

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 22 November 2022

Contact Officer: Faye Norman

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

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

#### 1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by this Authority on the 26<sup>th</sup> September 2022 from Roger Lowe. The application is attached at **Appendix 1**.

#### 2. BACKGROUND

- 2.1 The applicant is seeking to vary the plan attached to the premises licence. A copy of the plan is attached as **Appendix 2**.

#### 3. APPLICATION DETAILS

- 3.1 The applicant is seeking to be granted a variation of the premises licence to add an adjoining premises to increase the internal seating/standing capacity by approximately 25-30 people as per the attached plan. No changes to the existing layout, conditions or hours are being requested.
- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section 16 of the application form.

#### 4. CONSULTATION RESPONSES

- 4.1 Representations were received from the Responsible Authorities.

Licensing Authority

Representation received during the 28-day consultation period. Full details can be found at **Appendix 3**.

- 4.2 Two representations were received from other persons.

Resident 1

Representation received during the 28-day consultation period. Full details can be found at **Appendix 4**.

Resident 2

Representation received during the 28-day consultation period. Full details can be found at **Appendix 5**.

## **5. AGREEMENT BETWEEN PARTIES**

5.1 The Licensing Authority has now agreed conditions with the applicant and have subsequently withdrawn their representation as shown at **Appendix 6**.

## **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 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. Application to vary a premises licence
2. Plan
3. Representation from the Licensing Authority
4. Representation from Resident 1
5. Representation from Resident 2
6. Withdrawn of representation by the Licensing Authority