

SOUTH LAKELAND DISTRICT COUNCIL

South Lakeland House, Kendal, Cumbria LA9 4UQ

www.southlakeland.gov.uk



**You are requested to attend a meeting of
the Licensing Committee
on Monday, 14 January 2019, at 2.00 p.m.
in the District Council Chamber, South Lakeland House,
Kendal**

Committee Membership

Councillors

James Airey
Rupert Audland
Pat Bell
Alvin Finch
Tom Harvey
Hazel Hodgson
John Holmes
Kevin Holmes
Helen Irving
Andrew Jarvis
Dave Khan
Helen Ladhams (Chairman)
Jon Owen
Doug Rathbone
David Webster

Note – Where relevant, agendas for Members are labelled “Private Document Pack” and contain exempt information within the papers. Any relevant pages are marked as restricted within Agendas labelled “Public Document Pack”.

Thursday, 3 January 2019

Debbie Storr, Director of Policy and Resources (Monitoring Officer)

For all enquiries, please contact:-

Committee Administrator: Committee Services

Telephone: 01539 733333

e-mail: committeeservices@southlakeland.gov.uk



AGENDA

Page Nos.

PART I

1 APOLOGIES

To receive apologies for absence, if any.

2 MINUTES

To authorise the Chairman to sign, as a correct record, the minutes of the meeting of the Committee held on 5 November 2018 (copy attached).

5 - 6

3 MINUTES OF LICENSING SUB-COMMITTEES

To receive the minutes of the two meetings of Licensing Sub-Committees held on 19 October 2018 and 12 December 2018 (copies attached) and for the Chairmen of the appropriate Sub-Committees to sign, as correct records.

7 - 18

4 DECLARATIONS OF INTEREST

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

5 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

6 PUBLIC PARTICIPATION

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 0:01am (one minute past midnight) two working days before the meeting. Information on how to make the application can be obtained by viewing the Council's Website www.southlakeland.gov.uk or by contacting the Committee Services Team on 01539 733333.

(1) Questions and Representations

To receive any questions or representations which have been received from members of the public.

(2) Deputations and Petitions

To receive any deputations or petitions which have been received from members of the public.

7 2019/20 TO 2023/24 DRAFT BUDGET

19 - 24

To note the draft budget estimates for the financial years 2019/20 to 2023/24 prior to their submission to Council as part of the final budget report.

PART II

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There are no items in this Part of the Agenda.

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LICENSING COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Committee held in the District Council Chamber, South Lakeland House, on Monday, 5 November 2018, at 2.47 p.m.

Present

Councillors

Helen Ladhams (Chairman)
Andrew Jarvis (Vice-Chairman)

James Airey
Rupert Audland
Pat Bell
Alvin Finch

Tom Harvey
Hazel Hodgson
John Holmes
Kevin Holmes

Dave Khan
Doug Rathbone
David Webster

Officers

Una Bell	Assistant Committee Services Officer
Sean Hall	Principal Environmental Protection Officer
Anthea Lowe	Solicitor to the Council
Joe Marriott	Environmental Protection Officer

L/13 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 20 August 2018.

L/14 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the two meetings of the Licensing Sub-Committees held on 17 September 2018 be received and the Chairmen of the relevant Sub-Committees be authorised to sign as correct records.

L/15 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

L/16 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the Agenda.

L/17 PUBLIC PARTICIPATION

RESOLVED – That it be noted that no questions, representations, deputations or petitions have been received in respect of this meeting.

L/18**REVIEW OF LICENSING FEES AND CHARGES 2019/2020 AND DRAFT BUDGET**

The Principal Environmental Protection Officer presented a report which outlined the review of the Licensing Fees and Charges 2019/2020 and the draft budget for the service area.

The report also having been considered at the meeting of the Licensing Regulatory Committee held immediately prior to the meeting of the Licensing Committee, when the same Members were present, it was

RESOLVED – That

- (1) the recommended fees for the financial year 2019/20, as set out in Appendix 1 to the report, and subject to approval by Council as part of the final budget-setting process, be endorsed; and
- (2) the following be noted:-
 - (a) the nationally-set fees for 2019/20 as set out in Appendix 2 to the report; and
 - (b) the latest draft budget estimates including the fees and charges for 2019/20 as set out in Appendix 1 to the report, prior to submission to Council for approval as part of the final budget report.

The meeting ended at 2.49 p.m.

