APPEALS SUB-COMMITTEE

1st December 2020 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs J 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), Donna Foster (Democratic Services Officer).

LAS/12 **APOLOGIES**

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

LAS/13 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/14 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – RUSSELLS YARD LTD**

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 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 Russell's Yard Ltd, 71 Derby Road, Melbourne, Derbyshire.

Mr Yasin attended the hearing along with his representative Mr Mayhew. Mr Yasin had submitted two further documents in advance of the hearing, which has been circulated to the Sub-Committee.

The Chairman invited the Council's Licensing Representative to present the report. The Licensing Representative confirmed that the application had been received by the Licensing Authority on 9th October.

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

The Chairman invited Mr Lee to make representations to the Sub-Committee. Mr Lee stated he had two areas of concern. The first being the proposed opening hours of the premises. He informed the Sub-Committee that the building was in a residential area, with one of the closest properties only 15 metres away. Another property, a Bed and Breakfast, was closer, and he thought that it may close due to the proposed opening hours. Mr Lee advised that there was no parking for the premises, there would be noise from car doors slamming, and singing from individuals leaving the premises. Mr Lee stated he thought this was unacceptable in a residential area and the proposed hours were not reasonable. He advised there would be noise due to the nature of the business. Mr Lee went on to say the sale of alcohol by retail would result in individuals using the premises as an off licence. Mr Lee stated his second area of concern was a safety issue. He stated that the planning process had allowed 150 covers for the premises and had not allowed for careful evacuation. He stated no reasonable adjustments had been made and, in his view, that was dangerous. Mr Lee stated there should be limitation on the number of individuals at the premises and this was a danger to people.

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

The Chairman invited the Applicant's Representative to make representations to the Sub-Committee. Mr Mayhew advised the premises was on two floors: the top floor being a high-end restaurant and the ground floor a bar. He stated it was not a late-night bar, nightclub, or off-licence. Mr Mayhew confirmed the premises would allow people to have a meal, followed by a drink if desired. He went on to explain that he did not envisage singing from individuals frequenting the premises and that matters had been through a thorough planning process. Mr Mayhew advised that as a result of the planning process there were constraints on the premises, such as the outside area not being used after 10pm. He stated the proposed hours were compatible with other premises in the area; the week hours were standard, and the weekend hours like other premises in the area. Mr Mayhew stated this would aid dispersal. Mr Mayhew made reference to the Dispersal Policy and highlighted its detail. He said this would provide reassurance regarding individuals leaving the premises carefully and a great deal of thought had gone into the document.

Mr Mayhew informed the Sub-Committee the conditions in the application had been agreed with both the Police and the Licensing Authority. He stated the premises would only play background music and other measures such as the erection of signage, keeping an incident log and staff training would be undertaken. Mr Mayhew informed the Sub-Committee only one representation had been received, and any fear of the closure of the Bed and Breakfast business was not manifested in the number of representations received. He went on to say there were no representations from Responsible Authorities, they were comfortable with the conditions proposed. Mr Mayhew stated the intention of the off sales was so that individuals could take away a bottle of wine that may be unfinished whilst dining. He said no-one would be purchasing cans of beer from the premises, as there was a Sainsbury's store nearby.

Mr Mayhew advised the Sub-Committee of the written response to Mr Lee's representation. He stated he had attempted to engage with Mr Lee, without success. He advised the proposed hours were not onerous and in line with other premises in the area. Mr Mayhew stated Mr Lee's suggestion of the premises closing at 00:15 on New Year's Eve would cause issues as a longer period was needed for dispersal. He stated from 10pm individuals would start leaving the premises from the first-floor restaurant, and this would allow a longer period of dispersal.

Mr Mayhew stated the consumption of alcohol on the staircase would not be permitted. He advised planning permission had been granted and taken account of all relevant details. He stated the fire evacuation procedure at the premises would take account of any disabled individuals visiting the premises. Mr Mayhew informed the Sub-Committee wheelchair users would be able to dine on the ground floor and would receive a good service. In conclusion, Mr Mayhew stated he respected Mr Lee's views, however, these were the views of only one resident. There were no further representations from residents or Responsible Authorities. He requested the Sub-Committee grant the application as requested.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and Mr Lee, to put questions to him as well. Mr Lee raised queries regarding the planning process, the proposed hours, and concerns regarding noise.

The Chairman invited the Licensing Representative, Mr Lee, and the Applicant to sum up their representations. Mr Lee stated the premises was in the middle of housing and he had requested a reduction from the proposed hours. He stated a lot of people were opposed to the application and although he was not aware of the Committee's powers, there was a requirement for disabled people to be considered. He finished his summing up by stating people needed to sleep at night and the premises was only metres from housing. Mr Mayhew summed up and re-emphasised the inevitability of nuisance not being a reason for refusal of the application. He said the Applicant had considered dispersal, which was detailed in the policy document. Mr Mayhew reminded the Sub-Committee of the four licensing objectives and requested the application be granted as applied for.

The Sub-Committee left the meeting 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 Interested Parties and the Applicant.

RESOLVED:

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:

Recorded music

Indoors

<i>Sunday – Thursday</i>	<i>11.00 to 23.00</i>
<i>Friday & Saturday</i>	<i>11.00 to 00.30</i>
<i>New Year's Eve</i>	<i>11.00 to 01.30</i>

Late Night Refreshment

Indoors

<i>Sunday – Thursday</i>	<i>23.00 to 23.30</i>
<i>Friday & Saturday</i>	<i>23:00 to 00:30</i>
<i>New Year's Eve</i>	<i>23.00 to 01.30</i>

Sale by Retail of Alcohol

On & Off the Premises

<i>Sunday to Thursday</i>	<i>11:00 to 23:00</i>
<i>Friday & Saturday</i>	<i>11:00 to 00:30</i>
<i>New Year's Eve</i>	<i>11.00 to 01.30</i>

Opening Hours

<i>Sunday to Thursday</i>	<i>11:00 to 23:30</i>
<i>Friday & Saturday:</i>	<i>11:00 to 00:30</i>
<i>New Year's Eve</i>	<i>11:00 to 01:30</i>

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/15 **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 11:00 hours.

COUNCILLOR MRS J PATTEN

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

2nd March 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), (Labour Group), Councillor Hewlett (Conservative Group), and Councillor Richards (Labour Group).

