

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: Tuesday 17th May 2022

Contact Officer: Mark Lomas

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

Applicant's Name	Roger Lowe
Premises Name	Stable Ales
Address	The Old Stables Unit D Melbourne Hall Church Square Melbourne Derbyshire DE73 8EN

1. PURPOSE

- 1.1 To determine an application for the variation to a premises licence received by this Authority on the 18th March 2022 from Roger Lowe. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a variation to the current premises licence, that was granted on the 29th June 2021, for the change of use of part of the interior of the premises. There will be no variation to the current premises licence with regards to licensable activities and the opening hours of the premises **(Appendix 2)**.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:
Amendment to the current layout/plan whereby the off-sales area will become an on and off-sales area with the intention of adding 10-15 stools around the perimeter of the stables to enable patrons to have the option of being able to sit down whilst socialising, consuming beverages and/or food.
- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form and these steps are also conditions as part of the operating schedule for the current premises licence.

4. CONSULTATION RESPONSES

- 4.1 No representations were received from the Responsible Authorities.

- 4.2 4 representations were received from other persons.

Person 1 Representation received during the 28 day consultation period. Full details can be found at **(Appendix 3)**.

Person 2 Representation received during the 28 day consultation period. Full details can be found at **(Appendix 4)**.

Person 3	Representation received during the 28 day consultation period. Full details can be found at (Appendix 5) .
Person 4	Representation received during the 28 day consultation period. Full details can be found at (Appendix 6) .

A plan is provided outlining the premises and the surrounding roads **(Appendix 7)**.

5. AGREEMENT BETWEEN PARTIES

There has been no agreement reached between the applicant and any persons making representations.

6. OTHER RELEVANT CONSIDERATIONS

- 6.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 6.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 6.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 6.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 6.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

7. DETERMINATION

- 7.1 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
 - 1. Grant the variation application to the premises licence in accordance with the application.
 - 2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
 - 3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
 - 4. Reject the whole of the application.
- 7.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 7.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 7.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

8. RIGHT OF APPEAL

- 8.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

9. APPENDICES

1. Copy of premises licence application - **(Appendix 1)**
2. Copy of current Premises Licence - **(Appendix 2)**
3. Copy of representation received – Person 1 **(Appendix 3)**
4. Copy of representation received – Person 2 **(Appendix 4)**
5. Copy of representation received – Person 3 **(Appendix 5)**
6. Copy of representation received – Person 4 **(Appendix 6)**
7. Plan of Premises and surrounding roads – **(Appendix 7)**