

LICENSING SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Sub-Committee held in the District Council Chamber, South Lakeland House, on Friday, 19 October 2018, at 10.30 a.m.

Present

Councillors

Hazel Hodgson

John Holmes

Helen Ladhams

Officers

Una Bell

Assistant Committee Services Officer

Patrick Cantley

Licensing Officer

Anthea Lowe

Solicitor to the Council

LS/20 ELECTION OF CHAIRMAN

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

LS/21 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/22 DECLARATIONS OF INTEREST

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

LS/23 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LS/24 INTRODUCTIONS

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

LS/25 APPLICATION FOR PREMISES LICENCE: 5 CAVENDISH STREET, ULVERSTON

The Licensing Officer presented a report which requested consideration of an application for a premises licence in respect of 5 Cavendish Street, Ulverston, in the light of representations which had been submitted by interested parties. Members' attention was drawn to the late representation regarding a sound insulation and external noise report, which had been circulated prior to the meeting.

Mr Mark Bates, the joint applicant, presented his case. He informed Members that the ethos of a micropub was to serve a limited selection of alcohol, mainly cask ales, to a small customer base and he confirmed that they would not be serving spirits, alcopops or strong lager. He stated that he and his wife were not part of a faceless multi-national brand and they were passionate about this venture and had spent six months planning it. He felt they were part of the community and had been deeply upset by the representations

and the suggestion that there would be debauchery and drunken behaviour. He informed the Members that the micropub would use Cumbrian brewers and local suppliers for the small selection of bar snacks which would be on offer and he highlighted the proposed opening hours. He stated that he felt it was noteworthy that no representations had been received from responsible authorities and that only nine residents had submitted representations. He went on to address a number of concerns which had been raised within the representations particularly in regard to noise generation. He informed the Members that deliveries would not be made by large dray lorries, the premises licence application had not included live or recorded music, there would be no mechanical ventilation or extraction used and refuse collection arrangements would be the same as those of the previous occupier, the World Peace Cafe. He went on to explain that the size of the smoking area would limit the number of smokers it would hold and therefore it would be unlikely to cause a noise nuisance and there would be no access from the smoking area to Rack Alley at the rear of the property.

The applicant answered questions from the Members and highlighted the noise report which had been included in the agenda pack. He stated that he did not feel that the addition of accommodation at the premises would cause additional nuisance to the neighbouring properties and that there was ample free parking within the vicinity. He clarified that small delivery vans would deliver casks of beer and there would be no large kegs delivered to the premises.

The Solicitor to the Council advised Members that the bed and breakfast accommodation and parking provision were not for consideration as part of the application for a premises licence.

Mr John Blackmore-Tucker, a local resident, addressed the Sub-Committee and made reference to the noise report and highlighted his concerns regarding the noise nuisance which could be caused to local residents particularly from those congregating in the smoking area. He informed the Members that the properties in the vicinity were in a conservation area and consequently the windows of these properties were single glazed. He requested permission from the Chair of the Sub-Committee to distribute photographs which showed the general street scene and the smoking area and its proximity to neighbouring properties. Members of the Sub-Committee took a moment to study the photographs.

The applicant answered further questions in relation to noise from the smoking area and explained how he would address the concerns of local residents, particularly those with young children. He confirmed that the smoking area would be closed at 22.00hrs, the area would be monitored and prominent notices would be placed to ask patrons to be considerate of neighbours.

The applicant answered questions directed through the Chair of the Sub-Committee from Mr Ramsey Barker, a local resident and Councillor Mark Wilson, Ward Councillor for Ulverston East. The applicant stated that he anticipated that the micropub would attract a small customer base but he would be happy to serve larger groups of people visiting the area. He explained that he was familiar with the BarWatch Scheme in Ulverston but had not attended any meetings of Ulverston Town Council.

Councillor Wilson went on to inform the Sub-Committee that areas of Ulverston were becoming a densely populated residential areas and that the residents he was representing felt that the micropub was in the wrong area. He made reference to the photographs which had been distributed earlier and explained that situated to the back of the premises was Rack Alley, which was an old rope walk less than six feet wide, and that having a bar there was too close to where local residents and children would be sleeping

and that smells and noise would carry. He stated that on festival days he had witnessed people urinating in Queen Street and Rack Alley and this was not an area to introduce more people to.

Christina Balmer, a local resident, addressed the Sub-Committee. She stated that her greatest concern was that of the outside smoking area and the noise disruption this would cause. She explained that having a micropub open from 10.00hrs to 23.00hrs everyday would have a massive negative impact on local residents.

Mr Ramsey Barker addressed the Sub-Committee and informed them that the premises licence application had been displayed on a side window of the property and not the front window and a number of residents had questioned why they had not been notified of the application by the local authority. Mr Barker stated that Cavendish Street was a main thoroughfare to and from Ulverston train station and that the proposed micropub would be the first and last port of call for train users drinking in Ulverston.