District Council Representatives

Liz Page (Principal Legal Officer) Mark Lomas (Licensing Officer [Enforcement]) and Donna Foster (Democratic Services Officer).

LAS/16 **APOLOGIES**

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

LAS/17 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/18 **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.

DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered determination of a Private Hire Operator's Licence, based on the evidence before them.

REVIEW OF PRIVATE HIRE OPERATORS LICENCE

The Item was deferred to a future Sub-Committee.

REVIEW OF PRIVATE HIRE OPERATORS LICENCE

The Item was deferred to a future Sub-Committee.

The Meeting terminated at 12:20 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

23rd March 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), (Labour Group), Councillor Hewlett (Conservative Group), and Councillor Richards (Labour Group).

District Council Representatives

Liz Page (Principal Legal Officer), N Marston (Senior Licensing Officer) M Lomas (Licensing Officer [Enforcement]), Donna Foster (Democratic Services Officer)

LAS/22 **APOLOGIES**

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

LAS/23 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/24 **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.

REVIEW OF PRIVATE HIRE OPERATORS LICENCE (Paragraph 1)

The Sub-Committee considered a review of a Private Hire Operator's Licence, based on the evidence before them.

REVIEW OF PRIVATE HIRE OPERATORS LICENCE (Paragraph 1)

The Sub-Committee considered a review of a Private Hire Operator's Licence, based on the evidence before them.

The Meeting terminated at 11:40 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

23rd March 2021 at 3:30pm

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), (Labour Group), Councillor Hewlett (Conservative Group), and Councillor Richards (Labour Group).

District Council Representatives

Liz Page (Principal Legal Officer), N Marston (Senior Licensing Officer) M Lomas (Licensing Officer [Enforcement]), Donna Foster (Democratic Services Officer)

LAS/26 **APOLOGIES**

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

LAS/27 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/28 **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.

REVIEW OF PRIVATE HIRE OPERATORS LICENCE (Paragraph 1)

The Sub-Committee considered a review of a Private Hire Operator's Licence, based on the evidence before them.

The Meeting terminated at 17:15 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

27th May 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Rhind (Labour Group), and Councillor Angliss (Independent Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Faye Norman (Licensing Officer), Mark Lomas (Licensing Officer(Enforcement)), Patricia Hill (Democratic Services).

LAS/01 **APOLOGIES**

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

LAS/02 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/03 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – AMALFI WHITE BAR AND RESTAURANT**

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.

The hearing was held to determine the application to vary a Premises Licence under the Licensing Act 2003.

The applicants, Elizabeth and Adam Devey Smith, attended the hearing in person and were represented by Mr Shields.

The applicants submitted additional 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 their representative and PC Fowler (Derbyshire Constabulary) had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited the Licensing Officer (Enforcement) to make representations to the Sub-Committee.

The Sub-Committee had opportunity to ask questions of the Licensing Officer and invited the Applicant and their representative to put questions to him as well.

The Chairman invited PC Fowler (Derbyshire Constabulary) to make representations to the Sub-Committee.

The Sub-Committee had opportunity to ask questions of PC Fowler and invited the Applicant and their representative to put questions to him as well.

The Chairman invited the Applicant's representative to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and their representative and invited the Licensing Representative and PC Fowler (Derbyshire Constabulary) to put questions to them as well.

The Chairman invited the Licensing Representatives, PC Fowler (Derbyshire Constabulary) and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

RESOLVED:

- 1. To grant the variation of the Premises Licence with regard to the rear of the Premises to allow consumption of alcohol until 23.00hrs.***
- 2. To add a condition to the Premises Licence that CCTV at the rear of the Premises should extent to the full extent of the rear garden. This condition is to be implemented before the varied Licence is issued.***
- 3. To refuse the variation of the Premises Licence with regard to the front and side of the Premises.***

REASON FOR THE DECISION

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, Derbyshire Constabulary, the Applicant and the Other Persons.

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.

In relation to the application concerning the Rear of the Premises

1. ***The Sub-Committee accepted that the Premises were well run and that there were measures in place to monitor the behaviour of Patrons in the rear outside space of the Premises.***
2. ***The Sub-Committee noted that the nearby public house Premises Licence allowed the consumption of alcohol in the rear outside space until 23.00hrs***
3. ***The Sub-Committee concluded that there had been no substantiated complaints regarding breach of the Licensing Objectives since the application to vary in 2016.***

The Sub-Committee felt that it was reasonable and proportionate to grant the application to vary the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised by the Licensing Officer, Other Parties and Police.

In relation to the application concerning the front and side of the Premises

1. ***The Sub-Committee noted the Police and Licensing officers' submissions in relation to the use of the front of the premises and accepts that the police submission was on Crime and disorder grounds as well as Public Safety and Public Nuisance.***
2. ***The Sub-Committee considered that size and extent of the front of the Premises and concluded that this could only be used for standing drinking and fully accepted the Police and Licensing Officers' submissions that extending the hours of consumption of alcohol from 20.00hrs to 23.00hrs would increase the likelihood of noise nuisance for residents on Derby Road and of conflict between members of the public and patrons on the highway.***
3. ***The Sub-Committee did not consider that moveable barriers would provide sufficient protection to mitigate against the concern and therefore meet the Licensing Objectives***

4. *The Sub-Committee concluded that in light of the above it would not be reasonable or proportionate to vary the premises Licence as requested in relation to the front and side areas of the Premises.*

LAS/04 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 12:05 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

8th June 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), Councillor Taylor (Labour Group), and Councillor Watson (Conservative Group).

District Council Representatives

Nigel Marston (Senior Licensing Officer), Elisabeth Page (Principal Legal Officer), Patricia Hill (Democratic Services).

LAS/05 **APOLOGIES**

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

LAS/06 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/07 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – AMALFI WHITE BAR AND RESTAURANT**

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 outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was held to determine the application for a Premises Licence under the Licensing Act 2003.

The Applicant attended the hearing in person.

The Applicant submitted a Fire Risk Assessment and Noise Management Strategy 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

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

The Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add. Mr Williams, Mrs Smith, Mr Harden and Mrs Devey Smith made representations to the Sub Committee

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

The Chairman invited the Licensing Representative 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:

To grant the application in relation to the standard timings, namely

Activity	Days	Times
Live music & recorded music – Indoors & Outdoors. The above are exempt for the times stated if less than 500 people are in attendance	Monday - Sunday	10:00hrs – 21:00hrs
Sale by retail of alcohol for consumption on and off the premises Electronic Sales	Monday – Sunday Monday – Sunday	10:00hrs – 21:00hrs 24hrs
Opening hours of the premises	Monday – Sunday	08:00hrs – 23:00hrs

To refuse the application in relation to the non-standard timings.

