

# Minutes

<b>Meeting name</b>	<b>Licensing Sub-Committee</b>
<b>Date</b>	<b>Monday, 8 July 2019</b>
<b>Start time</b>	<b>10.00 am</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leics, LE13 1GH</b>

## Present:

**Chair** Councillor P. Posnett MBE (Chair)

**Councillors** S. Lumley M. Steadman

**Observers** Councillor D. Pritchett

**Officers** Assistant Director for Governance & Democracy  
Licensing & Compliance Officer (Business Advisor: Licensing) (SF)  
Licensing & Compliance Officer (Business Advisor: Licensing) (SG)  
Administrative Assistant (LS)

Minute No.	Minute
LSC1	<p><b>Election of a Chair</b>  Councillor S. Lumley proposed Councillor P. Posnett.  Councillor M. Steadman seconded.  There was a show of hands of those in agreement.  Councillor P. Posnett was elected Chair.</p>
LSC2	<p><b>Apologies for absence</b>  Paul Harley – Responsible Authority – Nottinghamshire Fire Service</p>
LSC3	<p><b>Declaration of Interest</b>  There were no declarations of interest.</p>
LSC4	<p><b>Licensing Act 2003 - New premises application - Teamwork's Karting, Langar Airfield, Harby Road, Langar, NG13 9HY</b>  The Chair introduced themselves and the Sub-Committee members.</p> <p>The Chair detailed the evacuation procedure, mobile phones to be turned off and advised to use microphones when speaking.</p> <p>The Chair then asked all those present to introduce themselves.</p> <p>The Chair explained the procedure to be adopted at the hearing and invited the Licensing &amp; Enforcement Officer to present his report.</p> <p>The Licensing and Compliance Officer (SG) summarised their report. They stated there was an error in the date of the event in the report. The event was for the 26<sup>th</sup> October 2019 not 26<sup>th</sup> November 2019. There were no representations withdrawn. Additional information had been received from the Parish Council of Clawson, Hose and Harby and a Melton Times Article. The Licensing and Enforcement asked the Chair, and then all parties, if this information could be circulated. Chair and all Parties agreed. The Chair asked all parties if they required time to consider the additional information. It was agreed by all parties that this was not required.</p> <p>The Licensing and Compliance Officer (SG) advised all present the Nottingham Fire Service could not attend but had requested a fire risk assessment if the application was granted.</p> <p>The Chair then invited the Applicant's representative to present their application. The Applicant's representative and applicant introduced themselves and their experience and background. The Applicant's representative present the Applicant's case</p> <p>The Applicant advised they had sent a revised noise management plan revision to Environmental Health on the Sunday 7<sup>th</sup> July 2019. Legal &amp; Governance Manager</p>

highlighted this report would need to be introduced to all parties (Noise Management Plan Revision 2 07 July 2019) to enable the sub-committee to consider it. The Applicant confirmed they did not bring copies with them.

At 10:25, the Chair adjourned the meeting to enable Environmental Health to retrieve and obtain copies of the Noise Management Plan.

The Meeting reconvened at 10:38.

The applicant's representative continued to present the applicants case.

SG clarified that the licence application stated just 'Saturday' it was the nearest Saturday to Halloween which was agreed by the applicants.

At 12:10, the Chair adjourned the meeting for a comfort break.

The Meeting reconvened at 12:33.

In accordance with the procedure outlined, the Sub-Committee members, legal adviser, responsible authorities and interested parties were offered the opportunity to ask questions of the Applicant for the purposes of clarity and further explanation.

The Responsible Authorities were then provided with the opportunity to put forward their cases.

In accordance with the procedure outlined, the Sub-Committee members, legal adviser, Applicant, Responsible Authorities and Interested Parties were offered the opportunity to ask questions of the Responsible Authorities for the purposes of clarity and further explanation.

The Responsible Authorities all advised the Sub-Committee that they would support the application if conditions they each proposed were added to the licence if the Sub-Committee were minded to grant the licence

The Chair asked if anyone had anything else to say. No further comments received. Once all parties had presented their cases the Chair adjourned the hearing at 13:11hrs. The Sub-Committee and Legal Adviser retired to make their decision.