LICENSING SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Sub-Committee held in the District Council Chamber, South Lakeland House, on Friday, 19 October 2018, at 10.30 a.m.

Present

Councillors

Hazel Hodgson

John Holmes

Helen Ladhams

Officers

Una Bell

Assistant Committee Services Officer

Patrick Cantley

Licensing Officer

Anthea Lowe

Solicitor to the Council

LS/20 ELECTION OF CHAIRMAN

RESOLVED – That Councillor Helen Ladhams be elected Chairman for the meeting.

LS/21 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

There were no apologies and there were no changes in the membership of the Sub-Committee and, therefore, no reconstitution was necessary.

LS/22 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

LS/23 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the agenda.

LS/24 INTRODUCTIONS

The Chairman made introductions and read out the procedure for the meeting.

LS/25 APPLICATION FOR PREMISES LICENCE: 5 CAVENDISH STREET, ULVERSTON

The Licensing Officer presented a report which requested consideration of an application for a premises licence in respect of 5 Cavendish Street, Ulverston, in the light of representations which had been submitted by interested parties. Members' attention was drawn to the late representation regarding a sound insulation and external noise report, which had been circulated prior to the meeting.

Mr Mark Bates, the joint applicant, presented his case. He informed Members that the ethos of a micropub was to serve a limited selection of alcohol, mainly cask ales, to a small customer base and he confirmed that they would not be serving spirits, alcopops or strong lager. He stated that he and his wife were not part of a faceless multi-national brand and they were passionate about this venture and had spent six months planning it. He felt they were part of the community and had been deeply upset by the representations

and the suggestion that there would be debauchery and drunken behaviour. He informed the Members that the micropub would use Cumbrian brewers and local suppliers for the small selection of bar snacks which would be on offer and he highlighted the proposed opening hours. He stated that he felt it was noteworthy that no representations had been received from responsible authorities and that only nine residents had submitted representations. He went on to address a number of concerns which had been raised within the representations particularly in regard to noise generation. He informed the Members that deliveries would not be made by large dray lorries, the premises licence application had not included live or recorded music, there would be no mechanical ventilation or extraction used and refuse collection arrangements would be the same as those of the previous occupier, the World Peace Cafe. He went on to explain that the size of the smoking area would limit the number of smokers it would hold and therefore it would be unlikely to cause a noise nuisance and there would be no access from the smoking area to Rack Alley at the rear of the property.

The applicant answered questions from the Members and highlighted the noise report which had been included in the agenda pack. He stated that he did not feel that the addition of accommodation at the premises would cause additional nuisance to the neighbouring properties and that there was ample free parking within the vicinity. He clarified that small delivery vans would deliver casks of beer and there would be no large kegs delivered to the premises.

The Solicitor to the Council advised Members that the bed and breakfast accommodation and parking provision were not for consideration as part of the application for a premises licence.

Mr John Blackmore-Tucker, a local resident, addressed the Sub-Committee and made reference to the noise report and highlighted his concerns regarding the noise nuisance which could be caused to local residents particularly from those congregating in the smoking area. He informed the Members that the properties in the vicinity were in a conservation area and consequently the windows of these properties were single glazed. He requested permission from the Chair of the Sub-Committee to distribute photographs which showed the general street scene and the smoking area and its proximity to neighbouring properties. Members of the Sub-Committee took a moment to study the photographs.

The applicant answered further questions in relation to noise from the smoking area and explained how he would address the concerns of local residents, particularly those with young children. He confirmed that the smoking area would be closed at 22.00hrs, the area would be monitored and prominent notices would be placed to ask patrons to be considerate of neighbours.

The applicant answered questions directed through the Chair of the Sub-Committee from Mr Ramsey Barker, a local resident and Councillor Mark Wilson, Ward Councillor for Ulverston East. The applicant stated that he anticipated that the micropub would attract a small customer base but he would be happy to serve larger groups of people visiting the area. He explained that he was familiar with the BarWatch Scheme in Ulverston but had not attended any meetings of Ulverston Town Council.

Councillor Wilson went on to inform the Sub-Committee that areas of Ulverston were becoming a densely populated residential areas and that the residents he was representing felt that the micropub was in the wrong area. He made reference to the photographs which had been distributed earlier and explained that situated to the back of the premises was Rack Alley, which was an old rope walk less than six feet wide, and that having a bar there was too close to where local residents and children would be sleeping

and that smells and noise would carry. He stated that on festival days he had witnessed people urinating in Queen Street and Rack Alley and this was not an area to introduce more people to.

