

LICENSING AND APPEALS SUB-COMMITTEE

6th October 2016 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs Patten (Chairman), Councillor Mrs Plenderleith (Conservative Group) and Councillor Richards (Labour Group)

District Council Representatives

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

In attendance

Councillor Harrison (Conservative Group)

LAS/19 **APOLOGIES**

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

LAS/20 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/21 **DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE – KINARA RESTAURANT, CASTLE WAY, WILLINGTON, DERBYSHIRE, DE65 6BT.**

The Sub-Committee considered an application for a Premises Licence for Kinara Restaurant, Castle Way, Willington, Derbyshire, DE65 6BT.

RESOLVED:-

That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at “SMB1”.

LAS/22 **DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – AMALFI WHITE BAR AND RESTAURANT, DERBY ROAD, MELBOURNE, DERBYSHIRE, DE73 8FE.**

The Sub-Committee considered an application for the variation of a Premises Licence for Amalfi White Bar and Restaurant, Derby Road, Melbourne, Derbyshire, DE73 8FE.

The following individuals attended the Meeting and addressed the Sub-Committee.

Katie Austin referred to the representation previously submitted and further advised the Sub-Committee the premises had changed the nature of the original business. She stated the rubbish bins were not collected after 9am, as stated by the Applicant, and submitted a photograph showing bins being emptied whilst still dark. Ms Austin believed taxis should have a pick up and drop off zone away from the residents' properties. She went on to say bottle bins were emptied very late, up to 1am, which caused disturbance, as did staff smoking in the alleyway between the premises and properties.

Henry Hudson referred to the representation previously submitted and further advised the premises was operating after permitted hours and played video evidence to the Sub-Committee. Mr Hudson advised taxis were noisy and as it was a busy residential road, the level of activity at the front of the premises was a danger to the public. He advised there was no attempt from staff to move people on from outside the building. He advised the Sub-Committee the decision to buy a house close to a licensed premises was taken carefully. He went on to advise he had made complaints to the premises and did not believe staff addressed issues at the premises. He also stated the bins were emptied early morning and drinking outside continued until the early hours.

Rachael Everard referred to the representation previously submitted and further stated the premises were in a conservation area, she could hear song lyrics and speeches when weddings were held at the premises. She advised she had contacted both the premises and the Police. She stated the noise continued late into the night. Ms Everard advised she wished to speak as she believed the final comment in the statement submitted by the Applicant was inappropriate.

Sally James elected not to address the Sub-Committee verbally, referring to the representation previously submitted.

Jennifer Owen referred to the representation previously submitted and further stated the area at the front of the premises was a very small area, people smoked there and glasses were left there. She stated in the alleyway staff were loud. She advised she had lived at her property prior to the premises and they, therefore, needed to be considerate. Ms Owen advised her sleep was disturbed and she could hear vibrations from the premises. She advised she had been asked to complete log sheets by Environmental Health upon complaint. She further advised although there was a noise limiter in the ballroom, she could still hear music. She further highlighted issues with parking. She advised the Sub Committee she believed the problems would increase with increased hours.

Terry Potts advised he lived immediately next door to the premises. He informed the Sub-Committee he suffered from noise nuisance. He stated he lets his property out, which was becoming increasingly difficult. He advised the Sub Committee in 2013 he received a letter from the Applicant regarding the premises and how they would address any issues. He stated the Applicant appeared to be saying the same now. He advised he did not feel the management had any control over people leaving the premises and he would like to know what training they would have in managing the public. He believed the premises was becoming a nightclub environment, rather than a family restaurant.

Greg Smith advised his property was adjacent to the premises. He advised the Sub-Committee he experienced some of the same problems already described by residents. He highlighted he also suffered from noise from the beer garden and music being left on overnight. He advised he was woken by staff drinking in the garden at midnight. He advised his children were also disturbed. Mr Smith stated assurances had previously been made when the premises opened. He questioned the management and believed an extension of hours would make the situation more unbearable.

Steve Spear stated lack of representations from Responsible Authorities had not been helpful to the Sub-Committee, but complaints had been made to them. Mr Spear stated perhaps the Sub-Committee may wish to delay their decision. He went on to say he understood the Sub-Committee was in the hands of Responsible Authorities and they had a duty to act on their behalf. He further stated there was a duty to act consistently and believed there was a danger of escalation with neighbouring premises. Mr Spear advised music could be heard from the premises in South Street. He stated the front of the premises was an issue, as other premises did not spill out onto the street. He stated the Amalfi needed to be good neighbours. He felt when people were waiting for taxis, they should wait inside. He felt all of these were crucial issues.

Elizabeth Devey Smith and Mark Clayton attended the Meeting, in support of the application, also addressing the Sub-Committee.

Elizabeth Devey Smith advised the premises was a large building, had been there a long time and was now a well run restaurant. She advised the Sub Committee she was asking for extra hours for commercial viability of the business. She informed the Sub-Committee she employed 25 staff. Ms Devey Smith stated it was important to get a fair and equitable ruling. She advised the core business was weddings and due to current licensable hours, music has to stop. She advised weddings were important in terms of the success of the business. Ms Devey Smith advised she had addressed other issues in the statement submitted to the Sub-Committee. With regard to the emptying of bins, Ms Devey Smith believed it was difficult later due to school and work traffic. She also maintained bottle bins were not emptied late at night. Ms Devey Smith requested the Sub-Committee grant the hours as requested on her application.

Members raised queries relating to duty manager responsibilities, use of the garden area, last orders policy, the sound limiter, noise control, smoking at the premises, designated premises supervisor presence, front of house policy, taxi management, waste collection and communication with residents and other businesses in the area. Ms Devey Smith responded to the above queries.

Residents also raised queries relating to designated smoking areas, additional glazing, staff training, control of live music, noise management, fire procedures, monitoring of CCTV, use of bottle bins, communication and compliance issues with existing licence. Ms Devey Smith responded to the above queries.

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".

LAS/23 **DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – BROBOT PETROLEUM LTD, A28 SOUTHBOUND DERBY, EGGINTON, DERBYSHIRE, DE65 6GY.**

The Sub-Committee considered an application for the variation of a Premises Licence for Brobot Petroleum Ltd, A38 Southbound Derby, Egginton, Derbyshire, DE65 6GY.

Ms Sabrina Cader, representing Brobot Petroleum Ltd, attended the Meeting and addressed the Sub-Committee.

RESOLVED:-

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

The Meeting terminated at 2.30pm.

COUNCILLOR MRS J PATTEN

CHAIRMAN