

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, 17 September 2018, at 10.00 a.m.

Present

Councillors

Alvin Finch

Helen Ladhams

David Webster

Officers

Una Bell

Assistant Committee Services Officer

Patrick Cantley

Licensing Officer

Julia Krier

Solicitor (Property and Contracts)

Anthea Lowe

Solicitor to the Council

LS/8 ELECTION OF CHAIRMAN

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

LS/9 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/10 DECLARATIONS OF INTEREST

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

LS/11 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LS/12 INTRODUCTIONS

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

LS/13 LICENSING ACT 2003 - APPLICATION FOR GRANT OF A PREMISES LICENCE

The Licensing Officer presented a report which requested consideration of an application for a premises licence in respect of Misto, 9 Compston Road, Ambleside, in the light of representations which had been submitted by interested parties.

Mr Harry Lakin, the applicant, presented his case. He informed Members that his business model for Misto was that it would be run as a restaurant and not a public house or wine bar and he would not permit people standing at the bar. He wanted to offer his patrons a relaxing meal in a relaxed environment and there would be an outside seating area with a designated smoking area. He advised the Members that there would be background

music in the restaurant however, no music would be played outside. He acknowledged the representations which had been submitted and assured the Members that he did not want his business to be a hindrance to neighbouring properties.

The applicant answered questions from the Members and confirmed that ashtrays would be provided in the designated smoking area and that the area would be cleared by 10.00 p.m. and the doors and windows closed. In addition he stated that he would not be employing a doorman as he did not feel his establishment would require security.

Mr Anthony Harrison, a local resident, addressed the Sub-Committee and informed them that he and his wife owned a property directly opposite the premises and he highlighted his concerns and those of other neighbours, regarding the noise impact and that 10.00 p.m. was the proposed time for the closure of doors and windows and the use of the outside area. He stated that he felt a compromise would be for the doors, windows and outside area to close at 8.00 p.m.

The applicant made no further statements in respect of their application.

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 and subsequently reconvened to deliver the decision.

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

Premises open to the public:- Monday to Sunday 10:00 hours to 00:00 hours

Sale of Alcohol (On/Off):- Monday to Sunday 10:00 hours to 00:00 hours

subject to the mandatory conditions together with the conditions as outlined below:-

- (1) All doors and windows are to be closed to prevent public nuisance by noise from the premises between 21:00 hours and midnight.
- (2) With exception of the designated smoking area and for purposes of access and egress, the outside area shall cease to be used at 22:00 hours.
- (3) Smoking will be restricted to a designated location situated in the outside area.
- (4) No alcohol to be permitted in the designated smoking area.
- (5) No dining to be permitted in the designated smoking area.
- (6) No unaccompanied persons under the age of 16 be allowed in the premises after 22:00 hours.
- (7) A representative of the premises will physically check and monitor the outside area between 20:00 and midnight.

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- (8) An incident book to be kept to record refusals to serve alcohol, age related incidents and anything else that may undermines the licensing objectives.
- (9) The licence holder or his representative shall conduct regular assessments of the noise coming from the premises and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action taken.
- (10) A dispersal policy to be written to include signs and verbal requests to leave the premises in an orderly manner.
- (11) Notices to be displayed at all exits to request customers to leave quietly and respect the privacy of the neighbours.

Reasons for Decision

Full consideration was given to the location and previous history of the premises, the written objections received and the oral representation relating to the possible effect that the grant of the licence may cause to public nuisance and increased noise and disturbance.

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 10.58 a.m.