

LICENSING & GAMBLING ACTS SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 22 OCTOBER 2020

Present:

Councillor Heather Liggett (Chair)

Councillor Patricia Bone

Councillor Stephen Pickering

Also Present:

S Harpham	Licensing and Enforcement Officer
K Rowland	Licensing Team Leader
D Rowley	Licensing and Enforcement Officer
K Shillitto	Solicitor
A Maher	Senior Governance Officer
D Stanton	Governance Officer

Mr Todd	Applicant
Mr Moore	Applicant (Architect)
Mr Asghar	Applicant
Mrs Howarth	Objector

LGS/7/ 20-21 **Appointment of Chair for the Meeting**

RESOLVED – That Councillor H Liggett be elected as Chair for this meeting of the General Licensing and Gambling Acts Sub-Committee.

LGS/8/ 20-21 **Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

Councillor H Liggett declared an interest in agenda item 4b, in that she knew a member of the public in a non-personal capacity who had made a representation on the application.

LGS/9/ 20-21 **Matters of Urgency**

There were no matters of urgency at this meeting.

LGS/10 /20-21 **LTL/02/20-21/KR - Longbarn, Johnnygate Lane, Barlow**

The Licensing Team Leader presented report No LTL/02/20-21/KR in respect of an application for a Premises License for Barlow Woodseats Hall, Barlow.

The Sub-Committee heard that the applicant sought a number of licensable

activities indoors which included sales of alcohol, late night refreshments, live and recorded music and extended opening hours.

The Sub-Committee was informed that there had been two valid representations received from members of the public. It was stated that the representations centred on an increase in noise and impact to the local habitat. Following consultation with the police, the applicant had agreed to additional conditions in the operating schedule.

Members noted that the Sub-Committee may grant the Premises License; grant the Premises License, modified to such an extent as the Authority considered appropriate for the promotion of the licensing objectives; or refuse the variation to the Premises License.

Members were informed that the applicant, Mr Todd, was due to make representations at the meeting. Due to technical difficulties, however, the Sub-Committee heard representations from his architect, Mr Moore.

Mr Moore explained that the premises had historically operated as a private wedding venue under Temporary Events Notices', and that planning permission had previously been granted by NEDDC for a restaurant at Woodseats Hall. The Sub-Committee noted that the application for a Premises License reflected its intended use which was a restaurant, and that concerns relating to noise and habitat had already been considered by NEDDC's Planning Committee.

The Sub-Committee enquired about the premises' previous use as a wedding venue, and potential traffic implications for the area.

Those who made representations on the application had been invited to speak at the meeting, however declined to attend.

The Sub-Committee adjourned to discuss the application.

RESOLVED (unanimously) – The decision of the Licensing Sub-Committee (in exercise of its powers delegated by North East Derbyshire District Council as Licensing Authority) was to:

Grant the application for a premises licence subject to the following conditions:

- The mandatory conditions.
- The conditions offered by the Applicant in the Operating Schedule
- The conditions agreed with Trading Standards
- That the sale of alcohol be for consumption off the premises only.

LGS/11 /20-21 LTL/03/20-21/KR - The Shop, 99 Main Road, Shirland

The Licensing Team Leader presented report No LTL/03/20-21/KR in respect of an application for a Premises License for 'the shop', Shirland.

The Sub-Committee heard that the applicant sought a Premises License which included a number of licensable activities such as the sale of alcohol

(on and off the premises) and opening hours of 08:00 to 00:00 (midnight). Members noted that the general description of the premises in the application was that of a 'convenience store with local produced craft products, with the ability for people to sample and taste cask ales, cider, spirits and alcohol that were available for off sale whilst on the premises'.

The Sub-Committee was informed that there had been three valid representations made from members of the public. Members heard that the representations centred on public nuisance and public safety in regards to the late opening hours of the premises, along with the consumption of alcohol. The Sub-Committee noted that 'the shop' was located next to both a residential area and a school.

It was stated that the applicant had agreed to a number of conditions that had been added into the operating schedule in agreement with Trading Standards.

The Licensing Team Leader advised Members that the Sub-Committee may grant the Premises License; grant the Premises License, modified to such an extent as the Authority considered appropriate for the promotion of the licensing objectives; or refuse the application for a Premises License.

Those who had made representations on the application were then invited to speak. Members were informed that two of those who had made valid representations had declined to attend the meeting, however, Mrs Howarth was present.

Mrs Howarth outlined a number concerns that she had towards the application as a resident who lived near the premises. Members noted that there was particular concern around noise and nuisance, as well as the potential for the premises to be used as a 'micro-pub'.

The applicant then made representations to the Sub-Committee. Members heard that Mr Asghar had made a number of compromises in his application to address the concerns of those who had made representations, such as 24 hour CCTV recording which would monitor the property to deter anti-social behaviour. The applicant also assured the Sub-Committee that the premises would not be used as a micro-pub, but was intended to allow customers to sample produce before they buy.

The Sub-Committee noted that the late opening hours were requested because the applicant believed that there was demand for such a late night convenience store. Members heard that the pandemic had significantly impacted the hospitality industry and had changed consumer habits. Members made further enquiries in regards to the demand for an off-license that remained open as late as midnight in a village, and the potential of it attracting congregations of late night drinkers or anti-social behaviour that could disturb residents.

The Licensing Team Leader and Solicitor asked a number of questions to the applicant in relation to potential licensing conditions.

The Sub-Committee adjourned to discuss the application.

RESOLVED (unanimously) – The decision of the Licensing Sub-Committee (in exercise of its powers delegated by North East Derbyshire District Council as Licensing Authority) was to:

Grant the application for a premises licence subject to the following conditions:

- The mandatory conditions.
- The conditions offered by the Applicant in the Operating Schedule
- The conditions agreed with Trading Standards
- That the sale of alcohol be for consumption off the premises only.
- No customer seating to be provided at the premises.

That the requested opening hours of Monday to Sunday 08.00 hours to 00.00 be reduced to 08.00 hours to 22.00 hours and the hours for sale of alcohol be reduced in line with this.