Mr Blackmore-Tucker reiterated his concerns regarding the rear smoking area and its proximity to local residents' gardens and windows. In addition he voiced his concerns regarding the congregation of patrons in the large open doorway of the premises and the potential of children being at risk of hearing inappropriate conversations and potential disturbances at closing time.

Mr Kevin Silver, a local resident, informed the Sub-Committee that most of his concerns had been raised in the representations which had already been made. However, he wished to reiterate his main concerns which were the rear smoking area and the impact this would have on his living conditions and that he felt the applicant did not realise the impact on the area caused by the volume of people who attended festivals in the town.

Mr Kevin Silver, in his closing statement to the Sub-Committee, stated that many of the neighbours did not want a licenced premises on the street and that a coffee house would be more appropriate.

Mr Blackmore-Tucker, in his closing statement, informed the Sub-Committee that he echoed the comments made by Mr Silver and he stated that a bar on Cavendish Street would have a negative impact on his way of life and undermine the quality of his home life.

Mr Ramsey Barker, in his closing statement to the Sub-Committee, urged the Members to consider the photographs which had been submitted and the possibility of people congregating in the large doorway within the curtilage of the premises.

Mrs Christina Balmer, in her closing statement to the Sub-Committee, asked the Members to consider the residents who had made representations and the impact the premises would have on their lives.

Councillor Wilson made a closing statement to the Sub-Committee and stated that he felt micropubs and breweries seemed to be making alcohol stronger than ever which was contrary to health and wellbeing voluntary agreements. He concluded by informing the Sub-Committee that he supported the residents and objectors.

Mrs Cheryl Bates, the joint applicant made a closing statement to the Sub-Committee. She wished to assure all parties who had made representations, that she and her husband had thought carefully about their premises licence application, particularly as the premises was within an residential and business area and that they had carried out extensive research to enable them to make an informed decision about what could and just would not work in the area.

Mrs Bates went on to confirm that loud music, sports TV, games machines would never be present in the micropub and she reiterated that a micropub was not about the size of the pub but it was about the range and quality of alcoholic beverages which would be served. The micropub would sell real ale, real cider, wine and prosecco with soft drinks and tea and coffee also being available. The clientele would be reminded to respect the neighbours whilst entering and leaving the premises and when using the outdoor smoking area. The outdoor area would be closed at 22.00hrs and Rack Alley would never be accessible from the rear smoking area. Deliveries to the premises would be in small vans and refuse collection would be no different to existing arrangements. She explained that for clientele using taxis to leave the premises they would recommend that pick-ups would be made away from Cavendish Street and further down into the town area. She concluded by stating that by opening up the empty building they hoped to add to the area in offering a friendly addition to the night scene. In addition there would be economic growth as people came into the area. They would use local tradesmen to refurbish the property and produce from local suppliers. They anticipated, that as members of CAMRA (Campaign for Real Ale), the micropub would attract educated drinkers and clientele.

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.

The meeting reconvened at 1.09 p.m. and the Chair of the Sub-Committee asked the Solicitor to the Council to communicate the Sub-Committee's decision.

The Solicitor to the Council stated that the Sub-Committee had considered all of the evidence provided both orally and in writing. This included all representations made by all parties at the hearing. Full consideration had been given to the location of the premises, the written objections received and the oral representations relating to the possible effect the grant of the licence may cause to public nuisance and increased noise and disturbance.

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

Supply of alcohol:-

Sunday to Thursday 10:00 to 22:00

Friday & Saturday 10:00 to 23:00

New Year's Eve 10:00 to 01:00 the following day.

Subject to the mandatory conditions together with the conditions outlined below:-

- (1) An incident book to be kept to record refusals to serve alcohol, age related incidents and anything else that may undermines the licensing objectives.
- (2) The establishment shall ensure that CCTV is in place, operational and recording whenever the premises are open for business. CCTV recordings shall be retained for at least 7 days and provided to any Responsible Authority requesting them.
- (3) No deliveries or waste collections shall take place between 19.00 and 08:00.

- (4) No access to the smoking area shall be permitted after 22:00 Sunday to Saturday or after 01:00 the following day on New Years' Eve.
- (5) All doors and windows are to be kept closed except for access and egress after 21:00.
- (6) No open drinking receptacles or containers to be permitted outside the premises (save for the outdoor smoking area).
- (7) The establishment shall ensure that it displays clear signage in visible points throughout the premises, and at all access and egress points, addressing the following:-
 - a. That the outside smoking area is not to be used as a beer garden;
 - b. That customers should exit the premises quietly; and
 - c. That customers should have regard to the premises' situation within a residential area.
- (8) The establishment shall operate a 'Challenge 25' policy.
- (9) The policy will require any person who appears to be under the age of 25 to provide identification that proves they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
 - A Passport; -
 - A UK Photocard Driving Licence;
 - Official ID card issued by HM Forces or EU bearing a photograph and the date and birth of the holder; or
 - Any other forms of identification agreed with a representative of the Police Licensing Unit.
- (10) All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals. Said training will be documented and will be made available to an authorised officer upon request.

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 1.13 p.m.