



MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE Friday, 10 July 2020

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Mark Clifford and John Walker

OFFICERS: Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Solicitor) and Philippa Braithwaite (Democratic and Member Services Officer)

20.101 Declarations of Any Interests

There were no declarations of interest received.

20.102 Procedure

The procedure was noted.

20.103 Determination of Application to Vary a Premises Licence for the Little Inn on the Park, 4 Hallgate

The Licensing Sub-Committee considered the application to vary a premises licence under Section 34 of the Licensing Act 2003, to which relevant representations had been received.

The Applicant Samuel Wells was in attendance along with Wendy Boyd, the Applicant's Partner's Mother who was responsible for day-to-day running of the premises, and Environmental Health Officer Paul Lee was in attendance to make his representations to the Sub-Committee.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that the premises had benefitted from a premises licence since September 2013, and in December 2019 applications were received to transfer the premises licence and vary the designated premises supervisor at the premises into the name of the current licence holder. On 17 February 2020, an application to vary the premises licence was made by the licence holder seeking to replace the existing plan with an updated layout with new bar, extend permitted hours for licensable activity and opening hours, and proposing a number of additional measures as conditions in the operating schedule. It was understood that following consultation with Lancashire Constabulary, the Applicant agreed to a number of additional conditions.

On 09/03/20, a representation was received from an Environmental Health Officer regarding the likely effect of the grant of the variation on the promotion of the prevention of public nuisance objective. Members noted that no other relevant representations were received.

In response to Members' questions, it was noted that other than a noise complaint to Environmental Health in January 2020, no problems had been reported at the premises since the original licence was granted in 2013. The premises had changed since that time and was now a licenced café and was proposed to become a bar/pub in the evenings.

Wendy Boyd advised that the extension to Sunday hours was requested in order to be able to serve dinners with alcohol and close at a suitable hour. She stated that although the application requested an extension to 23.00, 22.00 would be acceptable. In response to a clarification from Members, Ms Boyd confirmed that the extension to hours for retail of alcohol and recorded music were a mistake and they were seeking to have overall weekly hours in line with Monday to Saturday to 23.00 and Sunday to 22.00 being suitable.

With regards to how the premises had mitigated the noise as a result of the complaint received in January, Ms Boyd confirmed that this had been a one-off lock in for a family party and they had not realised how the noise travelled. They had since spoken with the resident and if things were too loud music was turned off or people asked to leave. She also confirmed that lock ins had not happened since and would not happen again. She advised that no technology or soundproofing had been installed but had been looking into it recently and confirmed that they had another application with the Council to change the use of the premises from a café to a bar.

In response to questions from Environmental Health, Ms Boyd advised that bottles were kept in an outside wheelie bin unless it was too late in which case they were kept inside until the following morning. Kegs were also kept in the building.

Paul Lee from Environmental Health made his representations, which focussed on concerns based on his experience at other properties regarding the low level of insulation between the premises and surrounding flats and from disturbance from customers going outside to smoke. He advised that any insulation to dampen noise should be professionally installed.

In response to questions from Members, Mr Lee advised that no investigation had been carried out in relation to the noise complaint received in January as it hadn't progressed that far. He confirmed no investigations to judge likely impact on other neighbours had been carried out as these would only be done in response to a complaint being received. He confirmed no other complaints had been received and, to his knowledge, the premises had been operating (as far as possible during the lockdown period).

In summary, Mr Lee reiterated his concerns over the low level of insulation between the premises and residential properties and the impact this would have on noise nuisance. He also restated the possibility for smoke and noise nuisance from customers going outside.

Ms Boyd summarised by assuring the Sub-Committee that they wanted to work with the Council and with local residents and would comply with all conditions imposed on the licence (if the variation were to be granted) including consulting with an acoustic consultant.

The Licensing Sub-Committee carefully considered the applicant's written and verbal representations for the application to vary a premises licence, and have also taken into account all the representations both written and verbal that had been made by Environment Health who objected to the proposal.