Christina Balmer, a local resident, addressed the Sub-Committee. She stated that her greatest concern was that of the outside smoking area and the noise disruption this would cause. She explained that having a micropub open from 10.00hrs to 23.00hrs everyday would have a massive negative impact on local residents.

Mr Ramsey Barker addressed the Sub-Committee and informed them that the premises licence application had been displayed on a side window of the property and not the front window and a number of residents had questioned why they had not been notified of the application by the local authority. Mr Barker stated that Cavendish Street was a main thoroughfare to and from Ulverston train station and that the proposed micropub would be the first and last port of call for train users drinking in Ulverston.

Mr Blackmore-Tucker reiterated his concerns regarding the rear smoking area and its proximity to local residents' gardens and windows. In addition he voiced his concerns regarding the congregation of patrons in the large open doorway of the premises and the potential of children being at risk of hearing inappropriate conversations and potential disturbances at closing time.

Mr Kevin Silver, a local resident, informed the Sub-Committee that most of his concerns had been raised in the representations which had already been made. However, he wished to reiterate his main concerns which were the rear smoking area and the impact this would have on his living conditions and that he felt the applicant did not realise the impact on the area caused by the volume of people who attended festivals in the town.

Mr Kevin Silver, in his closing statement to the Sub-Committee, stated that many of the neighbours did not want a licenced premises on the street and that a coffee house would be more appropriate.

Mr Blackmore-Tucker, in his closing statement, informed the Sub-Committee that he echoed the comments made by Mr Silver and he stated that a bar on Cavendish Street would have a negative impact on his way of life and undermine the quality of his home life.

Mr Ramsey Barker, in his closing statement to the Sub-Committee, urged the Members to consider the photographs which had been submitted and the possibility of people congregating in the large doorway within the curtilage of the premises.

Mrs Christina Balmer, in her closing statement to the Sub-Committee, asked the Members to consider the residents who had made representations and the impact the premises would have on their lives.

Councillor Wilson made a closing statement to the Sub-Committee and stated that he felt micropubs and breweries seemed to be making alcohol stronger than ever which was contrary to health and wellbeing voluntary agreements. He concluded by informing the Sub-Committee that he supported the residents and objectors.

Mrs Cheryl Bates, the joint applicant made a closing statement to the Sub-Committee. She wished to assure all parties who had made representations, that she and her husband had thought carefully about their premises licence application, particularly as the premises was within an residential and business area and that they had carried out extensive research to enable them to make an informed decision about what could and just would not work in the area.

Mrs Bates went on to confirm that loud music, sports TV, games machines would never be present in the micropub and she reiterated that a micropub was not about the size of the pub but it was about the range and quality of alcoholic beverages which would be served. The micropub would sell real ale, real cider, wine and prosecco with soft drinks and tea and coffee also being available. The clientele would be reminded to respect the neighbours whilst entering and leaving the premises and when using the outdoor smoking area. The outdoor area would be closed at 22.00hrs and Rack Alley would never be accessible from the rear smoking area. Deliveries to the premises would be in small vans and refuse collection would be no different to existing arrangements. She explained that for clientele using taxis to leave the premises they would recommend that pick-ups would be made away from Cavendish Street and further down into the town area. She concluded by stating that by opening up the empty building they hoped to add to the area in offering a friendly addition to the night scene. In addition there would be economic growth as people came into the area. They would use local tradesmen to refurbish the property and produce from local suppliers. They anticipated, that as members of CAMRA (Campaign for Real Ale), the micropub would attract educated drinkers and clientele.

Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public in making its decision, pursuant to Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated:-

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Sub-Committee, supported by the Solicitor to the Council, then withdrew to consider the circumstances put forward.

The meeting reconvened at 1.09 p.m. and the Chair of the Sub-Committee asked the Solicitor to the Council to communicate the Sub-Committee's decision.

The Solicitor to the Council stated that the Sub-Committee had considered all of the evidence provided both orally and in writing. This included all representations made by all parties at the hearing. Full consideration had been given to the location of the premises, the written objections received and the oral representations relating to the possible effect the grant of the licence may cause to public nuisance and increased noise and disturbance.

RESOLVED – That the application be approved for the following activities:-

Supply of alcohol:-

Sunday to Thursday 10:00 to 22:00

Friday & Saturday 10:00 to 23:00

New Year's Eve 10:00 to 01:00 the following day.

