



Licensing Sub-Committee DECISION NOTICE

DETERMINATION OF A PREMISES LICENCE

Meeting: LICENSING ACT 2003 SUB-COMMITTEE HEARING,
remote hearing on Thursday 8 October 2020

Applicant: Punch Partnerships Ltd

Address: The White Lion
20 Nottingham Street
Melton Mowbray
Leicestershire, LE13 1NW

Licence No: MMA0090

Summary of Decision:

The decision of the Licensing Sub-Committee (in exercise of the powers delegated by Melton Borough Council as Licensing Authority) was to grant the application for a variation to the current premises licence in part and with conditions pursuant to the Licensing Act 2003.

Facts and Reasons:

The Sub-Committee carefully considered all the information provided at the hearing.

In making their decision the four licensing objectives, namely,

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

With each objective being of paramount importance.

The Sub-Committee made the following findings of fact:

1. The application to vary the premises licence had been served, in accordance with the Licensing Act 2003 on all relevant Responsible Authorities – one representation was received from Environmental Health. In addition one representation was received from 2 members of the public.
2. Protection of the public and promotion of the licensing objectives is paramount;
3. The applicant's application and representations were sufficient to rebut the presumption of the special policy (that the variation should not be granted).
4. The premises has a chequered past and the sub-committee are pleased to note that there is a commitment from the current owners and DPS to improving it.

The Sub-Committee gave the following reasons for their decision:

- 1 The representation from Environmental Health showed clearly that the licensing objective of public nuisance would be impacted if the variation had been granted as sought. In attaching the conditions/amended terminable hours for outdoor activities, the sub-committee has had particular regard to Environmental Health's comments. The Sub-Committee also noted the applicant's own amended proposals for limiting the amount of times regulated activity would take place outside.
- 2 The premises had demonstrated a commitment to improving the reputation of the premises which in turn promotes the licensing objectives.
- 3 The Applicant had offered a number of conditions in support of promoting the licensing objectives.

- 4 The sub-committee were satisfied that with the addition of various conditions there would be no likely negative cumulative impact if parts of the variation sought were granted, and further parts granted with some amendments.

In reaching this decision, the Sub-Committee took into consideration the following:-

- (i) The report presented by Mrs Sarah Flower, Licensing & Compliance Officer for Melton Borough Council;
- (ii) The Applicant's application and submissions;
- (iii) The Responsible Authority's representation and submissions;
- (iv) The Interested Parties representation;
- (v) The additional information circulated in advance of the hearing
- (ii) The provisions of the Licensing Act 2003 and the four licensing objectives;
- (iii) The Human Rights Act 1998;
- (iv) Relevant case law;
- (v) Melton Borough Council's Statement of Licensing Policy ["the Policy"], including the provisions of the special policy on cumulative impact
- (vi) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003 (April 2018)

Decision:

The Licensing Sub-Committee (in exercise of the powers delegated by Melton Borough Council as Licensing Authority) granted the application in part and with conditions appropriate to support and promote the four licensing objectives.

Therefore the premises licence is granted / amended as follows:

- The licensing plan is amended in accordance with the submitted external area plan**

•The operating hours be amended as follows:

The times the licence authorises the carrying out of licensable activities

	<u>From</u>	<u>To</u>
<i>E. Performance of live music Indoors (daily)</i>	10:00hrs	03:00hrs
<i>Performance of live music Outdoors (daily*)</i>	10:00hrs	23:00hrs
<i>(* On a maximum of four occasions per calendar Month, between 1 April – 30 September)</i>	10:00hrs	00:00hrs
<i>F. Playing of recorded music Indoors (daily)</i>	10:00hrs	03:00hrs
<i>Playing of recorded music Outdoors (daily*)</i>	10:00hrs	23:00hrs
<i>(* On a maximum of four occasions per calendar Month, between 1 April – 30 September)</i>	10:00hrs	00:00hrs
<i>G. Performance of dance Indoors (daily)</i>	10:00hrs	03:00hrs
<i>Performance of dance Outdoors (daily*)</i>	10:00hrs	23:00hrs
<i>(* On a maximum of four occasions per calendar Month, between 1 April – 30 September)</i>	10:00hrs	00:00hrs
<i>I. Late night refreshments Indoors (daily)</i>	23:00hrs	03:00hrs
<i>Late night refreshments Outdoors (daily*)</i>	-	-
<i>(* On a maximum of four occasions per calendar Month, between 1 April – 30 September)</i>	23:00hrs	00:00hrs
<i>J. Supply of alcohol on and off Premises (daily)</i>	10:00hrs	03:00hrs

