

LICENSING SUB-COMMITTEE

Minutes of the proceedings at a virtual meeting of the Licensing Sub-Committee held on Friday, 19 June 2020, at 10.30 a.m.

Present

Councillors

Kevin Holmes

Helen Ladhams

David Webster

Officers

Patrick Cantley

Licensing Officer

Linda Fisher

Legal, Governance and Democracy Lead Specialist
(Monitoring Officer)

Rachel Ireland

Case Management Officer

LS/9 INTRODUCTIONS

Following confirmation that the live stream of the meeting had commenced, the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) welcomed everyone to the reconvened virtual meeting of South Lakeland District Council's Licensing Sub-Committee.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) then invited Members of the Committee to introduce themselves, to advise whether they were taking part by video or audio and to confirm that they were able to see (where practicable) and hear all Members participating in the meeting. All Members present, having indicated that this was the case, the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) then invited the public participants, who had been dialled into the meeting, to introduce themselves and confirm that they were able to hear the proceedings. She then referred to officers present at the meeting who would introduce themselves when asked to address the meeting.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) then thanked the applicant and the applicant's agent for confirming their agreement to the submission of further materials within the deadlines that were agreed at the adjourned meeting of the Licensing Sub-Committee on Friday, 12 June 2020.

LS/10 ELECTION OF CHAIRMAN

Councillor Helen Ladhams had been elected as Chairman for the meeting before its adjournment on Friday, 12 June 2020.

LS/11 CHAIRMAN'S INTRODUCTIONS

The Chairman referred to the new Government legislation which allowed councils to conduct remote meetings and explained in detail to all taking part.

LS/12 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

Following its adjournment there had been no change in the membership of the Sub-Committee, and therefore, no reconstitution of membership was necessary upon reconvening.

LS/13 DECLARATIONS OF INTEREST

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

LS/14 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LS/15 PROCEDURE FOR MEETING

The Chairman read out the procedure for the meeting.

LS/16 APPLICATION FOR GRANT OF A PREMISES LICENCE - GIGGLING GOOSE, THE OLD MILL, NORTH RD, AMBLESIDE

The Licensing Specialist presented a report which requested consideration of an application for the grant of a premises licence in respect of the Giggling Goose, Ambleside, in light of two representations which had been submitted by interested parties.

The Licensing Specialist addressed the Sub-Committee and drew Members' attention to Sub-Section 1.17 of guidance issued under Section 182 of the Licensing Act 2003. He went on to outline details of the application which sought authorisation for the sale of alcohol both on and off premises, during the hours of 10.00 hours to 23.00 hours, Monday to Sunday.

The Licensing Specialist also referred to Appendices A and C to the report, which further outlined the details of the application and the location of the premises. He explained that the application had been circulated to all of the Responsible Authorities and that none of them had submitted a relevant representation. He also explained the application adhered to all advertising requirements as per the Licensing Act 2003.

Mrs Ahmed, a local resident and owner of Ambleside Opticians, which is located within the vicinity of the Giggling Goose, addressed the Sub-Committee and photographs and videos were displayed in relation to her representation.

Mrs Ahmed began her representation by explaining there were 15 residential homes in the immediate vicinity of the premises. She explained that residents lived in very close proximity to the premises and lived side by side of each other and that the granting of the premises licence would have a devastating impact on the lives of local residents and on her livelihood. She stated that the videos and photographs clearly conveyed the impact the application would have on her and other local residents. Mrs Ahmed went on to draw Members' attention to the passageway and informed Members that it was a shared access.

Mrs Ahmed referred to the photographs of the toilet facilities and informed Members that there was only one toilet, which served the customers and staff of the Giggling Goose and was also shared by the customers and staff of Ambleside opticians. She went on to outline her concerns regarding public nuisance which would be caused by the increase in

use of the toilet facilities and that people would loiter and queue for the outside toilet and this would consequently affect the privacy of residents. She also highlighted that the bins of the premises were in close proximity to the local resident's properties and that the smoking area would cause anti-social behaviour.

Mrs Ahmed claimed that unhygienic conditions would be created due to the build-up of activity in the area and an increased use of the toilet facilities. She stated that the gardens would be used as urinals and that people queuing outside the toilet facilities, late into the night, would be unacceptable. She emphasised the impact on residential homes in the area and the invasion of privacy of people congregating, drinking and smoking in the vicinity. Mrs Ahmed stated that the beer garden would not be in keeping with the Old Mill, which was a Listed Building within a Conservation Area. In concluding her address, Mrs Ahmed reiterated her concerns regarding litter problems, vermin, inadequate lighting in the area, increased fire risk, urination and drug use. She stated that the application undermined the licensing objectives and that the property was too intimate and convoluted to have this type of premises in near proximity.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed the Sub Committee that Mrs Ahmed was making representations on behalf of herself and her business only and was not able to speak on behalf of local residents and she reiterated the objections that had been received.