Subject to the mandatory conditions together with the conditions outlined below:-

- (1) An incident book to be kept to record refusals to serve alcohol, age related incidents and anything else that may undermines the licensing objectives.
- (2) The establishment shall ensure that CCTV is in place, operational and recording whenever the premises are open for business. CCTV recordings shall be retained for at least 7 days and provided to any Responsible Authority requesting them.
- (3) No deliveries or waste collections shall take place between 19.00 and 08:00.

- (4) No access to the smoking area shall be permitted after 22:00 Sunday to Saturday or after 01:00 the following day on New Years' Eve.
- (5) All doors and windows are to be kept closed except for access and egress after 21:00.
- (6) No open drinking receptacles or containers to be permitted outside the premises (save for the outdoor smoking area).
- (7) The establishment shall ensure that it displays clear signage in visible points throughout the premises, and at all access and egress points, addressing the following:-
 - a. That the outside smoking area is not to be used as a beer garden;
 - b. That customers should exit the premises quietly; and
 - c. That customers should have regard to the premises' situation within a residential area.
- (8) The establishment shall operate a 'Challenge 25' policy.
- (9) The policy will require any person who appears to be under the age of 25 to provide identification that proves they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
 - A Passport; -
 - A UK Photocard Driving Licence;
 - Official ID card issued by HM Forces or EU bearing a photograph and the date and birth of the holder; or
 - Any other forms of identification agreed with a representative of the Police Licensing Unit.
- (10) All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals. Said training will be documented and will be made available to an authorised officer upon request.

Note – The Parties were informed of their right to appeal to the Magistrates Court within 21 days of notification of the decision.

The meeting ended at 1.13 p.m.

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LICENSING SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Sub-Committee held in the District Council Chamber - South Lakeland House, on Wednesday, 12 December 2018, at 2.30 p.m.

Present

Councillors

John Holmes

Kevin Holmes

David Webster

Officers

Inge Booth

Senior Committee Services Officer

Anthea Lowe

Solicitor to the Council

Karen Partington

Licensing Officer

Fraser Robertson

Senior Communications Officer

LS/26 ELECTION OF CHAIRMAN

RESOLVED – That Councillor John Holmes be elected Chairman for the meeting.

LS/27 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

There being no apologies for absence, no reconstitution of membership was necessary.

LS/28 INTRODUCTIONS

The Chairman made introductions and read out the procedure for the meeting.

LS/29 DECLARATIONS OF INTEREST

REESOLVED - That it be noted that no declarations of interest were raised.

LS/30 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the agenda.

LS/31 APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - ASDA STORES LIMITED, KENDAL

The Licensing Officer presented a report which requested consideration of an application for a variation to a premises licence in respect of Asda Stores, Kendal. She provided details of the consultation which had taken place as set out in the report, and advised that, whilst there had been no responses received from any of the Responsible Authorities, one had been received from local residents, Mr and Mrs Williams, raising concerns with regard to the effect of the variation on the licensing objective pertaining to “The Prevention of Public Nuisance”, as attached at Appendix B to the report. This had been brought to the attention of the applicant whose solicitor had written to the representatives to provide clarity on the application, as attached at Appendix C to the report, however, the representatives had not subsequently withdrawn their objection. In response to a query raised by a Member, the Licensing Officer clarified that no meeting had taken place between the applicant or their solicitor and the representatives.

The applicant's solicitor, Clare Johnson, was present, together with Mark Swift, Manager of the Asda, Kendal Store.

Ms Johnson provided details of the Asda Kendal Store's current licensable activities and explained that the application was for an increase to 24 hours each day of the week for the sale of alcohol, which equated to an increase in only nine hours. The application stemmed from the fact that the store could not currently sell alcohol until 8.00 a.m. on a Monday and a desire to operate earlier on Christmas Eve, which would fall on a Monday this year, and on weekdays for a number of forthcoming years.

The application was also for a variation for 24 hour opening and for late night refreshments from the hours of 23:00 to 05:00.

Ms Johnson referred to the concerns raised by the representatives with regard to the sale of late night refreshments between the hours of 23:00 and 05:00. She advised that there was currently no intention to open the café during these hours but that the application was to enable the sale of, for example, hot chicken and sausage rolls, as well as hot drinks. She pointed out that hot chickens were currently sold until 21:00 hours.

Ms Johnson pointed out that Asda operated many such licences and informed the Sub-Committee that she had acted for the company for 14 years during which time there had been no issues or reviews carried out as a result of the Licensing Act. Asda acted in some challenging areas and there had been no adverse reports, despite the sale of late night refreshments.

