

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

Hearing Date 26.7.11

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

#### Report of the Head of Housing and Environmental Services

#### 1. PURPOSE

To consider an application for a premise licence received by this Authority on the 3<sup>rd</sup> June 2011 from Straw & Pearce Solicitors on behalf of applicant Sally Warrener.

The application is for a variation of a premises licence under the Licensing Act 2003, at the Melbourne View Hotel, Station Road, Melbourne, Derbyshire, DE73 8BR. The application is attached at **Appendix 1**.

Melbourne View Hotel currently holds a premise licence. Part A, including a plan, is attached at **Appendix 2**.

#### 2. BACKGROUND

- 2.1 On 6<sup>th</sup> July 2005, the original application for a premises licence under the Licensing Act 2003 was received from the previous owners Alan and Margaret Tomkins.
- 2.2 This application was granted under grandfather rights from the existing 'on licence'.
- 2.3 On 8<sup>th</sup> December 2005, Elmhirst Solicitors applied to transfer the premises licence and vary the designated premise supervisor on behalf of Sally Warrener.
- 2.4 The applicant is seeking to be granted a variation of this premise licence with times and types of licensable activities as indicated below in paragraph 4 relating to the new application details.

#### 3. EXISTING LICENCE

- 3.1 Licensable activities: Sale by retail of alcohol for consumption on the premises.
- 3.2 Times the licensable activities authorised:
  - Weekdays, other than Christmas Day and Good Friday 10.00hrs to 23.00hrs.
  - Sundays, other than Christmas Day and Good Friday Noon to 22.30hrs.
  - Christmas Day, Noon to 15.00hrs and 19.00hrs to 22.30hrs.

- New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

#### 4. NEW APPLICATION DETAILS

- 4.1 The proposed premises licence is seeking permission for:
- the provision of regulated entertainment for live and recorded music.
  - Provision of entertainment facilities for making music and dancing.
  - Supply of alcohol.
- 4.2 Timings requested for the proposed licensable activities are:
- Live Music 10.00hrs to Midnight (Indoors and Outdoors)
  - Recorded Music 10.00hrs to Midnight (Indoors)
  - Provision of facilities for making music 10.00hrs to Midnight (Indoors and Outdoors)
  - Provision of facilities for dancing 10.00hrs to Midnight (Indoors)
  - Supply of alcohol 10.00hrs until Midnight (Indoors and Outdoors)
- 4.3 The hours premises are open to the public will be: -
- Monday to Sunday 00.00hrs until 23.59hrs (no seasonal variations required)

#### 5. CONSULTATION RESPONSES

Derbyshire Constabulary -	No Representation
Derbyshire Fire Service -	No Representation
Derbyshire Social Services -	No Representation
Trading Standards -	No Representation
Environmental Health -	Representation regarding premise licence
SDDC Planning Authority -	No Representation
Health & Safety (SDDC) -	No Representation
Interested Parties -	Representation regarding premise licence

#### 6. COMMENTS

- 6.1 The hearing will proceed in accordance with the Council's Licensing procedure considered by the Licensing and Appeals Committee on the 11<sup>th</sup> July 2005.
- 6.2 The Licensing Objectives are matters that should be given paramount importance. Guidance issued under section 182 of the Licensing Act 2003 is available at **Appendix 3**.

The licensing objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance and
- The protection of children from harm

**6.3 The representation from Environmental Health is outlined below (the full representation is at Appendix 4):**

This application does not demonstrate sufficient noise control measures. There is a likelihood this variation may cause a nuisance to the occupants of the adjacent property. Officers of Environmental Health have experienced significant levels of noise emanating from the applicant's premises.

It is feared that the application fails to address the Public Nuisance objective as defined under the Licensing Act 2003.

The relevant factors in this particular case relate to concerns over the licensing objectives: -

- Prevention of Public Nuisance

**6.4 Aerial plans of the licensed premise and the neighbouring property are attached (Appendix 5).**

**6.5 The representation of Berwin, Leighton, Paisner Solicitors on behalf of Mrs Anne Chetwyn is outlined below (the full representation is at Appendix 6):**

This representation is submitted in relation to the licensing objective Public Nuisance. The solicitors' client's home and business is immediately adjacent to the applicant's premises.

The client has suffered over a period of time, from the effects of excessive music noise when functions and receptions are staged at the applicant's premises. The first problems occurred in August 2008 with the erection of a marquee at the applicant's property, and have continued since that time.

The client feels her business is suffering as a result of this noise.

The relevant factors in this particular case relate to concerns over the licensing objectives: -

- Prevention of Public Nuisance

The options open to the Sub-Committee are: -

1. Approve the application with no additional conditions attached.
2. Approve the application subject to modifications and/or add conditions, as the Authority considers necessary for the promotion of the Licensing Objectives.
3. To reject the application.

The applicant has been invited to attend the Sub-Committee hearing, together with their representative, and the interested parties.

## **APPENDICES**

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Melbourne View Hotel current Premise Licence
3. Guidance issued under section 182 of the Licensing Act 2003, in relation to licensing objectives.
4. Environmental Health representation.
5. Aerial view of properties.
6. Representation by Interested party.

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