Mrs Ahmed responded to questions raised by the Sub-Committee.

The applicant's agent, Mr Nickson, commenced his address. He informed the Sub-Committee that he was the founder and director of Inn Confidence and a senior lecturer in licensing law. He commenced his address by highlighting that any representation in regard of the application should be relevant to the licensing objectives and Mr Nickson outlined the four licensing objectives in detail and went on to state that any speculation outlined in Mrs Ahmed's representation needed to be supported by evidence. He emphasised that the cleanliness of the toilet should not be of discussion or consideration for the Licensing Sub-Committee.

Mr. Nickson explained that the serving of alcohol would be an auxiliary function and stated the Police did not submit a representation and neither did any of the other Responsible Authorities who had been consulted. Mr Nickson asked the Sub-Committee Members to see the application for what it was, a simple application for alcohol sales as an accompaniment to food. He informed the Sub-Committee Members that it was a strong application with comprehensive conditions and with further conditions added to appease Mrs Ahmed. The additional conditions had met and satisfied all of Mrs Ahmed's reasonable concerns. He commended the Licensing Specialist for his mighty efforts in mediating between all parties in his attempts to avoid the need for a hearing.

The applicant, and applicant's agent, responded to questions raised by the Sub-Committee and Mrs Ahmed.

Mr Henderson, the applicant, addressed the Sub-Committee. He explained that the premises had A3 planning permission for a café or restaurant and did not have A4 planning permission for a bar. The purpose of the premises licence application was to enable him to serve alcohol as an auxiliary function. He explained that as a business owner he would not wish for any lawlessness or drunk and disorderly behaviour to take place at any premises he was responsible for, as this would be detrimental to his business. Mr Henderson informed the Sub-Committee that he already ran a successful licensed café in Grasmere and he intended to replicate this at the Giggling Goose.

Mr Henderson then explained the various entrances to the premises to the Sub-Committee and reiterated that after 18.00 hours no public would be able to leave through the North Road entrance. He explained that the intention of the application for a grant of a licence was to allow the serving of alcohol with meals.

Mr Henderson responded to questions raised by the Sub-Committee and Mrs Ahmed.

In her closing statement Mrs Ahmed stated that she had highlighted an overwhelming number of issues and that the information provided to the responsible authorities, by the applicant, was insufficient for an informed decision to be made. In addition a number of the conditions offered fell short of being satisfactory.

Note – at this point in the proceedings, the Chairman was advised that all public participants had become disconnected from the meeting. The meeting adjourned at 11.53 a.m. and reconvened at 12.17 p.m. when Mrs Ahmed, Mr Nickson and Mr Henderson confirmed that they were able to hear the proceedings.

Mrs Ahmed, continued her closing statement and stated she was both a business owner and local resident and she represented a number of local residents. She stressed that the sale of alcohol would not be the issue but it would be the host of potential unwanted problems that would occur as a consequence. Mrs Ahmed reiterated that conditions offered to remedy these issues had not gone far enough and the impact on residents, her business and customers and the public would be immense and she urged the Sub-Committee to reject the application.

In his closing statement Mr Nickson, the applicant's agent, stated that Mrs Ahmed could not speak on behalf of others. Furthermore, Mrs Ahmed could not claim that the responsible authorities had not been consulted. He explained that Mr Henderson, the applicant, already ran a successful and responsible café in Grasmere and that the proposed licence contained comprehensive conditions and Mrs Ahmed's concerns were unfounded until proven otherwise.

Note – at this point in the proceedings, the Chairman was advised that Sub-Committee Member Councillor David Webster had become disconnected from the meeting. When reconnected to the meeting, Councillor Webster confirmed that he was able to see (where practicable) and hear all Members and public participants participating in the meeting, and Mr Nickson, the applicant's agent, was asked to repeat his closing statement as outlined above.

In his closing statement Mr Henderson, the applicant, emphasised that the Giggling Goose would not become a drinking establishment, it would not be pub with a beer garden. It would be a café which would offer alcoholic drinks with food.

Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public in making its decision and retired in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) in order to further consider the application.

The Chairman explained to all public participants that they would be disconnected from the virtual meeting in order for the Sub-Committee to reach their decision. Once the Sub-Committee had concluded their deliberations the public participants would be reconnected and the meeting would be reconvened.

The Sub-Committee, supported by the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) then withdrew at 12.26 p.m. to consider the application.

The meeting reconvened at 1.17 p.m.

The applicant, Mr Henderson; the applicant's agent, Mr Nickson; and Mrs Ahmed were re-connected to the virtual meeting in order to hear the decision of the Sub-Committee. The Chairman asked the parties in turn if they were able to hear the proceedings.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) communicated the Sub-Committee's decision.