The opening hours of the premises

<i>Daily</i>	08:30hrs	03:30hrs
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•The current provisions under the licensing objective headings on the schedule to be removed and replaced with the following:

Conditions consistent with the Applicant's operating schedule

The prevention of crime and disorder

- CCTV will be installed and maintained
- All footage will be retained for a minimum of 31 days.
- Footage will be made available to the relevant authorities with 24 hours of a request being made.
- A member of staff who is trained to operate the CCTV will be on the premises whilst it is open to the public
- Staff will receive training in the responsible sale of alcohol and 'challenge 25'. This training will be refreshed every 12 months and a training log will be maintained and kept on the premises and produced to a relevant authority upon a request being made.
- An incident and refusal log will be held on the premises and updated accordingly. This will remain on the premises and be made available should a request be made by a relevant authority.
- Moez Ben Ladjimi (MBC Personal Licence Holder MM10396) is not permitted on the premises to undertake licensable activities
- Membership of the local Pubwatch scheme if it is available
- A minimum of 2 SIA licensed door supervisors shall be on duty on Friday and Saturday from 22:00 until close. A minimum of 4 SIA licensed door supervisors shall be on duty from 22:00 until close on those nights that regulated entertainment is permitted to take place outdoors until 00:00hrs (maximum four per calendar month April to September). At all the other times the need for door supervisors shall be assessed by way of a risk assessment carried out by the DPS and cognisance will be taken of any Police advice

Public Safety

- An adequate and appropriate supply of first aid equipment and materials are available on the premises

The prevention of public nuisance

- From 1 April to 30 September inclusive, on no more than four occasions per Calendar month regulated entertainment can take place outside until 00:00hrs
- At all other times regulated entertainment outside shall not take place after

23:00hrs

- *The sale of alcohol shall not take place from the outside bar after 01:00hrs*
- *Staff shall monitor customers in the external area of the premises throughout the day to ensure customers do not cause a public nuisance.*
- *A dedicated telephone number and email address for the DPS or manager will be given to any resident on request to allow complaints to be made directly at all times the premises are open.*
- *The Premises Licence Holder, DPS or nominated person shall ensure that music and speech from regulated entertainment does not exceed the 'background' noise level at the boundary of the nearest noise sensitive property at any time. For the purposes of this condition, noise from music and speech would not exceed the background noise level when it does not alter the perception of the ambient environmental noise that would prevail in the absence of the source in question.*
- *Where regulated entertainment is to take place outside after 23:00, the Premises Licence Holder, DPS or nominated person shall undertake an observation of the noise environment at the nearest noise sensitive property to ensure compliance with condition (above). The observation findings shall be documented and retained for 12 calendar months and made available to the Licensing Authority or Responsible Authorities upon request.*
- *The Premises Licence Holder, DPS or nominated person shall have full control over any sound amplification equipment at all times.*
- *A record of complaints shall be maintained to record details of any Complaints received. The information to be recorded shall include the date and time of complaint and subsequent remedial action undertaken and (where disclosed) the complainant's name and location. The record of complaints shall be kept for 12 months from the date of the last record made and shall be available to the Licensing Authority or Responsible Authorities upon request.*

Right to Appeal

There is a right of appeal in respect of this decision.

Any appeal of the Sub-Committee's decision must be lodged at the Magistrates' Court with 21 days of notification of the Licensing Authority's decision.

Any other queries should be directed to:

Licensing Department

Melton Borough Council

Parkside, Station Approach

Burton Road

Melton Mowbray

LE13 1GH

Tel: 01664 502 502

Date: 8 October 2020

Signature:*M.Glancy*.....

Cllr M Glancy

Chair of the Licensing Sub-Committee