

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 Tuesday, 5 July 2022, at 10.00 a.m.

Present

Councillors

Hazel Hodgson

Kevin Holmes

Ian Wharton

Officers

Rachel Ireland

Trainee Solicitor

Donna McCarthy

Specialist (Licensing)

Jane McKeon

Case Management Officer (Support Services)

Josie Smith

Legal, Governance and Democracy Specialist (Solicitor)

Tony Smith

Licensing Specialist - Health & Environment

LS/7 ELECTION OF CHAIRMAN

RESOLVED – That it be noted that the Committee elected Councillor Kevin Holmes as Chairman of the meeting.

LS/8 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

RESOLVED – To note that no apologies for absence were received.

LS/9 DECLARATIONS OF INTEREST

RESOLVED – There were no declarations of Members' interests received in respect of any items on the agenda.

LS/10 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LS/11 INTRODUCTIONS

RESOLVED - The Chairman initiated the Committee introductions and read out the procedure for the meeting.

LS/12 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 5 CAVENDISH STREET, ULVERSTON

The Licensing Specialist provided a report overview for the Application considered.

Members were requested to determine whether or not to grant the application for a premises licence in respect of 5 Cavendish Street, Ulverston having taken into account the 5 relevant representations submitted by interested parties.

The Licensing Specialist stated the background and proposals to the Application, submitted on 27 April 2022, for the grant of a Premises Licence for 5 Cavendish Street, Ulverston submitted by Inno Hospitality Collective Limited. The application, as set out within the report, sought authorisation for the following:

1. Sale of alcohol (for consumption on and off the premises) seven days a week between the hours of 11:00 and 23:30. Extended hours on New Year's Eve from 11:00 to 01:30.
2. Late Night Refreshment seven days a week between the hours of 23:00 and 23:30. Extended hours on New Year's Eve from 11:00 to 01:30.

Five representations had been received from residents. The representations mainly contained concerns relating to the 'Prevention of Public Nuisance'. Four of the five representations had been withdrawn/resolved due to the agreed amendments to the Application:

1. Cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be closed at 9pm.
2. Use of the outside courtyard conditionally and for this area to be kept non-smoking. Customers to be cleared by 9pm and only used for dining (drinks with food).
3. Bottles to be collected between the hours of 8am – 6pm.

A representation from Environmental Health was received; which resulted in the further amendments as listed within the report.

The Licensing Specialist referred to one of the representations which had not been withdrawn. The Licensing Specialist had explained the amended operating hours to the Objector and that a further application to vary the approved hours would be required in the event the Applicant wished to extend the hours. The Objector was not prepared to withdraw the objection unless the hours of operation were reduced to daytime hours only.

No questions were raised by the Committee.

The Applicant presented the case to Members and provided supporting information. The Applicant intended to offer a new dining experience and the success of the business would be dependent on good reviews of the service they provide.

The Chairman asked if the Committee had any questions.

Members queried what impact deliveries would have on the surrounding area and the location of the business in relation to the Objector's residence.

Members noted the added conditions that related to the removal and disposal of waste from the establishment.

Members clarified with the Applicant the use of the outdoor court yard to the rear of the building. The Applicant stressed that this area would not to be used as a beer garden.

The Chairman enquired if the Licensing Specialist had any questions for the Applicant.

The Licensing Specialist confirmed that the Applicant had already agreed to a series of conditions attached to the Application and had no questions.

The Chairman asked if the Sub Committee had any further questions.

Members sought further clarification on the surrounding properties to the premises and the additional impact this business would have. The Applicant explained no objections had been received from residents of Cavendish Street.

Members sought clarification that the Applicant would be registered as a member of the Pub Watch scheme.

The Chairman asked the Applicant to provide a closing statement.

The Applicant provided a verbal summary of the dining experience they intended guests to enjoy. Any issues or objections from local people would be addressed immediately. The Applicant was interested in creating a viable contribution to the local economy.

Members had no further questions.

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 Sub-Committee, supported by the Solicitor and Trainee Solicitor, then withdrew at 10:30.a.m. to consider the application.

The meeting reconvened at 10.56.a.m.

The Trainee Solicitor communicated the Sub-Committee's decision.

The Licensing Sub-Committee carefully considered the application, the written representations provided and the oral submissions of the Applicant who attended.

The Sub-Committee considered the steps appropriate to promote the licensing objectives and paid due regard to the Guidance issued under s.182 Licensing Act 2003 and the Statement of Licensing Policy.

RESOLVED - The Licensing Sub-Committee determined that the application be granted:

(1) for the following activities:-

Activity	Approved
Supply of alcohol (on and off)	Monday to Sunday 11:00 hours to 22:30 hours New Year's Eve 11:00 hours to 01:30 hours
Hours open to the Public	Monday to Sunday 11:00 hours to 23:00 hours New Year's Eve 11:00 hours to 01:30 hours

(2) subject to the mandatory conditions and to the following conditions:-

- a) The rear yard area is to not to be used as a smoking area;
- b) The rear yard area shall not be used after 21:00 hours;
- c) Adequate notices shall be prominently displayed to inform patrons of the requirement not to use the rear yard area as a smoking area and that the area must be vacated by 21:00 hours;
- d) The disposal of empty bottles/glass into external receptacles shall not occur between the hours of 18:00 and 08:00;
- e) Any amplified music shall not be played at a level that will cause; unreasonable disturbance to the occupants of any properties in the vicinity;
- f) Noise or odour from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity;
- g) All external doors and windows shall be kept closed after 21:00 hours save during access and egress;
- h) CCTV shall be provided:-
 - i. in the form of a recordable system capable of providing pictures of evidential quality and in all lighting conditions particularly facial recognition.
 - ii. Cameras shall encompass all ingress and egress to the premises and internal areas.
 - iii. CCTV equipment shall be maintained in good working order, regularly serviced and correctly timed and dated.
 - iv. Recordings will be available for a period of 30 days made available to the police and other responsible authorities following reasonable request.
 - v. 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.
- i) The premises shall join the local Bar Watch scheme.

Having regard to the Licensing Objectives, the reasons for reaching this decision was for the prevention of crime and disorder and the prevention of public nuisance.

The decision would be confirmed in writing within five working days.

The Applicant and any party that submitted a valid representation had 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 they were notified of the decision by the Licensing Authority.

The meeting ended at 11.00 a.m.