RESOLVED – That the application be granted subject to the standard mandatory conditions and to the following conditions:-

(1) Approved for the following activities:-

Activity:	Approved:
Supply of Alcohol (On and Off)	Monday to Sunday 11:00 hours to 23:00 hours New Year's Eve 11:00 hours to 01.00 hours New Year's Day
Live and Recorded Music (Indoors)	New Year's Eve 23.00 hours to 01.00 New Year's Day
Late Night Refreshment (Indoors)	New Year's Eve 23.00 hours to 01.00 New Year's Day
Opening Hours:	Monday to Sunday 10:00 hours to 23:30 hours New Year's Eve from 23:30 hours to 01:30 hours on New Year's Day.

(2) Subject to the Conditions offered with the application that include modifications agreed with the applicant in advance of this hearing and are listed within 'Appendix D' and include the red amendments incorporated into the text.

a) General – all four licensing objectives (b, c, d and e)

The premises licence holder, DPS, management and staff will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- *A written notice of 'authority' record for all staff who sell alcohol*
- *Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.*
- *Contact details of the Designated Premises Supervisor available to staff and to the authorities*
- *Alcohol sales will be primarily dependent upon and ancillary to the sale and supply of food.*

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder. This will include:

- *Alcohol will not be permitted to be removed from the premises in open bottles or containers*
- *Alcoholic products will be stored behind the manned counter and not within the reach of the public.*
- *Staff being trained on security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.*
- *CCTV shall be provided in the form of a recordable system capable of providing pictures of evidential quality and in all lighting conditions particularly facial recognition.*
- *Cameras shall encompass all ingress and egress to the premises and any internal areas where the sale of alcohol occurs.*
- *CCTV equipment shall be maintained in good working order and correctly timed and dated.*
- *Recordings will be available for a period of 30 days made available to the police and other responsible authorities following reasonable request.*
- *The recording equipment shall be of a digital hard drive or cloud based system and shall be kept in a secure environment under the control of the premises licence holder or other responsible named individual.*

c) Public safety

The management and staff will have an effective policy to promote public safety. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- *Appropriate firefighting equipment being installed and maintained at the premises and staff trained in its use.*
- *The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.*
- *The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.*

d) The prevention of public nuisance

Between 18:00 hours and the time the premises closes to the public that day no customer will be permitted to enter or leave the premises by means of the customer entrance accessed from North Road.

The management and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess any risks and take immediate steps to eliminate the problem. The licence holder or their representative will ensure as follows -

- *The premises and public areas nearby are kept free from litter associated with the operation of the business. A written record of premises checks shall be maintained and will include the time and date of the checks, details of the person making them and the results including any remedial action.*
- *Notices will be displayed asking customers to be considerate of neighbours when using the outside areas and when they leave the premises, and to dispose of waste carefully and responsibly.*

e) The protection of children from harm

The business will be operated in such a way that reflects a commitment to be a responsible retailer. To protect children from harm there will be a policy of:

- *Staff training will occur before a staff member is authorised to sell alcohol for the business*
- *The age-verification policy will be one of Challenge 25. This will be specified in promotional material, terms & conditions, within the premises and emphasised through staff training.*
- *Anyone not looking 25 at the point of sale will be expected to prove that they have turned 18. Acceptable ID will be a photo driving licence, passport, PASS accredited proof of age card or other photo ID that is recommended for acceptance by the police or other authorities.*
- *The premises will be promoted as family friendly and suitable for all ages.*
- *There will be no inappropriate promotions, activities or behaviour tolerated at the premises that might put children at risk.*
- *Children and young people will be discouraged from congregating outside the premises in the evening.*

(3) Conditions imposed by the Sub-Committee as outlined below:-

The prevention of public nuisance

- *All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*
- *Any noise, vibrations, smells, light pollution and any other potential nuisance (e.g. toilets/ waste) is monitored and kept to an acceptable level*
- *No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:00hrs and 0800hrs on the following day*
- *With the exception of the designated smoking location and for purposes of access and egress, the outside area shall cease to be used at 21.00 hours. After 21:00 hours, any customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to the designated smoking area marked on the premises plan. For the purpose of this condition the licence holder or their representative shall ensure as follows –*
 - *i. Between 21:00 hours and the time the premises closes to the public on that day the area shall be checked a minimum of three times every hour.*
 - *ii. A written record shall be made of the checks relating to the designated smoking area and will include the time and date of the checks, details of the person making them and the results including any remedial action.*

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) explained the Sub-Committee fully considered the facts relating to the case and having heard the evidence, were satisfied that the measures already agreed and subsequently imposed are reasonable, proportionate and necessary to enable the application to be granted whilst furthering the four licensing objectives.

Note – All present were notified that the decision would be confirmed in writing within the next few days. Parties had a right to appeal against the decision of the

Sub Committee and may do so by giving notice of appeal to the Magistrates Court for the area in which the premises concerned are situated within a period of 21 days beginning with the day on which they were notified of the decision by the licensing authority.

The Chairman, prior to closing the meeting, expressed thanks to all who had participated and officers for their efforts for facilitating the meeting.

The meeting ended at 1.24 p.m.