

COUNCIL – 16 OCTOBER 2018

REPORT OF THE LICENSING (LICENSING ACT) SUB-COMMITTEE

17 September 2018

Present: Councillors Ekins (Chairman), Aslam and V Waters.

Also present: Mrs A Wilcox (Principal Environmental Health Manager), Mr M O'Donnell (Team Leader Health Protection), Mrs A Walton-Miller (Legal Adviser/DistrictLaw) and Mrs C A Mundy (Democratic Services Officer).

(Councillor Griffiths and Miss J Thomas attended as observer for part of the meeting.)

The meeting commenced at 2pm.

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Ekins be appointed as chairman for this sub-committee.

2. DECLARATION OF INTEREST

There were no declarations made.

3. APPLICATION FOR A PREMISES LICENCE

The annexed circulated report of the director of place and strategic growth was received in relation to the determination of a premises licence for The Griffins Head, 28 Wilby Road, Mears Ashby.

The chairman welcomed the applicant and his Solicitor, Mr Sharif, and a number of residents from Mears Ashby to the meeting and introduced the sub-committee members and officers present.

The principal environmental health manager presented the report to the sub-committee. She explained that an application for a premises licence had been submitted under the Licensing Act 2003 to allow for the retail sale of alcohol, indoor sporting events, live music, recorded music, performance of dance and late night refreshment by T.H.E. Hospitality Limited for The Griffins Head, Mears Ashby.

Representations had been received from 18 interested parties, objecting to the granting of the licence on the grounds that the licensing objective, as prescribed by Section 4(2)(C) of the Act – the prevention of public nuisance – would not be met.

Representations had also been received from five interested parties in support of the application. No representations have been received from

any responsible authorities. She also explained that a number of further representations supporting the application had been received after the date for such submissions.

The application was appended to the report and the officer made particular reference to the request for non-standard timings for outdoor live and recorded music which is to cease at 9pm. Later timings for licensable activities have been requested for Christmas Eve, Boxing Day, Valentine's Day, St Patrick's Day, St George's Day and all bank holidays and Halloween.

Also appended to the report were the representations received from objectors who were concerned that if the licence was granted there would be additional noise with the provision of outdoor music and traffic and parking issues.

The five supporting representations were also appended to the report, these valued the input that the pub had on the well-being of the community. As previously mentioned a significant number of additional representations had been received after the consultation period but could not be included.

Following the receipt of the representations of concern the licensing officer had contacted the applicant to ascertain whether steps could be identified to liaise with all parties and promote the licensing objectives to ease the concern of the interested parties, but it had not been possible to reach an agreement that all parties were satisfied with.

She also explained that since deregulation live and recorded music could be played between 8am and 11pm and that this was no longer licensable. Should, however, a noise nuisance complaint be registered this could then become licensable.

The sub-committee needed to make a decision based on one or more of the licensing objectives of:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

The chairman thanked the principal environmental health manager for her report and asked the applicant if he wished to address the sub-committee.

Mr Sharif spoke and explained that the application had been submitted with the timings from the previous application and that there was no wish to cause undue concern to any local residents. The intention was to close at 11pm on Sunday through to Thursday and 12.30pm on Friday and Saturday nights.

The application for non-standard timings of 10am to 1.30am was only for special events such as Christmas Eve, Boxing Day, Valentine's Day, St Patrick's Day, St George's Day Halloween and bank holidays. It was not intended that these events would be any different to the ones that had previously been held. The pub was not suited to outside entertainment and this would only be considered in exceptional circumstances.

Reference was made to the flyer that had been circulated around the village which was incorrect and had caused much concern to residents unnecessarily.

He stressed that there had not been any complaints about the pub and that if the licence was not granted the village would lose an extremely valuable asset to the community. It employed local people, had a good reputation for providing excellent quality food which was how it promoted itself and was a good function place for local people.

The chairman thanked Mr Sharif and informed the sub-committee that four requests to speak had been received. He reminded those speaking that traffic and car parking issues could not be taken into consideration.

Mr Stockdale, who was the owner of the pub, Mr Payne and Mrs Parker all addressed the meeting giving their full support to the application for a licence for the pub. They considered that the pub was an excellent amenity in the village and essential for the community to come together and socialise. Very little noise emanated from the pub and this was evidenced by the fact there had been no complaints. It was considered that Mr Hewer and his Chef had been working hard to build its reputation for good food and it was becoming well known as a 'food destination' pub. The anonymous flyer, which had been circulated to villagers, contained misinformation and had caused distress to a number of people who had been encouraged to make representation without being aware of the correct facts.

Mr Hilton also addressed the sub-committee to address his concern purely over the possibility of outdoor music and potential noise nuisance, he was not against the pub being issued with a licence but he considered that a new application should be made for a temporary licence extension for each event so each could be decided on its merit.

The chairman thanked the speakers and asked the councilors if they wished to ask any questions.

Councillor Waters asked Mr Sharif to explain the sort of occasions when music or dancing could take place. Mr Sharif explained that days such as the Royal Wedding or a Village Celebration where customers wished to enjoy the food and ambience may be the sort of occasions. He also gave an assurance that the pub was always respectful of local residents and there was signage asking customers to leave the premises quietly.

Councillor Aslam asked if there was any security in the pub. Mr Sharif confirmed that there was no requirement for any security as it was a 'food destination' pub which was self-regulated.

The chairman adjourned the meeting at 2.45pm.

The meeting reconvened at 2.55pm.

DECISION:

RESOLVED that the licence be granted on the terms of the application.

REASONS FOR DECISION:

- (i) the sub-committee heard from the applicant personally and heard representations from four members of the public;
- (ii) the sub-committee took into account that no evidence had been put forward suggesting that there had been an issue with noise nuisance either recently or in the past;
- (iii) further, no objections had been received from responsible authorities;
- (iv) the sub-committee considered that there were no reasons in terms of the licensing objectives to refuse the licence or impose any additional conditions.

The meeting concluded at 3pm.

Chairman