

LICENSING SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Sub-Committee held in the District Council Chamber, South Lakeland House, Kendal, on Monday, 11 January 2021, at 10.00 a.m.

Present

Councillors

Kevin Holmes

David Webster

Ian Wharton

Officers

Una Bell

Case Management Team Leader

Patrick Cantley

Specialist, Licensing

Louisa Wania

Case Management Officer

Courage

Legal, Governance and Democracy Specialist

Aiguobasimwin

LS/17 ELECTION OF CHAIRMAN

RESOLVED – The Councillor Ian Wharton be elected Chairman for the meeting.

LS/18 INTRODUCTION

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

The Legal, Governance and Democracy Specialist 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 Specialist 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. He then referred to officers present at the meeting who would introduce themselves when asked to address the meeting.

LS/19 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

RESOLVED – That it be noted that there were no apologies and no reconstitution of membership.

LS/20 DECLARATIONS OF INTEREST

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

LS/21 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LS/22 PROCEDURE FOR MEETING

The Chairman read out the procedure for the meeting.

LS/23 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE

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 00.00 hours to 23.59 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 in accordance with the Licensing Act 2003.

The Licensing Specialist outlined that there were three representations to consider in opposition to the application for the Hideout Boutique on Quarry Brow. The representations related to the prevention of crime and disorder and the prevention of public nuisance. Furthermore, the Licensing Specialist confirmed that the alcohol would be sold only to guests and not the general public.

The Licensing Specialist responded to questions raised by Sub-Committee Members.

Beth Grey, a local resident on Quarry Brow, addressed the Sub-Committee on behalf of herself, Edward Grey and Colette Grey, also local residents.

Beth Grey began her representation by explaining that she and those she was representing lived in the immediate vicinity of the premises. She stated that Quarry Brow was purely residential and that granting such a licence would be out of the ordinary for this street. She expressed worry that granting such a licence may be the first step in turning the premises into a bar. Ms Grey's concern was that the granting of this licence would have a detrimental effect on the lives of residents and on her livelihood.

She stated that no sufficient control measures, to prevent public nuisance as well as crime and disorder, were stated in the application. She expressed concern about the lack of clarity in the application regarding the specifics of sale and consumption of alcohol on site. With regards to the prevention of public nuisance, Ms Grey was particularly concerned about the possible impact that granting the licence would have on noise levels and general disturbance on the street. With regards to the prevention of crime and disorder, Ms Grey raised concerns about CCTV and data protection. She expressed concern about the limited details about the use of CCTV and the fact that there was no maximum retention period given, only a minimum of 28 days. She queried the applicant and Sub-Committee as to how the incongruence between the prevention of crime and disorder and the prevention of breaching personal data would be resolved, as the CCTV from the Hideout House premise impacted residents' doors and front gardens and thus far no detail had been provided on how the applicant was to prevent intrusion of data. Moreover, Ms Grey argued that the licence application seemed excessive as there were shops, such as Tesco, in close proximity to the property where alcohol could easily be acquired by guests of the Hideout Boutique.

Ms Grey responded to questions raised by the Sub-Committee.

The applicant's agent, Malcolm Ireland, explained that the serving of alcohol would be an auxiliary function to enhance the high-end service provided by the Hideout Boutique and stated that he Police had not submitted a representation and neither had any of the other Responsible Authorities who had been consulted.

Mr Ireland provided some background to the application, stating that the premise had operated since 2013: it accommodated two guests and it was self-service apart from cleaning services offered. Customers were, as he put it, "well-heeled" and he stated that there existed legal precedents to show that such clients were less of a nuisance. He stated that the reason for the application was that the applicant wanted to be able to offer more high-end beverage packages on the premises. The need for the licence was such that a mini-bar could be accessed at any point by the clients with the Company being legally covered for such unsupervised access.

Furthermore, he explained that the CCTV was required because the premise was self-catered and therefore no staff were present to supervise it. He added that while there would be CCTV, there would be no persons actively monitoring it which he said was appropriate given the low level of risk.

He apologised for the lack of information in the initial application, saying that there was no expectations of objections, but admitted the concern was understandable. In response to the objections raised, Mr Ireland argued that these were based on fear and speculation and there were no tangible reason to reject the application. He again stated that no Responsible Authorities had taken issue with the application, there was no certainty of public nuisance and that specific control measures against public nuisance were not necessary for this type of premises. The applicant did not seek the consumption of alcohol on the street, they instead sought for their clients to be able to access the aforementioned mini-bar at any time of day as well as to be able to take alcohol from the premises, such as a client taking home an unfinished bottle of wine.

There were no questions put to Malcolm Ireland from the Sub-Committee or Ms Grey.

In her closing statement, Ms Grey stated that Edward Grey wished to add that there had been issues with guests of the Hideout Boutique returning to the premise late and inebriated, the granting of this application would encourage further drinking. Ms Grey stated that she would like this licence, if granted, to limit guests bringing other people back to the premises. She stated that she did not believe that the prevention of public nuisance had satisfactorily been met by the application. Ms Grey asked the Committee to reject the application.

In his closing statement, Mr Ireland stated that the objections made by Ms Grey were irrelevant to this application as there was nothing to stop such behaviour at the present moment. The licence applied for was perfectly normal for the purpose of this type of accommodation.

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. Also 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 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 Specialist, then withdrew at 11.30 a.m. to consider the application.

The meeting reconvened at 11.52 a.m.

The applicant's agent, Mr Malcolm Ireland; Ms Beth Grey; and Stephen Hargreaves (the owner) and David Hampshaw (the director) 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 Specialist 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 00:00 hours to 23.59 hours
Opening hours	Monday to Sunday 00:00 hours to 23.59 hours

(2) Subject to the conditions offered by the applicant and any other conditions that must be included on the licence

The Legal, Governance and Democracy Specialist explained that the sub-committee had noted that no representations had been received by the responsible authorities. The sub-committee also considered all matters raised by those objecting to the application. Particular attention had been paid to their representations with respect to the licensing objectives. In this instance Members did not consider it appropriate to impose additional conditions on the licence.

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.

11.01.2021

15

Licensing Sub-Committee

The meeting ended at 11.58 a.m.