The Licence was subject to the following conditions (in addition to the Operating Schedule and Mandatory Conditions)-

- ***Conditions 1 to 8 and Condition 11 as agreed by the Applicant and Derbyshire Police (annexed)***
- ***The relevant conditions from the Applicant's current Licence LAPRE/0384 (Note – where there is a conflict between the Conditions of this Licence and the conditions imposed as a result of this Sub-Committee decision, the Sub-Committee decision conditions shall take precedence).***
- ***The Applicant complied with the Noise Management Strategy.***
- ***A telephone number was made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public and 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 would be a direct number to the management who are in control during opening hours. A record would 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.***
- ***No deliveries (in relation to licensable activities) to the premises shall take place between 18.000 hours and 8.00 hours.***

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 noted that there was no objection from Environmental Health and that the Derbyshire Police objection had been withdrawn upon agreement with the Applicant as to additional conditions.
- The Sub Committee further noted that there was a current planning application in relation to the use of the premises and the Committee was mindful that submissions relating to planning concerns were a matter for the Planning Committee not the Licensing Committee and these included parking concerns.
- The Sub Committee was also mindful that other legislation allowed the performance of amplified live music and recorded music on premises authorised to sell alcohol for consumption on the premises, where the

audience does not exceed 500, which will be the case in relation to these premises.

- The Sub Committee was aware that as this was a new application there were several unknowns, including the likely number of patrons, but noted the maximum capacity of the premises as provide for in the Applicant's Fire Risk Assessment and as revised by the Applicant at the Sub hearing was likely to be 35 inside the premises and 100 in the outside space (excluding the gravel area which the Applicant assured the Sub Committee was to be barriered off)
- The residents' concerns mostly concerned parking, noise nuisance and the holding of events. The Sub Committee concluded that parking issues did not meet a Licensing Objective. The Sub-Committee further concluded that by imposing the following conditions; that the Applicant complied with the submitted Noise Management Strategy, the Point of Contract Condition and condition as to deliveries the noise nuisance concerns should be addressed. Further, by refusing the non- standard timings this satisfied the concerns of the residents regarding events and related parking concerns, as the Applicant, Melbourne Hall or other event organisers would be required to use the TENs procedure to hold events and provide additional information to support the TENs applications. In addition, the Applicant would be limited to 15 TENs per year and therefore less than the 20 non-standard timing events applied for.

The Sub-Committee felt that it was reasonable and proportionate to grant the application for the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/08 **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 12:30 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

9th November 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Rhind (Chair), (Labour Group) Councillor Haines (Conservative Group), and Councillor MacPherson (Independent Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Samantha Craig (Legal Officer), Mark Lomas (Licensing Officer [Enforcement]), Faye Norman (Licensing Officer), Corrinne Bird (Licensing Officer), Patricia Hill (Democratic Services).

LAS/09 **APOLOGIES**

The Sub-Committee was informed that no apologies had 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 **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.

DETERMINATION OF APPLICATIONS FOR A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee determined the application for a Private Hire Driver's Licence and Private Hire Operators Licence, based on the evidence before them.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee reviewed the Private Hire Driver's Licence, based on the evidence before them.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee reviewed the Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 13:00 hours.

COUNCILLOR RHIND

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

15th November 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Richards (Labour Group), and Councillor Watson (Conservative Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Faye Norman (Licensing Officer), Patricia Hill (Democratic Services).

LAS/15 **APOLOGIES**

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

LAS/16 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/17 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – HAWK AND BUCKLE, ETWALL**

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.

The hearing was to determine the application for a Variation of Premises Licence under the Licensing Act 2003 to extend the current Premise Licence to two outside buildings.

The Applicant attended the hearing in person and was represented by Karen Cochrane.

The Chairman asked the Applicant and Ms Cochrane to explain the application with reference to the plans submitted.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

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. Ms Cochrane made representations to the Sub-Committee on behalf of the Applicant.

The Sub-Committee asked questions of the Applicant and her representative and invited the Licensing Representative and the Interested Party to put questions to them as well.

The Chairman invited the Interested Party to submit their representations. The Sub-Committee had read all written representations submitted by the other persons.

The Sub-Committee asked questions of the Interested Party and invited the Licensing Representative, and the Applicant's representative to put questions to them as well.

The Chairman invited the Licensing Representative, the Interested Party 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, Derbyshire Constabulary, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to Vary the Premises Licence per the submitted application.

The grant of the application to Vary the Premises Licence was subject to the conditions agreed between the Applicant and the Licensing Section.

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 Interested Person.

The Sub-Committee felt that it was reasonable and proportionate to grant the Variation to the Premises Licence, subject to the conditions agreed between the Applicant and the Licensing Section which the Sub-Committee believed would specifically address the concerns raised by the Interested Party.

The Sub-Committee acknowledged that the application was made prior to the use of the redundant areas and that the Interested Party and other persons would have the opportunity to request a Review of the Premises Licence should there be difficulties once the Barn and Games Room are in operation.

LAS/18 **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 11.05 hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

14th December 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Richards (Labour Group), and Councillor Haines (Conservative Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Emma McHugh (Senior Licensing Officer), Patricia Hill (Democratic Services), Natalie Grainger (Democratic Services).

LAS/19 **APOLOGIES**

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

LAS/20 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/21 **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.

HEARING FOR AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered determination of a Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 11:00hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

27th January 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

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

District Council Representatives

Elisabeth Page (Principal Legal Officer), Natalie Grainger (Democratic Services), Donna Foster (Democratic Services), Faye Norman (Licensing Officer), Ardip Sandhu (Head of Legal and Democratic Services & Monitoring Officer), Mark Lomas (Licensing Officer) Corrinne Bird (Licensing Officer).

LAS/23 **APOLOGIES**

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

LAS/24 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/25 **HEARING FOR THE CONSIDERATION OF A NEW PREMISES LICENCE APPLICATION – THE GARAGE, ASTON ON TRENT**

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 The Garage, Aston on Trent

The Applicant, Robin Bell, attended the hearing in person.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter and an outline of the application.

