

LICENSING AND APPEALS SUB-COMMITTEE

28th September 2007

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Mrs. Patten and Watson (Conservative Group) and Councillor Mrs. Mead (Labour Group).

District Council Representatives

J. Tsoi (Legal Services Manager), D. Townsend (Democratic Services) J. Salter and M. Sunter (Licensing Enforcement Officers).

Non-Council Attendees

Mr. T. Meegan (Punch Taverns PLC – Counsel), Ms. S. Trelfa (Prospective Licensee of The Wheel Inn), Mr. C. Knights (Punch Taverns PLC) and Councillor M. Stanton, C. Ravensdale, W. Hibbert, D. Miller, S. Green, C. Bunston, J. Hurst, M. Burns, I. Cole, R. Patten, R. Coleman, G. Holt, M. Mellish, M. Douglas, A. Randall, P. Colleyshaw and D. Armstrong (interested parties).

LAS/26. **APPOINTMENT OF CHAIRMAN**

RESOLVED:-

That Councillor Mrs. Patten be appointed Chairman for the Meeting.

MATTER DELEGATED TO SUB-COMMITTEE

LAS/27. **APPLICATION FOR A PREMISES LICENCE AT THE WHEEL INN, 50 MAIN STREET, TICKNALL**

Following introductions, the Legal Services Manager confirmed that the applicant had removed the requirement for dancing facilities at The Wheel Inn. This had been confirmed by Messrs Ford and Warren, Solicitors on 25th September 2007. The current application for a premises licence related to recorded music, late night refreshments and supply of alcohol. Section J of the Licensing Application had been removed in its entirety.

The Licensing Enforcement Officer was then invited to present his report, which had been circulated with the agenda. There were no questions to the Licensing Enforcement Officer.

The interested parties who had submitted their intention to make a further representation were then invited to present their cases.

Mr. S. Green advised the Sub-Committee that there had been a lack of communication with regard to this application. He added that because of restricted timescales, the Parish Council felt that it had not been able to consult with members of the public effectively. He added that the Parish Council welcomed the reopening of The Wheel Inn, but not with the conditions as originally requested.

Mr. Miller advised the meeting that he felt there was uncertainty over the content of the application including sound levels of music, and hours of opening. He believed that amplified music and late night opening were inappropriate for a public house within a conservation area. Mr. Miller called witness Rachel Coleman, who lived in an adjacent property to The Wheel Inn. She added that the noise impact on the nearby twenty-five properties would be huge, particularly from the garden which she believed would be very significant, particularly late at night.

Mr. Hibbert continued by addressing the Sub-Committee on behalf of the Hayes Farm Court Residents' Association. It was felt that this application was a threat to the quality of life for residents, as the potential for noise and late night music was great, causing much distress. He added that they had never seen a proposed business plan from Punch Taverns PLC and there had been no consultation, demonstrating very little degree of concern from the company. He summed up by adding that late night opening would attack the quality of life within Ticknall village.

Mr. Ravensdale advised the Sub-Committee that he was representing the views of Mr. & Mrs. Oliver (52 Main Street). He felt that late night opening would cause much noise nuisance, although he believed that background music would be acceptable if kept to a reasonable level. He added that Mr. & Mrs. Oliver's main concern was in relation to the potential impact upon village life.

Councillor Stanton then addressed the Sub-Committee by advising that he had never seen villagers so enraged. He added that he wanted to see the public house open, but the residents were fearful of the outcome of such an application. He felt that Punch Taverns PLC had alienated villagers with this application and the lack of consultation. He believed that the hours of closing should be 11.00 p.m. during midweek and 12.00 midnight on Fridays and Saturdays.

The Sub-Committee then asked questions of the interested parties and invited the Council's Licensing Enforcement Officer and the Applicant to put questions to them too.

The Chairman then invited Mr. Meegan (Counsel for Punch Taverns PLC) to present the case on behalf of The Wheel Inn. Mr. Meegan stated that this was not a new application, and that these premises had been a public house for 200 years. He believed that this application was for a modest licence and had been kept at a conservative level. He also added that as a further concession, the applicant company would amend their requirements so that alcohol and food could be served from Sunday to Thursday until 11.30 p.m. with a closing time of 12.00 midnight and on Friday and Saturday it would be served until 12.00 midnight with a closing time of 12.30 a.m. He added that this would be a food-led outlet which targeted clientele primarily from the local area. It was not intended to be a trendy bar or nightclub. Punch Taverns PLC wished to see this public house as a facility and part of the community.

Ms. Trelfa then submitted her representation as the proposed Designated Premises Supervisor of The Wheel Inn, Ticknall. She advised the Sub-Committee that she had been working for 16 years within the industry and

that the proposal at The Wheel Inn, Ticknall represented a food-led village pub. She added that any music would only be background music for diners and there was no intention to have loud music playing at the premises. She was planning to live-in at The Wheel Inn, and to take an active role as a resident of Ticknall village.

The Chairman invited Mr. Randall, an interested party who supported the application, to speak. Mr. Randall advised the meeting that the pub was an important part of the village. He pointed out that the number of objections was far less than those who had not objected within the village. There was no history of bad behaviour within the pub.

The Sub-Committee and the Interested Parties were invited to ask questions of the Applicants.

At 11.50 a.m. the Sub-Committee retired to consider its decision. At 12.30 p.m. the Meeting was reconvened.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and considered carefully all the evidence presented to it.

The Sub-Committee made its decision to promote the four licensing objectives:-

- (a) prevention of crime and disorder
- (b) public safety
- (c) prevention of public nuisance
- (d) protection of children from harm

The Sub-Committee considered in detail the representations of the Council's Licensing Enforcement Officer, the Interested Parties and the Applicant. It was resolved to grant the application for a Premises Licence, as modified and conditioned as follows:-

In relation to recorded music, these were to be as follows:-

Sunday to Thursday	10.00 a.m. – 11.30 p.m.
Friday and Saturday	10.00 a.m. – 12.00 midnight

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

Sunday to Thursday	10.00 a.m. – 11.30 p.m.
Friday and Saturday	10.00 a.m. – 12.00 midnight

In relation to late night refreshments, these were to be as follows:-

Sunday to Thursday	11.00 a.m. – 11.30 p.m.
Friday and Saturday	11.00 a.m. – 12.00 midnight

In relation to opening hours, these were to be as follows:-

Sunday to Thursday	10.00 a.m. – 12.00 midnight
Friday and Saturday	10.00 a.m. – 12.30 a.m.

Subject to the following conditions:-

- (i) All recorded music at The Wheel Inn, Ticknall is for background purposes only.
- (ii) The Applicant is to arrange for signage in the beer garden and on all exit doors of The Wheel Inn, Ticknall. The signage to request customers to respect the rights of residents to quiet enjoyment of their property.
- (iii) The Applicant is to operate the 'Challenge 21 Scheme' at the premises.

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

The Chair reminded all parties that they could appeal to the Magistrates Court against this decision within a period of 21 days from receipt of the decision notice.

RESOLVED:-

That the application for a Premises Licence at The Wheel Inn, Ticknall be granted, as set out above.

J. E. PATTEN

CHAIRMAN

The Meeting terminated at 12.40 p.m.