Ms Johnson provided details with regard to Challenge 25 and on how the company strictly adhered to the scheme. She referred to the training provided by Asda to its staff and explained that an independent company was used to carry out test purchases.

Ms Johnson informed the Sub-Committee about the CCTV system at the Asda Kendal Store and highlighted the fact that no issues had been raised in this regard by the Police. Nothing had been heard from Environmental Health on the subject of public nuisance within the area. Ms Johnson further drew attention to the fact that, despite Mrs Williams' statement that she had endured countless acts of public nuisance over the past 15 year and met with Environmental Health and the Police in this regard, there had been no objections received from any of the Responsible Authorities.

Ms Johnson referred to the objectors' comments with regard to the prevention of harm to children and the need for additional conditions, however, pointed out that those currently in place were sufficient in the absence of evidence to the contrary. Again, the Responsible Authorities had not requested additional conditions in this regard.

Ms Johnson addressed the objectors' concerns regarding public nuisance about which nothing had been raised by the Responsible Authorities. Ms Johnson reiterated the fact that there was currently no intention for the café to remain open all night. She considered that the objectors' comments in this regard were purely speculative and suggested that they would be able to apply for a review of the premises licence should problems arise.

Ms Johnson disputed the objectors' comments on litter and debris from Asda customers and advised that staff regularly cleared litter from the property. Ms Johnson made reference to the Council recycling area and informed the Sub-Committee that Asda staff ensured that this area was clear following the emptying of the bins. In addition, although not on its land, Asda had recently managed trees which had fallen into the nearby river creating a dam.

On the topic of public safety, Ms Johnson said that, although the Manager had approached a group of youths on one occasion some four months ago to ask them to leave the area where they were gathering before setting off together, there had not been any issues with “boy racers” in the area.

Ms Johnson closed by saying that this was a responsible application from a company with an excellent reputation and vast experience in operating licences.

In response to a query raised by a Member, the Licensing Officer confirmed that the text on page 15 of the report referred to Asda’s current premises licence.

Members put questions to the applicant’s solicitor. In response, Ms Johnson reiterated that there were currently no plans to operate the café throughout the night. Customers wishing to purchase a hot drink paid for a cup at the checkout and then filled it at the vending machine, which was the method by which Asda sold late night refreshments. Self-sufficient vending machines were, in fact, exempt from the licensing requirements. Ms Johnson clarified that the hot food such as chickens and sausage rolls would be served at the deli counter. This was currently carried out until 21:00 hours. Bread baking commenced at 05:00 hours and, if brought forward by half an hour, would require a licence. Ms Johnson informed the Sub-Committee that there had been an issue with regard to parked lorries in the past due to refrigeration units being left running, which the Manager had addressed. She pointed out, however, that this should not affect the objectors whose property was not near the delivery area. Those who were likely to be affected were the residents in the flats behind Asda, however, the issue had nothing to do with Asda’s licensable activities. Ms Johnson explained that Asda could only open for six hours on a Sunday under trading legislation. The store would, however, open until midnight on a Saturday. The application was for 24 hour opening so that, should Sunday legislation change, then the company would not have to come back for a further variation which was an expensive process. With regard to the objectors’ comments about CCTV not working, Ms Johnson believed that if there was an issue, then the Police would have sought an explicit CCTV condition. Ms Johnson clarified that Asda wished to open the Kendal Store at one minute past midnight on Monday, 24 December 2018, however, was unsure as to whether the company would choose to open at this time every Monday. The store currently opened at 07:00 hours on a Monday, with the sale of alcohol commencing at 08:00 hours.

There being no further questions, Ms Johnson summarised by saying that the variation was, in effect, for nine additional hours for the supply of alcohol, plus late night refreshment. Evidence was that Asda had been running the store effectively for 24 hours a day for many years, and only one objection had been received in respect of the application, which provided no evidence, nor was it supported by the responsible authorities. She referred to Home Office guidance stating that an application should be determined based on appropriate evidence and not on speculation. Ms Johnson appreciated the objectors’ concerns, however, reminded Members that Asda operated successfully in far more challenging areas. She also drew attention to the fact that, should the application be granted and any issues arise in the future, the objectors would be able to raise objections and seek a review.

Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public in making its decision, pursuant to Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraph indicated:-

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Sub-Committee, supported by the Solicitor to the Council, then withdrew, at 3.05 p.m., to consider the circumstances put forward.