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

The Sub-Committee had read all written representations submitted by the Other Persons

The Chairman invited the Applicant, to make representations to the Sub-Committee. The Sub-Committee asked questions of the Applicant and invited the Licensing Representative, to put questions to him as well.

The Chairman invited the Licensing Representative 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 Licensing Authority as a Responsible Authority, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application for a Premises Licence as per the application.

The grant of the application for a Premises Licence was subject to the mandatory conditions contained within the Licensing Act 2003, the conditions contained within the operating schedule of the original application form and the conditions as agreed between the Licensing Authority and the Applicant.

REASON FOR THE DECISION

The Sub-Committee was satisfied that the requirements of the Licensing Act 2003 and the Council's Policy and Procedures had been complied with in relation to the displaying of the Notice detailing the Notification of receipt of application and invitation of representations.

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 noted that Planning Permission was still to be resolved and the Planning Process would consider the suitability of the change of use of the premises and car parking.

Further the Applicant assured the Sub-Committee that he would monitor the noise levels and, in addition, the Sub-Committee were mindful that residents could request a review of the Premises Licence should the noise emanating from the premises be such to breach of the Licensing objectives namely –

- ***Prevention of public nuisance and Protection of children from harm.***

LAS/26 **HEARING TO CONSIDER AN APPLICATION TO REVIEW A LICENCE AT A PREMISES ON CRIME AND DISORDER GROUNDS (ROYAL OAK, NEWHALL)**

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 Derbyshire Constabulary's application for a Review of the Premises Licence under the Licensing Act 2003.

Mr Young attended the hearing in person and was represented by Duncan Craig.

The Sub-Committee firstly heard representations as to whether the application should be heard in private with the public and press excluded after presentation of the Licensing Officers report.

This was Derbyshire Constabulary's application and the Sub-Committee heard submissions from Derbyshire Constabulary and Mr Youngs representative in favour of the application to exclude. The Legal Advisor read the letter received from Reach Plc and heard a submission from Eddie Bisknell.

The Sub-Committee deliberated and made a decision to exclude the Press and Public after presentation of the Licensing Representatives report.

REASONS

- The Sub-Committee accepted that the evidence that was to be presented by Derbyshire Constabulary and the Premises Licence Holder may well prejudice an investigation of a crime and that that evidence could not be separated from the rest of the evidence presented in relation to the Review of the Premises Licence.
- The Sub-Committee balanced the public interest in excluding the press and public against the public interest in not excluding them and decided that the public interest in excluding the press and public outweighed the public interest in not excluding them.
- The Sub-Committee considered the Human Rights Act Article 10 rights but decided that these were outweighed by the Premises licence Holders Article 6 rights.
- As such the Sub-Committee resolved to exclude the press and public under s100 (A)(4) LGA 1972 and Regulation 14 Licensing Act 2003 after the Licensing Representative had read the report and then invited the press and public back into the meeting to hear the decision.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee, Derbyshire Constabulary and the License Holder's representative had opportunity to ask questions of the Council's Licensing Representative.

The Chairman moved that the press and public be excluded from the rest of the meeting pursuant to s100 (A)(4) LGA 1972.

The Press and Public left the meeting.

LAS/27 **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.

HEARING TO CONSIDER AN APPLICATION TO REVIEW A LICENCE AT A PREMISES ON CRIME AND DISORDER GROUNDS (ROYAL OAK, NEWHALL)

RESOLVED:

The Legal Officer read the Decision to the Committee.

The Meeting terminated at 13:56

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

05 April 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman) and Councillor Taylor (Labour Group) and Councillor Haines (Conservative Group)

District Council Representatives

Samantha Craig (Legal Advisor to the Sub-Committee), Emma McHugh (Senior Licensing Officer) and Donna Foster (Democratic Services Officer).

LAS/29 **APOLOGIES**

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

LAS/30 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/31 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – THE WALLED GARDEN, MELBOURNE**

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.

The hearing was held to determine the application for a Premises Licence under the Licensing Act 2003.

The Applicant attended the hearing in person.

The Applicant submitted a Fire Risk Assessment and Noise Management Strategy documentation prior to the hearing.

The Chairman invited the Council's Senior Licensing Officer 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 Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add. John Williams, Dot Devey Smith, Michael Fritchley, Joanne Hill, Caroline Crocker and Dot Devey Smith made representations to the Sub-Committee

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

The Chairman invited the Applicant to make representations to the Sub-Committee

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

The Chairman invited the Licensing Representative 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 but with a limit of 30 event days maximum per annum. The maximum number of people expected to attend the premises at any one time is 1000.

The Licence was subject to the following conditions (in addition to the Operating Schedule and Mandatory Conditions)-

- ***Conditions 1 to 16 of the Licensing Officer's Conditions, subject to Condition 2 being amended to 30 event days and Condition 3 being amended so that an Event Management Plan for each event will be recorded and available for inspection upon request by a Police Constable or other authorised person as detailed within s13***

Licensing Act 2003 and any member of the public who requests it in writing to the applicant

- ***The Condition proposed by the Environmental Health Officer***
- ***The Applicant complies with the Noise Management Strategy (annexed)***
- ***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.***

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 noted that there was no objection from Derbyshire Police on crime and reduction grounds. The Sub-Committee further noted that the objection from Environmental Health and the Licensing Officer had been withdrawn upon agreement with the Applicant as to additional conditions.***
- ***The Sub Committee also noted that the residents' concerns were mostly regarding parking and noise nuisance and the sub-committee concluded that parking issues had been adequately addressed by the Applicant. The Sub Committee considered that by imposing the conditions requiring the applicant to submit a noise-management strategy and provide a point of contact and by limiting the number of events each year, the noise nuisance concerns would be addressed.***
- ***The Sub Committee further noted that the residents are also able to request a review of the premises licence should that become necessary.***

The Sub-Committee felt that it was reasonable and proportionate to grant the application for the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/32 **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 12:20hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

20 May 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor S Taylor (Labour Group)

Councillor K Haines (Conservative Group)

District Council Representatives

Elisabeth Page – Principal Legal Officer

Emma McHugh – Senior Licensing Officer

Donna Foster – Democratic Services Officer

Other Persons

Roger Lowe - Applicant

LAS/01 **APOLOGIES**

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

LAS/02 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/03 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – MELBOURNE HALL (THE WALLED GARDEN), MELBOURNE**

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.

The hearing was held to determine the application for a Premises Licence under the Licensing Act 2003.

The Applicant attended the hearing in person.

