

LICENSING SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Sub-Committee held in the Lowther Room, Kendal Town Hall, on Thursday, 4 November 2021, at 10.00 a.m.

Present

Councillors

Kevin Holmes

David Webster

Ian Wharton

Apologies for absence were received from Councillors Hazel Hodgson.

Officers

Patrick Cantley

Specialist, Licensing

Steven Hemsley

Specialist (Licensing)

Josie Smith

Legal, Governance and Democracy Specialist

LS/19 ELECTION OF CHAIRMAN

RESOLVED – That Councillor David Webster be elected Chairman for the meeting.

LS/20 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

Councillor Hazel Hodgson having tendered an apology for absence, Councillor Kevin Holmes, as substitute Member, took her place on the Sub-Committee.

LS/21 DECLARATIONS OF INTEREST

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

LS/22 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LS/23 INTRODUCTIONS

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

LS/24 LICENSING ACT 2003

The Licensing Specialist presented a report which requested consideration of an application to vary a premises licence in respect of Lakeland Farm Visitors Centre, Ings. The premises was situated on the edge of the small village of Ings (a map overview of the premises was available at Appendix C). The application sought authorisation for the supply of alcohol (on and off the premises) Monday to Saturday from 10.00 hours to 23.00 hours and on Sunday from 10:00 hours to 22:00 hours. For awareness, the Licensing Specialist highlighted to Members that Section E *Live Music* and Section F *Recorded Music* were also completed within the submission. However, timings sought were within deregulated hours so neither activity should be included within the decision making process of the Sub-Committee.

The Licensing Specialist brought to Members' attention that none of the responsible authorities made any representations in relation to the application. The representations made by the interested parties as outlined within Appendix B of the report related to the Prevention of Crime and Disorder and Public Nuisance. The Specialist drew Members' attention to s.182 Guidance of the Licensing Act 2003 as outlined within the report.

Isaac Benson, the joint applicant, presented his case. He informed Members that the business had been open for over 2 and a half years and the reason for the diversification was to add value to the farm business which already operated a butcher's shop and farm kitchen. The restaurant had been open for between 8 to 9 months before the COVID-19 pandemic began.

The applicant highlighted to Members that the beef produced by the farm was served as steak on the menu within the restaurant. However, the choice of steak was not in demand through the day by customers. Therefore the applicants established that there was a market for steak nights. The applicant clarified that there were no representations made against any of the previous Temporary Event Notice (TEN) applications made for steak evenings. The applicant did highlight that there were a few challenges in relation to receiving responses back from the TENs therefore they were advised to apply for a premises licence which was the application Members were considering.

Following questions from Members the applicant clarified that the application for the premises to sell alcohol was to compliment the food already being served and that all alcohol would be served with a meal. He further clarified to Members that the premises was marketed for pre-bookings only and table service.

Members also sought clarification on the off sales element of the application. The applicant explained that off sales would only take place in the farm shop on site where local gins and alcohol were sold. The farm shop would not be open during the extended hours. The applicant clarified to Members that the premises would play indoor and background music only.

Members drew attention to the representation that related to access of the site. The applicant clarified that 50 meters from the site there was a public highway. When the applicants sought planning permission for the site they constructed a passing place on the road leading up to the premises as this was a requirement requested by the Highways Authority in order for planning permission to be granted.

The applicant had nothing further to add in relation to their closing statement.

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 Legal, Governance and Democracy Specialist withdrew to consider the application at 10.19.a.m. and reconvened the meeting at 10.36.a.m.

The Sub Committee has considered the application, the report and appendices presented, the representations from the applicant and all responses to questions asked by members of the Sub Committee.

The Chairman of the Sub-Committee asked the Legal, Governance and Democracy Specialist (Solicitor) to communicate the Sub-Committee's decision.

RESOLVED – That the application for the variation to the licence be granted for the following activities:-

Supply of alcohol (On/Off)	Monday to Saturday	10:00 hours to 23:00 hours
	Sunday	10:00 hours to 22:00 hours

Subject to the following conditions:

- A dispersal policy to be written to include signs and verbal requests to leave the premises in an orderly manner.
- Notices to be displayed at all exits to request customers to leave quietly and respect the privacy of the neighbours.

The Sub Committee members recommend that signage is erected at the point where the private access road of the premises meets the public highway to notify road users that they are no longer on a private road.

The decision will be confirmed in writing within the next few days.

have the 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 you were notified of the decision by the licensing authority.

The meeting ended at 10.47 a.m.