Members noted that no responsible authorities had made representations about the application and the Applicant and Lancashire Constabulary had agreed additional conditions to be included onto the premises licence.

Whilst Members heard the issues raised by the Environmental Health Officers, there was no evidence to support that there had been an issue with noise relating to the disposal of bottles and from customers leaving the premises. Members also heard that the Environmental Health Officer had raised concern about the level of insulation in the premises but again no site investigations had been carried out in the premises to verify what insulation would be required. The Environmental Health Officer also raised concerns regarding smoking outside, however, there was no evidence based on this representation and no evidence to support that there was an issue with smoking. The issues raised by the Environmental Health Officer were based on experience from other premises, and not as a result of specific issues relating to the premises. Whilst the Environmental Health Officer had visited the premises and met with the Applicant and the Applicant's partner's mother who managed the premises during the day no investigations had been carried out on site.

Members noted that the Applicant had indicated to the Sub-Committee that they would do all they could to ensure that noise was kept to a minimum and acceptable standard and that they would consult with a specialist to ensure that the premises would comply. Members noted that they were keen to ensure that their business was successful and they wanted to ensure that they complied with the objectives of the licensing objectives.

This can be seen in particular by the agreement of the Applicant with Lancashire Constabulary to promote the licensing objectives, in particular, the crime and disorder objective, by the installation of the necessary CCTV equipment, reasonable management controls and procedures to be paramount, for the deterrence and prevention of crime and disorder.

Members noted that after the first noise complaint made on the 31 January 2020, the complaint was not taken any further and the matter was closed. Members considered the additional conditions proposed and agreed by Lancashire Constabulary and the Applicant subject to the amendments below are sufficient to meeting the licensing objectives. However, Members felt that the sale of alcohol Monday to Thursday should be kept the same.

The Sub-Committee have considered the amended guidance issued under Section 182 of the Licensing Act, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to within the report. The Sub-Committee also considered Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol of the Proportionality Principle and the changes to the Act that have been made by the Police Reform and Social Responsibility Act 2011.

Having held a hearing to consider the relevant representation, the Licensing Act 2003 Sub-Committee **DETERMINED to grant only part of the application and to modify**

the operating schedule. Members of the Sub-Committee decided to grant an extension to the terminal hours for the following licensable activities:

1. The Sub-Committee agreed the extension of permitted hours for licensable activity and opening hours as follows:

Activity	Day	Authorised Times
Playing of Recorded Music	Sunday - Thursday	11:00-22:00
	Friday- Saturday	11:00-23:00
	New Year's Eve	11:00-00:30
The sale by retail of alcohol	Sunday - Thursday	11:00-22:00
	Friday- Saturday	11:00-23:00
	New Year's Eve	11:00-00:30
Hours open to the public	Sunday - Thursday	11:00-22:30
	Friday- Saturday	11:00-23:30
	New Year's Eve	11:00-00:30

2. The Sub-Committee modified the operating schedule to include the conditions agreed between the applicant and Lancashire Constabulary which were included in the report at Appendix 3 of the report. A further condition, requiring signage to be placed in a prominent position at exits/ entrances to the premises, asking patrons to the premises to respect neighbours when outside of the premises, was imposed.

3. The Sub-Committee agreed to the amendments to the plan at Appendix 2b and varied the licence to include this new drawing. Agreed to replace the existing plan with an updated layout plan with the relocation of the new bar.

Members felt that the sale by retail of alcohol Monday to Thursday had to remain 11am – 10:00pm as this was appropriate for the residential setting of the premises, and as the applicant had not given a reason for requiring this to be later than it was currently.

Members were assured that the Applicant recognises that there are residential properties above them and reminded them of the need to be mindful of the nuisance noise can cause. The Sub-Committee suggests the Applicant carry out a noise assessment with an acoustic consultant within 6 months of this notice and take steps to implement noise mitigation measures as necessary. The Sub-Committee also suggests disposal of bottles and kegs take place during daytime hours to limit any noise nuisance to surrounding residents.

Chair

Date