The Applicant submitted a Fire Risk Assessment and Noise Management Strategy 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 Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add. John Williams, Dot Devey Smith, Michael Fritchley, Joanne Hill, Caroline Crocker and Dot Devey Smith made representations to the Sub Committee

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

The Chairman invited the Applicant to make representations to the Sub-Committee

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

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

The Sub-Committee made a decision and this was circulated to the Parties

The Council received notification that the Other Persons had not had sight of the additional documents provided by the Applicant prior to the Sub-Committee hearing of 5 April 2002 and therefore recovered the hearing to consider the Other Persons representations on those documents.

The other persons were given an opportunity to make representations on the documents.

The Applicant was notified of those representations.

At the reconvened Sub Committee on 20 May 2022:

The Applicant attended the hearing.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter. Emma McHugh outlined the application and the reasons for the reconvened Sub Committee.

The Sub-Committee, the Applicant and the Other Persons had opportunity to ask questions of the Council's Licensing Representative on the additional documents submitted by the Applicant.

The Sub-Committee had read all written representations submitted by the Other Persons regarding the additional documents and the Chairman asked the Other Persons present whether they had anything further to add in relation to the additional documents made representations to the Sub Committee.

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representative, and the Applicant's representative to put questions to them on the additional documents.

The Chairman invited the Applicant's representative to make representations to the Sub-Committee on the additional documents and the representations made thereon.

The Sub-Committee asked questions of the Applicant and his representative and invited the Licensing Representative and the Other Persons to put questions to them in relation to the additional documents.

The Chairman invited all parties to sum up.

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 but to limit the maximum event days to 30 per annum. The maximum number of people expected to attend the premises at any one time is 1000.

The Licence was subject to the following conditions (in addition to the Operating Schedule and Mandatory Conditions)-

- ***Conditions 1 to 16 of the Licensing Officer's Conditions, subject to Condition 2 being amended to 30 event days and Condition 3 being amended so that an Event Management Plan for each event will be recorded and available for inspection upon request by a Police Constable or other authorised person as detailed within s13 Licensing Act 2003 and any member of the public who requests it in writing to the applicant***
- ***The Condition proposed by the Environmental Health Officer***
- ***The Applicant complies with the Noise Management Strategy (annexed)***
- ***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.

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 noted that there was no objection from Derbyshire Police on crime reduction grounds. The Sub-Committee further noted that the objections from Environmental Health and the Licensing Section had been withdrawn upon agreement with the Applicant as to additional conditions.*
- *The Sub Committee also noted that the residents' concerns were mostly regarding traffic concerns, parking and noise nuisance and the Sub-Committee concluded that – parking issues had been adequately addressed by the Applicant. The Sub Committee considered that by imposing the conditions requiring the applicant to submit a noise-management strategy and provide a point of contact and by limiting the number of events each year, the noise nuisance concerns would be addressed. Traffic concerns*
- *The Sub Committee further noted that the residents are also able to request a review of the premises licence should that become necessary.*

The Sub-Committee felt that it was reasonable and proportionate to grant the application for the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/04 **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 11:20hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

14 June 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor P Dunn (Labour Group)

Councillor K Haines (Conservative Group)

District Council Representatives

Elisabeth Page – Principal Legal Officer

Emma McHugh – Senior Licensing Officer

Donna Foster – Democratic Services Officer

Other Persons

Roger Lowe – Applicant

Mrs Devey-Smith - Resident

LAS/05 **APOLOGIES**

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

LAS/06 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/07 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – STABLE ALES**

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.

The hearing was held to determine the application to vary the Premises Licence granted on 26 June 2021 under the Licensing Act 2003.

Documentation being relied upon by the Council's Licensing Representative had been exchanged at least 5 days before the hearing. Copies had been provided to the Applicant and their representative and all Members of the Sub-Committee.

The Applicant attended the hearing in person.

The Sub-Committee considered an application made by an Other Person to adjourn the Sub-Committee for the Other Persons to consider the plan which was copied to all parties on 13 June 2022 but not included in the Agenda pack. The Sub-Committee noted that the plan had been available on-line for over 28 days and the Sub Committee resolved to NOT ADJOURN THE HEARING but rather vary the procedure and to ask the Applicant to explain the plan and allow the Other Persons present at the hearing time to consider the plan before the hearing continued.

The Applicant explained the Plan. Mrs Devey Smith (the Other Person present) indicated that she was content with continuing without the need for a short adjournment to consider the plan.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter. Ms McHugh outlined the application.

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

The Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add and Mrs Devey-Smith made representations to the Sub Committee.

The Sub-Committee asked questions of the Other Persons present and invited the Licensing Representative, and the Applicant to put questions to her as well.

The Chairman invited the Applicant to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and the Other Person to put questions to him as well.

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

The Licence was subject to the following additional condition:

The Applicant provided a copy of the Noise Management Strategy and any revisions of it to the persons notified to the Applicant by the Council.

The Applicant is reminded of the following conditions of the Premises Licence-

- ***The Applicant complies with the Noise Management Strategy***
- ***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.***

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 noted that there was no objection from Environmental Health or Derbyshire Police.***
- ***The Sub Committee noted the variation would result in a maximum of 65 persons inside the premises (referring to the Fire Safety Plan) and that this would be unlikely to cause such an increase in noise or other nuisance as to justify refusal of the application.***
- ***The Other Persons objections were mostly concerned with the operation of the current Premises Licence. These concerns were not tested by the Sub-Committee as the right and proper manner for these to be considered is by a Review of the Premises Licence not by objection to a Variation.***

The Sub-Committee felt that it was reasonable and proportionate to grant the variation of the Premises Licence, subject to the original conditions specified and the additional condition proposed, which the Sub-

Committee considered would address the concerns raised by the Other Persons.

LAS/08 **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 M GEE

CHAIR

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

LICENSING AND APPEALS SUB-COMMITTEE

27 October 2022 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Rhind (Labour Group) and Councillor Haines (Conservative Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer)

Donna Foster (Democratic Services Officer)

Faye Norman (Licensing Officer)

LAS/13 **APOLOGIES**

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

LAS/14 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/15 **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.

DETERMINATION OF AN APPLICATION FOR A PRIVATE HITE DRIVER'S LICENCE

The Legal Officer read the Decision to the Sub-Committee.

The Meeting terminated at 10:40hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

22 November 2022 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Rhind (Chair), Councillor Richards (Labour Group) and Councillor MacPherson (Independent Group).