The meeting reconvened at 3.25 p.m., and the Chairman of the Sub-Committee asked the Solicitor to the Council to communicate the Sub-Committee's decision.

The Solicitor to the Council stated that the Sub-Committee had considered all of the evidence provided, both orally and in writing. This included the representations made by all parties at the Sub-Committee meeting.

RESOLVED – That the application for the variation to the Premises Licence in respect of Asda Stores, Kendal, be granted for the following activities:-

Late Night Refreshment	Monday to Sunday	23:00 hours to 05:00 hours
Supply of Alcohol	Monday to Sunday	00:00 hours to 24:00 hours
Premises Open Hours	Monday to Sunday	00:00 hours to 24:00 hours

In reaching the decision, the Sub-Committee had regard to the following facts:-

That the applicant is a national retailer that, evidence would suggest, generally appears to operate its stores in accordance with the licensing regime.

That no representations were received from any of the Responsible Authorities despite the fact that the objectors had been in contact with them over a 15 year period regarding issues that they believed amounted to nuisance and/or crime and disorder.

Members formed the view that this indicated that there was no evidence to support the suggestion that the applicant was unable to uphold the licensing objectives.

Members of the Sub-Committee also noted that the extra licensing hours requested within the application were relatively minor.

Members also considered the content of the objection from Mr and Mrs Williams and the concerns raised therein. Members noted the request that CCTV should be a subject of condition but, given that the applicant already operated a CCTV system, this seemed neither necessary nor appropriate. On consideration, Members felt that existing data protection legislation provided adequate safeguards for members of the public to gain access to CCTV footage from the premises through the appropriate authorities, should the need arise.

The Panel also felt that there was no evidence provided by the objectors to support the submissions made within their representations.

It was also noted that, except for Mr and Mrs Williams, no other residents had entered an objection.

The Members of the Sub-Committee had regard to the Council's Statement of Licensing Policy and the statutory guidance issued under the Licensing Act 2003 updated April 2018, especially to those paragraphs referred to within the officers' report. Notably, in relation to the matter of crime and disorder, Members considered that the guidance states Licensing Authorities should look to the police as the main source of advice on crime and disorder. It was noted that no representation had been received from Cumbria Constabulary.

The Panel also considered paragraph 2.16 which sets out what might constitute a public nuisance. Additionally, paragraph 2.15 requires Members to consider the effect of licensable activities on persons living and working in the area. Notwithstanding the contents of the objection, Members were unable to identify any evidence, based upon the information provided to the Sub-Committee, to support a suggestion that the licensable activities would have a negative effect on those living/working in the area.

Having had regard to the Licensing Objectives, the reasons for reaching this decision were:-

There was a lack of evidence to support any concerns.

The information provided during the Sub-Committee meeting showed evidence of good quality staff training in relation to alcohol sales.

There was no evidence from any responsible authority to suggest a different decision should have been reached.

Members were also mindful that, if any issues did arise (supported by evidence), it was open to any interested party to apply for a review of the premises licence.

Note – All present were notified that the decision would be confirmed in writing within the next few days and of the right to appeal to the Magistrates' Court within 21 days of notification of the decision.

The meeting ended at 3.30 p.m.

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South Lakeland District Council
Licensing Committee
Licensing Regulatory Committee
Monday, 14 January 2019
2019/20 to 2023/24 Draft Budget

Portfolio:	Andrew Jarvis - Finance Portfolio Holder
Report from:	Shelagh McGregor - Assistant Director Resources (Section 151 Officer)
Report Author:	Helen Smith – Financial Services Manager
Wards:	(All Wards);
Forward Plan:	Budget and Policy Framework Decision included in the Forward Plan as published on 2 October 2018

1.0 Expected Outcome

- 1.1 It is expected that the budgets for licensing services will be approved by full Council on 26 February 2019, as part of the overall 2019/20 to 2023/24 Budget. This report gives Licensing Committee the opportunity to consider the funding available to deliver their services.

