

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3 Hearing Date: 20th May 2022

Contact Officer: Faye Norman

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

Applicant's Name	Roger Lowe
Premises Name	Melbourne Hall (Walled Garden)
Address	Melbourne Hall, Church Square, Melbourne, Derbyshire, DE73 8EN

1. PURPOSE

- 1.1 To determine an application to grant a premises licence received by this Authority on the 9th February 2022 from Roger Lowe. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a premises licence for films, live music, recorded music, performances of dance, anything of a similar description to live music, recorded music and performance of dance and the sale by retail of alcohol for consumption on and off the premises for the times stated in paragraph 3. The applicant is applying for a maximum of 42 event days between April and October with no more than 7 days allowed in each month and for no more than 4 consecutive days for events. Mr Lowe has also formally amended the application to clarify that the maximum capacity of the premises shall be 1000 people at any one-time including staff and performers.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
All Licensable Activities	Monday – Sunday	09.00hrs – 22.30hrs
Opening hours of the premises	Monday – Sunday	09.00hrs – 23.30hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M 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 2)**.

Environmental Health

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

- 4.2 15 representations were received from other persons during the 28 day consultation period. Full details can be found at **(Appendix 4 – 18)**.

5. AGREEMENT BETWEEN PARTIES

- 5.1 The Licensing Authority and Environmental Health have now agreed conditions with the applicant and have subsequently withdrawn their representations as shown at **(Appendix 19) & (Appendix 20)**

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. Premises Licence Application Received – Roger Lowe
2. Representation received – Licensing Authority
3. Representation received – Environmental Health
4. Representation received – Local Resident
5. Representation received – Local Resident
6. Representation received – Local Resident
7. Representation received – Local Resident
8. Representation received – Local Resident
9. Representation received – Local Resident
10. Representation received – Local Resident
11. Representation received – Local Resident
12. Representation received – Local Resident
13. Representation received – Local Resident
14. Representation received – Local Resident
15. Representation received – Local Resident
16. Representation received – Local Resident
17. Representation received – Local Resident
18. Representation received – Local Resident
19. Representation Withdrawn – Licensing Authority
20. Representation Withdrawn – Environmental Health