District Council Representatives

Elisabeth Page - Principal Legal Officer
Emma McHugh – Senior Licensing Officer
Faye Norman - Licensing Officer
Donna Foster - Democratic Services Officer

Other Persons

Roger Lowe – Applicant
Matthew Harden
Mr and Mrs Hill

LAS/17 **APPOINTMENT OF CHAIR**

It was confirmed that Councillor Rhind was appointed as Chair for the Sub-Committee hearing.

LAS/18 **APOLOGIES**

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

LAS/19 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/20 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – STABLE ALES**

The Chair introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representatives and all those present also introduced themselves.

The Chair 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 variation of the Premises Licence under the Licensing Act 2003

The Applicant, Roger Lowe, attended the hearing in person

The Chair invited the Council's Licensing Representative to present the facts of the matter and an outline of the application with clarification provided by the Senior Licensing Officer.

The Sub-Committee, the Applicant, and the Other Persons had opportunity to ask questions of the Council's Licensing Representatives.

The Chair invited the Other Persons to submit their representations.

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representatives and the Applicant to put questions to them as well.

The Chairman invited the Applicant to make representations to the Sub-Committee.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representatives and the Other Persons to put questions to him 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 Representatives, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to vary the Premises Licence as follows:

The variation of the Premises Licence is subject to

- ***the conditions attached to the Premises Licence***
- ***variation of condition 1 of Annex 3 as follows:***

The Premises Licence Holder shall comply with the Noise Management Strategy and any variation thereof. Any variation shall be approved by the Council's Licensing Section and Environmental Health Officers. The Premises Licence Holder shall provide a copy of the Strategy and any revisions of it, to the persons notified to the Premises Licence Holder by the Council.

- ***the deletion of the condition as agreed with the Licensing Officer.***

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 vary the Premises Licence, subject to the Premises Licence conditions and varied condition specified, which is varied to specifically address the concerns raised.

The Sub Committee did not consider that deferring this application for a Review of the Premises Licence was reasonable or proportionate.

The Sub-Committee noted that no representations had been made by Responsible Authorities notably Environmental Health.

The Sub-Committee considered that the Council is actively investigating the complaints of noise nuisance made by the Other Persons which could lead to a Review application.

LAS/21 **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 11:05hours.

COUNCILLOR RHIND

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

06 December 2022 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Richards (Chair), Councillor MacPherson (Independent Group) and Councillor Hewlett (Conservative Group).

District Council Representatives

Elisabeth Page - Principal Legal Officer

Faye Norman - Licensing Officer

Donna Foster - Democratic Services Officer

Other Persons

Real Brewing Pub Company Limited Applicant

Mr and Mrs Titchmarsh

LAS/22 **APPOINTMENT OF CHAIR**

It was confirmed that Councillor Richards was appointed as Chair for the Sub-Committee hearing.

LAS/23 **APOLOGIES**

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

LAS/24 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/25 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – THE GARAGE, 7 DERBY ROAD, ASTON ON TRENT, DERBY**

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 variation application for a Premises Licence under the Licensing Act 2003 for The Garage, Aston on Trent

Paul Harris attended the hearing in person and was represented by Andrew Cochrane of Flints LLP.

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 Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons.

The Chairman invited the Other Persons, to present their objections. The Other Persons declined to add any objections to those raised in writing.

The Chairman invited the Applicant, to make representations to the Sub-Committee. Mr Cochrane made outlined the application and the reasons for it. The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and Other Persons, to put questions to him as well.

The Chairman invited all parties 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 per the application

The grant of the application to vary the Premises Licence is subject the conditions attached to the current licence.

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 considered that it was reasonable and proportionate to grant the variation of the Premises Licence noting the following-

- ***The Applicant had provided good reasoning for the variation application***
- ***The varied hours were no later than those of the licenced premises in the locality of the Premises***
- ***The Premises are yet to open and the Sub Committee were mindful that the Responsible Authorities could request a review of the Premises Licence should there be a breach of the Licensing Objectives and the Other Persons could complain to the Responsible Authorities to necessitate such a Review***

LAS/26 **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 10:45hours.

COUNCILLOR RICHARDS

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

13 February 2023 at 11.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair), Councillor S Taylor (Labour Group) and Councillor Watson (Conservative Group).

District Council Representatives

Samantha Craig - Senior Legal Officer

Mark Lomas - Licensing Officer

Donna Foster – Senior Democratic Services Officer

Other Persons

Gareth Cotton – Regional Manager of Stonegate Group.

Police Constable Steve Phillips

LAS/27 **APOLOGIES**

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

LAS/28 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/29 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE BY DERBYSHIRE POLICE IN RESPONSE TO A TEMPORARY EVENT NOTICE – FORESTER’S ARMS, 67 HIGH STREET, SWADLINCOTE, DERBYSHIRE**

At 10.00am the hearing was opened and the Chair apologised and informed all persons present that the committee was not quorate. For this reason, the licensing Sub-Committee would be adjourned to 11am.

At 11.00am the Chair confirmed that Councillor Richards had declared a personal interest and therefore, Councillor Taylor would sit instead. Gareth Cotton of Stonegate Group, on behalf of the Premises User was asked whether he had any objections to this, and he stated, as did Derbyshire Constabulary, that there were no objections and that they were happy to proceed on this basis.

The Chair 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 Chair 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 an objection notice in relation to a Temporary Event Notice under the Licensing Act 2003 for the Forester's Arms. The notice related to a time specified event between the hours of 00.00 hours and 01:00 hours on 18th March 2023 and 19th March 2023.

The Premises User did not attend the hearing in person but Gareth Cotton of Stonegate Group attended on his behalf.

The Chair invited the Council's Licensing Representative to present the facts in relation to this matter. The Licensing Officer outlined the facts in relation to the temporary event notice and subsequent objection notice by Derbyshire Police .

The Sub-Committee, Premises User and Derbyshire Constabulary had the opportunity to ask questions of the Council's Licensing Representative.

At the invitation of the Chair, Police Constable Steve Phillips of Derbyshire Constabulary made representations to the Sub-Committee.

The Sub-Committee had the opportunity to ask questions of the Premises User and invited the Licensing Representative to put questions to him as well.

The Chair invited the Licensing Representative, Derbyshire Constabulary and the Premises User 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, Derbyshire Constabulary and the Premises User.