2.0 Recommendation

- 2.1 It is recommended that the Licensing Committee note the latest draft estimates.**

3.0 Background and Proposals

- 3.1 Licensing Committee and Licensing Regulatory Committee reviewed licensing fees and charges and indicative budgets for 2019/20 onwards based on the Medium Term Financial Plan on 5 November 2018. Fees were agreed to meet statutory requirements.
- 3.2 The latest draft revenue budgets for 2019/20 to 2023/24 are attached at **Appendix 1**. These will form part of the overall Draft Revenue Budget due to be presented to Council for consideration and approval on the 26 February 2019.
- 3.3 The Draft Budget Report considered by Council on the 18 December 2018 showed a balanced position corporately for 2019/20. The detailed budget relating to Licensing Committee, presented in **Appendix 1**, represents no change in the level of service provision from 2018/19. The estimates have changed year on year, the main reasons being:
- Incremental progression on salary costs and the pay award;
 - Unavoidable inflation on costs (e.g. premises costs);
 - Review of base expenditure for cost reductions;
 - Income from fees and charges in line with the fees agreed on 5 November 2018.

- 3.4 A significant proportion of the licences issued by the Council are based on cost recovery. Historically, some licence fees were not covering the full costs and those costs have not been fully recovered for a number of years. Currently there is a programme of ongoing review of internal recharges, review of other costs such as raw material (licence plates) as well as reviewing wider issues such as reviewing the service as part of the Customer Connect programme with a view to making the services digital by default. Such a review will incorporate the reviewing of process, a new digital platform and staff required to deliver the service. These measures have been deemed the most viable to steadily address the balance between service and expenditure. Fees have been calculated with due regards to the requirements of the Provision of Services Regulations 2009 for them to be reasonable and proportionate and not to exceed the cost of service delivery.

4.0 Consultation

- 4.1 The Draft Budget has been considered by Cabinet on 28 November 2018 and Council on 18 December 2018. It will also be considered by Lake Administration and Planning Committees will receive and consider the elements of the draft Budget Report which are relevant to them. The Overview and Scrutiny Committee will be asked to consider the 18 December Council first draft Budget Report at its January 2019 meeting.

5.0 Alternative Options

- 5.1 This overall Draft Budget presents options in relation to potential budget pressures and savings, new capital programme bids, one off revenue growth bids and fees and charges. The proposals together aim to meet the Council's statutory duty to set a balanced Budget for 2019/20. No alternative options are proposed in this report.

6.0 Links to Council Priorities

- 6.1 This report sets out the draft Budget to enable the consideration of how the Council's priorities will be delivered. Setting a sound framework for budget preparation assists in the delivery of all corporate outcomes. This strategy has been developed within the context of the MTFP.

7.0 Implications

Financial, Resources and Procurement

- 7.1 The draft Budget aims to safeguard the Council's financial position and ensure a balanced budget for 2019/20 and an improved position in the years that follow.
- 7.2 Licensing Committee and Licensing Regulatory Committee considered fees and charges and initial draft budget proposals at their meeting of 5 November 2018. The proposed fees reflected service demand, the need for public protection and statutory requirements.

Human Resources

- 7.3 This report has no direct impact on the staffing of the Council; individual savings and growth proposals may have direct staffing implications.

Legal

- 7.4 This report has no direct legal implications at this stage but individual proposals resulting from this report may have direct legal implications.

Health, Social, Economic and Environmental

- 7.5 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

7.6 If you have not completed an Impact Assessment, please explain your reasons: This report contains proposals to set a balanced budget for 2019/20 which will be subject to further consultation. Specific issues that require HSEEIAs will be addressed within the final budget proposals presented to Council 26 February 2019.

Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No

7.8 If you have not completed an Impact Assessment, please explain your reasons: This report contains proposals to set a balanced budget for 2019/20 which will be subject to further consultation. Specific issues that require EIAs will be addressed within the final budget proposals presented to Council 26 February 2019.

Risk

Risk	Consequence	Controls required
Failure to create a balanced and sustainable budget by February 2018	Includes: inability to deliver corporate priorities, inappropriate spending, and inappropriate reductions in services.	Identification of sound budget guidelines in an agreed strategy reduces the risk of an unaffordable budget and/or precipitate budget reductions. Monitoring of progress against the budget timetable reduces the need for last-minute budget adjustments.
Revenue budget and Capital Programme may not be integrated and aligned with Council Plan.	Resources not directed to achieving corporate outcomes, leading to inappropriate spending.	Both the revenue budget and the Capital Programme are now embedded in the corporate planning cycle. All revenue budgets and capital programme schemes are linked to Council plan priorities
Failure to set appropriate fees and charges for licenses	Reduced income for work undertaken and insufficient income to cover the cost of operating the licensing service. Potential legal challenge, increased costs and reputational damage.	Bring current fees in line with MTFP while ensuring they meet statutory requirements. Further controls planned to streamline administration burdens and review services to provide budgetary savings in licensing.

