

LICENSING AND APPEALS SUB-COMMITTEE

13<sup>th</sup> April 2017 at 10.00am

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Mrs Patten (Chairman), Councillor Atkin (Conservative Group) and Councillor Southerd (Labour Group)

**District Council Representatives**

A Kaur (Legal and Democratic Services Manager), M Lomas (Licensing Officer), F Tucker (Trainee Licensing Officer) and R Pabla (Democratic Services Officer)

LAS/44 **APOLOGIES**

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

LAS/45 **DECLARATION OF INTEREST**

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

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/46 **HEARING FOR AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - JUPITER HOTELS LIMITED, MERCURE BURTON ON TRENT, NEWTON PARK HOTEL, NEWTON SOLNEY, BURTON ON TRENT, DE15 0TD**

The Sub-Committee considered an application for the variation of a Premises Licence for Jupiter Hotels Limited, Mercure Burton-on-Trent, Newton Park Hotel, Newton Solney, Burton on Trent, DE15 0TD.

Andy Grimsey of Poppleston Allen Solicitors was in attendance, representing the Applicant, Jupiter Hotels Limited.

The Licensing Officer presented the report to the Committee. Mr Grimsey requested clarification from the Licensing Officer regarding the 2005 application regarding regulated entertainment until midnight as an embedded right for the William Morris Suite within the premises. The Licensing Officer confirmed the William Morris Suite had the provision of regulated entertainment until midnight.

The following individuals attended the Meeting and were invited by the Chairman to make representations to the Sub-Committee.

John Patch, the Park Manager of Newton Park Resident's Association Ltd referred to the representation previously submitted and advised the Sub-Committee that Newton Park comprised of 29 families, 3 of whom were in attendance. Mr Patch outlined a number of concerns relating to noise nuisance, disorder and potential crime. Mr Patch stated that whilst understanding that the hotel runs a business, he expressed that the hours were unnecessary. It was identified that these issues arose largely in the summer months when the windows to the William Morris Suite were open to ventilate the room. Mr Patch suggested potential solutions to address these issues, such as double-glazing and installation of air conditioning to eliminate the need to open windows and therefore containing the noise. Mr Patch advised that if suggestions were implemented and if there was period of one year free from complaint, he would reconsider the objections submitted.

Richard Steele referred to the representation previously submitted and advised the Committee that he lived the furthest away from the hotel, but suffered noise pollution albeit intermittent. Mr Steele advised that in summer, he would hear the music and was able to identify band and tune. Mr Steele stated that he had lived at his property for 30 years and had complained to the hotel on numerous occasions and went on to confirm his opposition to the application.

Claire Babraff referred to the representation previously submitted and stated that she lived nearest to the hotel where her garden backed on to the William Morris Suite. Ms Babraff informed that she had lived at her property for 18 months with her young family, and was shocked by the intrusive noise from the hotel to the point where the family were unable to use their garden in summer and would need to put her child to bed before the music would start. Whilst expressing concern, Ms Babraff stated that she understood the hotel was a business, but felt that a compromise needed to be met so that the noise should not extend past the boundary of the hotel.

Members sought clarification from residents on the level of noise and whether complaints had been reported to the Police or Environmental Health team as no comments had been received from these authorities in this regard. Mr Steele advised that residents had complained directly to the hotel.

The Chairman sought clarification from the Licensing Officer on who is notified once an application is submitted. The Officer responded that a blue notice was displayed outside the premises for 28 days, it was published in the local newspaper and Responsible Authorities and local Ward Members were notified.

Andy Grimsey and Ms Wilma Gallagher (Hotel Manager) attended the Meeting, in support of the application, also addressing the Sub-Committee.

Andy Grimsey addressed the concerns raised and advised the Sub-Committee that residents had the opportunity to approach the Licensing Authority, Environmental Health, the Police, the hotel directly as well as the local Ward Member and that the Hearing was not their only opportunity to speak out. Mr

Grimsey also stated that historically only two complaints had been lodged with the hotel, and the current Manager had received only one complaint, in December 2016.

Mr Grimsey referred to photographs that had been submitted prior to the Hearing, depicting the car park, the rear of the hotel and the William Morris Suite. Mr Grimsey noted that the lack of detail in the representations provided did not meet the level of evidence required.

Mr Grimsey advised the Sub-Committee that the hotel held 30-40 weddings per year and approximately 12 Christmas parties. He noted that it was in the hotel's interest to control these events so that guests staying at the hotel were not disturbed. Mr Grimsey referred to a letter sent by the Manager to the Resident's Association outlining measures that would potentially alleviate concerns. The installation of air conditioning had been considered by the applicant, however Mr Grimsey advised that there was a considerable cost implication.

Wilma Gallagher, the Manager, addressed the Sub-Committee explaining that it was their wish for the premises to be a community hotel and had shown their support for Parish Council events. Ms Gallagher advised that the William Morris Suite had industrial fans and ensured that the DJ was not situated in the conservatory part of the Suite. The Sub-Committee was advised that the Duty Manager walked the boundary to assess noise levels and on a Friday and Saturday there was another member of staff on duty alongside the Duty Manager.

The Sub-Committee sought further clarification from the Mr Grimsey and Ms Gallagher with regards to the measures they were willing to implement and the monitoring of the noise limiter. Information and reassurance was provided by the Manager in this regard.

The Chairman invited representatives to sum up their representations.

Mr Grimsey stated the representations received from the residents did not meet the level for proving nuisance. He highlighted that the application was requesting an additional half an hour on Friday and Saturday. The measures put forward in the letter from the Manager to the residents were noted and furthermore Mr Grimsey advised that Environmental Health could issue a noise Abatement notice where a nuisance existed.

Ms Gallagher advised the Sub-Committee that she wanted the hotel to be part of the community and wished to work in collaboration with the neighbours.

The Sub-Committee retired from the Council Chamber to deliberate at 11.00am.

The Meeting reconvened at 11:35am.

**RESOLVED:-**

***That the application for the variation of a Premises Licence be granted, subject to conditions, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at "SMB1".***

The Meeting terminated at 11.45am.

COUNCILLOR MRS J PATTEN

CHAIRMAN