RESOLVED:

The Sub-Committee decided to allow the licensable activities to take place as stated in the temporary event notice, subject to the imposition of the 8 conditions set out in annex 2 of the premises licence: conditions

consistent with the operating schedule and in addition to the mandatory conditions contained within the Licensing Act 2003.

The Temporary Event Notice permits the following licensable activities to take place:

- ***Sale by retail of alcohol for consumption on and off the premises, regulated entertainment and late-night refreshment***
- ***18th and 19th March 2023***
- ***Between 00:00 to 01:00 on both dates***

The Temporary Event Notice is subject to the following conditions in addition to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the original application form:

1. ***Full training shall be provided to all staff on commencement of employment relating to all age restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods***
 - a. ***Refresher training shall be provided at regular intervals - at least every 6 months.***
 - b. ***Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person.***
 - c. ***All records must be written and shall be retained on the premises for a minimum of 12 months.***
2. ***A challenge 25 Proof of age scheme shall be operated at all times***
 - a. ***Anyone attempting to purchase alcohol {or other age restricted product} that appears under the age of 25 years shall be asked to produce a proof of age.***
 - b. ***The only acceptable forms of identification shall be:***
 - ***PASS - accreditation proof of age card***
 - ***Photo Driving Licence***
 - ***Current passport***
 - c. ***Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises***
 - d. ***A system of recording sales refused under the proof of age scheme shall be operated at all times***

- e. *The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.*
- f. *The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months*
3. *The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.*
4. *The DPS shall ensure that a written Refusals log is maintained within the premises and details of all challenges and refusals are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.*
5. *The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in a orderly manner respecting the needs of local residents.*
6. *A CCTV system shall be always installed and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).*
 - a. *The CCTV recording system must be operating at all times when the premises are open for licensable activities*
 - b. *All CCTV recordings must be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.*
 - c. *The Premises Licence Holder, Designated Premises Supervisor or person in charge of the premises must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).*

- d. *The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence Holder, Designated Premises Supervisor, or authorised, designated member of staff.*
- e. *Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas)*
- f. *All cameras installed will be of a standard that will offer optimum image quality in low light.*
- g. *All digital recordings to be made in real time (time lapse not to be used).*
7. *No customer shall be allowed to remove any alcoholic or other drinks from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.*
8. *Anyone under the age of 16 must be off the Premises by 20:00 hrs. Unless at a pre-arranged function.*

REASON FOR THE DECISION

Having considered 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 Derbyshire Constabulary.

The Sub-Committee felt that it was reasonable and proportionate to grant the Temporary Event Notice, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/30 **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 11:30 hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

12 JUNE 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair), Councillor G Rhind (Labour Group) and
Councillor A Kirke (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Mark Lomas - Licensing Officer (Enforcement)
Patricia Hill - Democratic Services Officer

LAS/01 **APOLOGIES**

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

LAS/02 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/03 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A
TEMPORARY EVENT NOTICE (23 JUNE 2023)**

The Chair confirmed that the item did not need to be considered as the objection had been withdrawn.

LAS/04 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A
TEMPORARY EVENT NOTICE (01 AND 02 JULY 2023)**

The Chair confirmed that the item did not need to be considered as the objection had been withdrawn.

LAS/05 **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.

DETERMINATION OF A REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED:

The Decision was read by the Legal Officer.

The Meeting terminated at 10:30hrs.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

27 JUNE 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor A Kirke (Chair) (Conservative Group), and Councillors V Redfern and A Tilley (Labour Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Emma McHugh – Senior Licensing Officer
Patricia Hill - Democratic Services Officer

Objectors to the Application

Representatives from Derbyshire Constabulary PC Phillips and Acting Sergeant G Williamson.

In Attendance

Councillor M Gee

LAS/07 **APOLOGIES**

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

LAS/08 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/09 **HEARING FOR THE CONSIDERATION OF THE GRANT OF A PERSONAL LICENCE**

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 Personal Licence under the Licensing Act 2003 for Mr Edward Felix.

The Applicant did not attend the hearing but provided an email to be read out and an email from his offender manager.

The Sub-Committee resolved to continue in his absence.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

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

At the invitation of the Chairman, PC Phillips (Derbyshire Constabulary) made representations to the Sub-Committee.

The Sub-Committee had opportunity to ask questions of PC Phillips and invited the Licensing Representative and the Sub-Committee to put questions to him as well.

The Senior Licensing Officer read the email from the Applicant and his Offender Manager.

The Chairman invited the Derbyshire Constabulary to comment on those representations.

The Chairman invited the Licensing Representative and PC Phillips (Derbyshire Constabulary), 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 considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary and the Applicant.

RESOLVED:

In the Applicant's absence, the Sub-Committee considered carefully the representations made by the Applicant including the Applicant's Offender Manager.

The Sub-Committee also considered the representations made by Derbyshire Constabulary.

Whilst the Sub-Committee noted the progress made by the Applicant, it was persuaded by Derbyshire Constabulary that granting the applicant a Personal Licence would expose him to vulnerable persons under the

influence of alcohol and therefore the Sub-Committee considered that customers could be at risk from the Applicant.

Therefore, the Sub-Committee was satisfied that the Prevention of Crime Licencing Objective was promoted by refusing the application for a Personal Licence and that granting the application would undermine the objective.

Therefore, the application for a personal licence is refused.

REASON FOR THE DECISION

Having taken into account the Prevention of Crime Licensing Objective, 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 Derbyshire Constabulary.

The issue that concerned the Sub-Committee was whether the Prevention of Crime Licensing Objective was promoted by refusing the application for a personal licence by Edward Felix.

The Sub-Committee were satisfied that the convictions detailed below were relevant convictions for the purpose of the Licensing Act 2003 and the most recent convictions were not spent for the purposes of the Rehabilitation of Offenders Act 1974.