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Draft Budgets 2019/20 – 2023/24

Background Documents Available

Name of Background document	Where it is available
Medium Term Financial Plan approved Council 24 July 2018	https://tinyurl.com/ya988w5b

Review of Licensing Fees and Charges 2019/20 and Draft Budget, Licensing Committee and Licensing Regulatory Committee 5 November 2018	https://tinyurl.com/y9jqmyuw
2019/20 to 2023/24 Draft Budget, Council 18 December 2018	https://tinyurl.com/y9uhd7j2

Tracking Information

Signed off by	Date sent
Legal Services	2/1/2019
Section 151 Officer	2/1/2019
Monitoring Officer	2/1/2019
SMT	N/A

Circulated to	Date sent
Assistant Director	2/1/2019
Human Resources Manager	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	28/11/2018
Council	18/12/2018

The purpose of this section is to set out the detailed service budgets

2018/19 Approved £000	2018/19 Current £000		2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Hackney Carriage Licences							
		Direct Expenditure	0.0	0.0	0.0	0.0	0.0
0.0	0.0	Employees	0.0	0.0	0.0	0.0	0.0
0.0	0.0	Transport	0.0	0.0	0.0	0.0	0.0
8.0	8.0	Supplies and Services	8.0	8.0	8.0	8.0	8.0
98.5	98.5	Central Support Services	107.2	107.2	107.2	107.2	107.2
106.5	106.5		115.2	115.2	115.2	115.2	115.2
		Income					
-103.0	-103.0	Customer Receipts	-104.7	-106.5	-108.4	-108.4	-108.4
-103.0	-103.0		-104.7	-106.5	-108.4	-108.4	-108.4
3.5	3.5	Net Expenditure	10.5	8.7	6.8	6.8	6.8

Licensing and enforcement of legislation and Council conditions relating to hackney carriages, private hire vehicles, drivers and operators.

Miscellaneous Licences							
		Direct Expenditure					
0.0	0.0	Employees	0.0	0.0	0.0	0.0	0.0
0.0	0.0	Transport	0.0	0.0	0.0	0.0	0.0
3.2	3.2	Supplies and Services	3.2	3.2	3.2	3.2	3.2
41.8	41.8	Central Support Services	46.3	46.3	46.3	46.3	46.3
45.0	45.0		49.5	49.5	49.5	49.5	49.5
		Income					
-18.3	-18.3	Customer Receipts	-18.6	-18.9	-19.2	-19.2	-19.2
-18.3	-18.3		-18.6	-18.9	-19.2	-19.2	-19.2
26.7	26.7	Net Expenditure	30.9	30.6	30.3	30.3	30.3

Licensing and enforcement of legislation and Council conditions relating to Animal Boarding, Zoos, Riding Establishment, Street Trading, etc

Licensing Act							
		Direct Expenditure					
0.0	0.0	Employees	0.0	0.0	0.0	0.0	0.0
0.0	0.0	Transport	0.0	0.0	0.0	0.0	0.0
0.2	0.2	Supplies and Services	0.2	0.2	0.2	0.2	0.2
116.6	116.6	Central Support Services	121.9	121.9	121.9	121.9	121.9
116.8	116.8		122.1	122.1	122.1	122.1	122.1
		Income					
-194.1	-194.1	Customer Receipts	-197.9	-202.1	-206.5	-206.5	-206.5
-194.1	-194.1		-197.9	-202.1	-206.5	-206.5	-206.5
-77.3	-77.3	Net Expenditure	-75.8	-80.0	-84.4	-84.4	-84.4

Licensing and enforcement of legislation and Council conditions relating to Liquor Licences.

Gambling Licensing

		Direct Expenditure					
0.6	0.6	Employees	0.6	0.6	0.6	0.6	0.6
0.0	0.0	Transport	0.0	0.0	0.0	0.0	0.0
0.0	0.0	Supplies and Services	0.0	0.0	0.0	0.0	0.0
23.2	23.2	Central Support Services	25.3	25.3	25.3	25.3	25.3
23.8	23.8		25.9	25.9	25.9	25.9	25.9
		Income					
-20.8	-20.8	Customer Receipts	-21.2	-21.7	-22.1	-22.1	-22.1
-20.8	-20.8		-21.2	-21.7	-22.1	-22.1	-22.1
3.0	3.0	Net Expenditure	4.7	4.2	3.8	3.8	3.8

Licensing and enforcement of legislation and Council conditions relating to gambling.