

LICENSING AND APPEALS SUB-COMMITTEE

22 November 2022 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Rhind (Chair), Councillor Richards (Labour Group) and Councillor MacPherson (Independent Group).

District Council Representatives

Elisabeth Page - Principal Legal Officer
Emma McHugh – Senior Licensing Officer
Faye Norman - Licensing Officer
Donna Foster - Democratic Services Officer

Other Persons

Roger Lowe – Applicant
Matthew Harden
Mr and Mrs Hill

LAS/17 **APPOINTMENT OF CHAIR**

It was confirmed that Councillor Rhind was appointed as Chair for the Sub-Committee hearing.

LAS/18 **APOLOGIES**

The Sub-Committee was informed that no apologies have been received.

LAS/19 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/20 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – STABLE ALES**

The Chair introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representatives and all those present also introduced themselves.

The Chair outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the application for a variation of the Premises Licence under the Licensing Act 2003

The Applicant, Roger Lowe, attended the hearing in person

The Chair invited the Council's Licensing Representative to present the facts of the matter and an outline of the application with clarification provided by the Senior Licensing Officer.

The Sub-Committee, the Applicant, and the Other Persons had opportunity to ask questions of the Council's Licensing Representatives.

The Chair invited the Other Persons to submit their representations.

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representatives and the Applicant to put questions to them as well.

The Chairman invited the Applicant to make representations to the Sub-Committee.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representatives and the Other Persons to put questions to him as well.

The Chairman invited the Licensing Representative, the Other Persons and the Applicant to sum up their representations.

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

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, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee considered in detail the representations of the Council's Licensing Representatives, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to vary the Premises Licence as follows:

The variation of the Premises Licence is subject to

- ***the conditions attached to the Premises Licence***
- ***variation of condition 1 of Annex 3 as follows:***

The Premises Licence Holder shall comply with the Noise Management Strategy and any variation thereof. Any variation shall be approved by the Council's Licensing Section and Environmental Health Officers. The Premises Licence Holder shall provide a copy of the Strategy and any revisions of it, to the persons notified to the Premises Licence Holder by the Council.

- ***the deletion of the condition as agreed with the Licensing Officer.***

REASON FOR THE DECISION

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 Other Persons.

The Sub-Committee felt that it was reasonable and proportionate to vary the Premises Licence, subject to the Premises Licence conditions and varied condition specified, which is varied to specifically address the concerns raised.

The Sub Committee did not consider that deferring this application for a Review of the Premises Licence was reasonable or proportionate.

The Sub-Committee noted that no representations had been made by Responsible Authorities notably Environmental Health.

The Sub-Committee considered that the Council is actively investigating the complaints of noise nuisance made by the Other Persons which could lead to a Review application.

LAS/21 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

The Meeting terminated at 11:05hours.

COUNCILLOR RHIND

CHAIR