Date	Conviction Details	Disposal
31 st March 2017	<ol style="list-style-type: none"> 1. Voyeurism – record a person doing a private act on 1st February 2009 2. Voyeurism – record a person doing a private act on 17th September 2010 3. Voyeurism – record a person doing a private act on 17th September 2010 4. Voyeurism – record a person doing a private act on 5th November 2010 5. Voyeurism – record a person doing a private act on 11th March 2011 6. Voyeurism – record a person doing a private act on 16th November 2011 	<ol style="list-style-type: none"> 1. Imprisonment 5 months Forfeiture of laptops and mobile phone. Compensation £1000 Sex Offenders Notice 10 years 2. Imprisonment 5 months concurrent 3. Imprisonment 5 months concurrent 4. Imprisonment 5 months concurrent 5. Imprisonment 5 months concurrent 6. Imprisonment 3 months concurrent

	<p>7. Voyeurism – record a person doing a private act on 26th December 2011</p> <p>8. Voyeurism – record a person doing a private act on 26th December 2011</p> <p>9. Sexual assault – intentionally touch female – no penetration on 26th December 2011</p> <p>10. Sexual assault – intentionally touch female – no penetration on 26th December 2011</p> <p>11. Voyeurism – record a person doing a private act on 3rd October 2013</p> <p>12. Voyeurism – record a person doing a private act on 19th February 2014</p> <p>13. Assault occasioning actual bodily harm on 21st June 2014</p>	<p>7. Imprisonment 3 months concurrent</p> <p>8. Imprisonment 3 months concurrent</p> <p>9. Imprisonment 11 months concurrent</p> <p>10. Imprisonment 11 months consecutive to count 1</p> <p>11. Compensation £1000 Imprisonment 3 months consecutive to count 1</p> <p>12. Imprisonment 3 months concurrent</p> <p>13. Imprisonment 3 months consecutive to count 1</p> <p>Overall length of sentence 22 months</p>
3 rd June 2019	Sexual assault – intentionally touch female – no penetration on 9 th June 2018	<p>Imprisonment 18 months</p> <p>Victim surcharge £140</p> <p>Restraining order – protection from harassment</p> <p>Sex offenders notice 10 years</p>

LAS/10 **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 10:50hrs.

COUNCILLOR A KIRKE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

10 AUGUST 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor A Haynes (Labour Group) and Councillor N Atkin (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Emma McHugh – Senior Licensing Officer
Patricia Hill – Democratic Services Officer

In Attendance

Kamran Jawed

LAS/11 **APOLOGIES**

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

LAS/12 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/13 **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.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED:

The Legal Officer read out the Panel's Decision.

The Meeting terminated at 10:55 hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

26 September 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor V Redfern (Labour Group) and Councillor A Kirke (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Eleanor Harrison - Senior Legal Officer (Non-Contentious)
Adam Mikula – Senior Legal Officer (Contentious)
Mark Lomas – Licensing Officer
Patricia Hill – Democratic Services Officer

In Attendance

Faisal Mehmood Abbasi - The Applicant
Amjid Ibrahim - The Applicant's Legal Representative (Nightingale Solicitors)

LAS/15 **APOLOGIES**

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

LAS/16 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/17 **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.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED:

The Legal Officer read out the Panel's Decision.

The Meeting terminated at 11:15 hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

16 October 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor G Rhind (Chair) and Councillor A Jones (Labour Group) and Councillor A Kirke (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Eleanor Harrison - Senior Legal Officer (Non-Contentious)
Adam Mikula – Senior Legal Officer (Contentious)
Angus Forshaw - Paralegal
Emma McHugh – Senior Licensing Officer
Patricia Hill – Democratic Services Officer

In Attendance

Guillaume Chipchase – Licensing Manager, Stonegate Group
Eddie Bisknell - Press

LAS/19 **APOLOGIES**

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

LAS/20 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/21 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE – FORESTERS ARMS, SWADLINCOTE**

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 three Temporary Event Notices under the Licensing Act 2003 for the Forester's Arms. The application was for Christmas trading extended hours in 2023.

The Applicant did not attend the hearing in person, but was represented by Guillaume Chipchase, of Stonegate Group.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Chairman invited the Applicant's Representative to make representations to the Sub-Committee.

The Applicant's Representative, the Council's Licensing Officer and the Other Persons left the room whilst the Sub-Committee undertook their deliberations. They were then invited to return to hear the decision of the Sub-Committee.

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, Derbyshire Constabulary and the Applicant.

RESOLVED:

The Sub-Committee granted the application for Temporary Event Notices as follows:

Sale by retail of alcohol for consumption on and off the premises, regulated entertainment and late-night refreshment on the following dates and times:

- **16th-17th December 2023**
 - o ***Between 00:00-01:00 16th***
 - o ***Between 23:00-01:00 17th***

- **23rd-27th December 2023**
 - o ***Between 00:00-01:00 23rd and 24th***
 - o ***Between 10:00-22:50 25th***
 - o ***Between 23:00-01:00 26th and 27th***

- **29th-31st December 2023**
 - o ***Between 00:00-01:00 each day***

The grant of the application for Temporary Event Notices was subject to the following conditions, in addition to the mandatory conditions

contained within the Licensing Act 2003, and the conditions contained within the TENs applications and the current premises licence:

- 1. Full training shall be provided to all staff on commencement of employment relating to all age restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods**
 - a. Refresher training shall be provided at regular intervals – at least every 6 months.**
 - b. Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person.**
 - c. All records must be written and shall be retained on the premises for a minimum of 12 months.**
- 2. A challenge 25 Proof of age scheme shall be operated at all times**
 - a. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.**
 - b. The only acceptable forms of identification shall be:**
 - PASS – accreditation proof of age card**
 - Photo Driving Licence**
 - Current passport**
 - c. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises**
 - d. A system of recording sales refused under the proof of age scheme shall be operated at all times**
 - e. The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.**
 - f. The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months**
- 3. The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.**
- 4. The DPS shall ensure that a written Refusals log is maintained within the premises and details of all challenges and refusals are recorded**

within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.

- 5. The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in an orderly manner respecting the needs of local residents.***
- 6. A CCTV system shall be always installed and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).***
 - a. The CCTV recording system must be operating at all times when the premises are open for licensable activities***
 - b. All CCTV recordings must be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.***
 - c. The Premises Licence Holder, Designated Premises Supervisor or person in charge of the premises must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).***
 - d. The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence Holder, Designated Premises Supervisor, or authorised, designated member of staff.***
 - e. Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas)***
 - f. All cameras installed will be of a standard that will offer optimum image quality in low light.***
 - g. All digital recordings to be made in real time (time lapse not to be used).***
- 7. No customer shall be allowed to remove any alcoholic or other drinks from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.***

8. Anyone under the age of 16 must be off the Premises by 20:00 hrs. Unless at a pre-arranged function.

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 Temporary Event Notice, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/22 **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 11:15 hours.

COUNCILLOR M GEE

CHAIR