The Chair, Sub-Committee and Legal Adviser returned to the room and the hearing was reconvened at 15:03hrs.

The Chair asked the Legal Adviser to deliver the Sub-Committees finding, decision and reasons as follows:

**DECISION:**

RESOLVED:

The Legal Adviser advised that the Licensee had a right to appeal and a written decision would be issued within 5 working days of the hearing.

Findings of Fact:

***The Sub-Committee made the following findings of fact:***

1. The Applicants representatives appeared credible, reasonable and willing to work with all Relevant Authorities and Interested Parties;
2. The Applicant was unprepared with elements of the event management plan missing which made the decision making difficult
3. The Applicant acknowledged the issues identified with a previous event which was associated with some members of the current company and explained that the learnings had instigated a number of changes designed to promote the licensing objectives going forward which the Sub-Committee accepted;
4. The Premises are not situated in a residential area with the nearest property being a B & B which the applicant had booked for the duration of the event;
5. The Relevant Authorities would be unable to support an event without the event Management Plan being finalised and signed off by all SAG authorities at least 14 days prior to any event taking place.
6. Whilst representations were made by the Police at the hearing they advised they would support the event if the conditions they proposed were included on the licence;
7. Whilst representations were made by Highways at the hearing they advised they would support the event if the conditions they proposed were included on the licence;
8. Whilst representations were made by Environmental Health at the hearing, having considered the new noise management plan they advised they would support the event if the conditions proposed were included on the licence;

9. Whilst the Fire Authority could not attend the hearing, they advised they would require a Fire Risk Assessment agreed by them in writing and request this be a condition if a licence was granted.

10. The representations and concerns raised by Interested Parties were acknowledged by the Sub-Committee and they were satisfied that the proposals from the Applicant and the condition imposed would alleviate the residents' concerns.

11. Protection of the public is paramount;

12. The applicant would promote the licensing objectives if the conditions imposed were adhered to.

Reasons:

1 The Sub-Committee felt that granting of a premises licence with conditions supported the licensing objectives;

2 The Sub-Committee felt that the Applicant was still unable to provide an up-to-date Event Management Plan at the hearing and this made their decision-making difficult.

3 The Sub-Committee accepted that learnings from a previous event had been implemented by employing new contractors, new directors and an event manager with a credible history of holding similar events;

4 The nearest residential property was a B & B and the Applicant had booked the entire property in an attempt to alleviate any public nuisance and/or disturbances during the event to members of the public.

5 The Sub-Committee were of the view that if the SAG Relevant Authorities were unable to support the Event Management Plan then the event should not go ahead and as such conditioned the licence to this effect;

6 Whilst representations were made by the Police at the hearing they advised they would support the event if the conditions they proposed were included on the licence;

7 Whilst representations were made by Highways at the hearing they advised they would support the event if the conditions they proposed were

included on the licence;

8 Whilst representations were made by Environmental Health at the hearing, having considered the new noise management plan they advised they would support the event if the conditions proposed by the Relevant Authorities were included on the licence;

9 Whilst the Fire Authority could not attend the hearing, they advised they would require a Fire Risk Assessment agreed by them in writing and request this be a condition if a licence was granted.

10 The Applicant was willing to work with the community, responsible authorities etc. to address any concerns relating to the promotion of the Licensing Objectives. Granting a premises licence with conditions allows the licensing authority to exercise more control over the premises and address/alleviate some of the concerns raised by the Interested Parties.

11 Licensing law is not the primary mechanism for the general control of anti-social behaviour but rather a part of a holistic approach to the management of the District;

12 If a Responsible Authority and/or Interested Party felt that the license cannot be or is not being adhered to then a review application can be made to the Licensing Authority for the license to be reviewed.

Appeal:

The parties to the hearing were reminded that there was a right to appeal the decision to the Leicestershire Magistrates' Court, 15 Pocklington Walk, Leicester LE1 6BT, exercisable within 21 days from the date of notification of the Licensing Authority's decision.

The Chair thanked all parties for their attendance and closed the meeting.

The meeting closed at: 3.23 pm

Chair

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