

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