



LICENSING SUB-COMMITTEE

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

9th AUGUST 2016

PRESENT

Councillors J Wyatt (Chairman)
J Hurrell, E Holmes

Officers:
Licensing Officer (AY)
Legal Officer (SP)
Administration Assistant (LT)

Applicant
Applicant's Representative

Interested Party

LSC18. ELECTION OF A CHAIRMAN

Cllr E Holmes proposed election of J Wyatt
Cllr J Hurrell seconded. Vote was Unanimous
Cllr J Wyatt was elected.

LSC19. APOLOGIES FOR ABSENCE

None

LSC20. DECLARATIONS OF INTEREST

None

LSC21. APPLICATION FOR PREMISES LICENCE (LICENSING ACT 2003) –
THE VINES, 43 BURTON STREET, MELTON MOWBRAY

Chairman's Introduction

The Chairman introduced himself and the other Members on the Panel. He asked if there were anyone in the room who was aware of any reason for any of the Members on the panel not to take the Sub-

Committee, to which there were none. He introduced all who were in attendance and the procedure of the Licensing Sub Committee was read out. The Chairman then asked the Licensing Officer to present the Application and Report.

The Licensing Officer's Report

The Licensing Officer summarised the content of her report and stated the purpose of the Sub-Committee was to determine an application by the Applicant for a Premises Licence to allow for the provision of Licensable Activities at a proposed restaurant and cocktail bar named, The Vines, at 43 Burton Street, Melton Mowbray.

The Licensing Officer stated that the Sub-Committee was required as one relevant Representation was submitted during the statutory consultation period.

She highlighted the current Statement of Licensing Policy and Cumulative Impact Policy. She advised on the four Licensing Objectives which underpin the functions that the Authority would perform and must be overriding in any decisions that were made in relation to this or any other Licensing Application.

She summarised the additional information received prior to the Sub-Committee explaining that during the initial consultation period conditions were agreed with Melton Borough Council's Environmental Health. However, after the close of consultation on 13 July 2016, further discussion was had between Melton Borough Council's Environmental Health and the Applicant's Representative. It was during the course of these communications the agreed conditions were amended. Following on this, on 4th August 2016, the applicant's representative submitted by email, these amended conditions titled "proposed conditions" along with some additional information. This information was circulated by email to Members and Interested Party. A further submission of two more letters of support had been submitted on the day of the Sub-Committee by the applicant's representative and these were circulated to Members and Interested Party, with an equal amount of time, prior to this Sub-Committee. Spare paper copies were available at the Sub-Committee, if required. The Licensing Officer asked if all parties were happy for the additional information to be included, to which all agreed.

The Licensing Officer asked the Applicant and his Representative for clarification as to whether the original Operating Schedule at part M of the application at Appendix A was replaced by the "proposed conditions" which were provided on 4th August, to which the Applicant's Representative replied yes.

The Chairman asked if the Applicant/ Applicant's Representative could present their statement.

The Applicant/ Applicant's Representative Statement

The Applicant's Representative summarised the Applicant's business background, how he was a local man with a Taxi firm and he was the Director of his Company alongside his Daughter. He mentioned a Pub the Applicant owned which was also in the Cumulative Impact area and stated that this Pub was a well-run Premises. The proposed Premises was a vision of the Applicant who saw a need for an upmarket Bar targeted to an audience of around the ages of thirty up and he believed that the Application was not in itself excessive. It was proposed that the Premises be part Restaurant, part Bar. He thought that if the proposed Premises was going to be a nuisance the Police would have objected and that Environmental Health had agreed conditions. He mentioned that out of all those who could have made a Representation only one Representation was made. The Premises which is above the proposed Premises was marketed as office space and it had not been marketed as Residential yet. He believed that whether there may or may not be residential area there in the future, it should not affect how the Application was decided. The Applicant's Representative referred to the Environmental Health conditions; they would be a zero tolerance, background noise could be tweaked to the Representatives to fit with their own development, to ensure that people are taken away by taxi etc. from the establishment and propose no cigarette wastage or cooking smell.

The Applicant's Representative referred to the Cumulative Impact policy and added the proposed premises would not add to crime and disorder or nuisance. The style of the proposed premises was different to that of anywhere in Melton. Its proposed layout would be mostly seated, with over half the area as a Restaurant. He mentioned the Melton Mowbray BID Bus which would also help to remove people from the area. A Director of the company would be the Designated Premises Supervisor, who was described as a quality manager and supported by the written letters of support describing her many years' experience managing a successful business.

The Applicant added that this proposed premises licence came about because of the lack of places of this kind locally to sit and relax. He would hope to be able to make that happen and create something that would also fit in to the licensing objectives.

The Applicant's Representative mentioned that at the Applicant's Pub which he currently owns, there were five personal alcohol licence holders and they would expect to have more at the this Premises.

Questions to the Applicant/Applicant's Representative

The Members asked for clarification on the layout of the building, the Applicant's Representative stated that the bottom/ground floor is the area for the proposed Premises and has a different leaseholder to the first and second floors which is owned by the Interested Party.

A Member enquired about lagging of the property, to which the Applicant's Representative said it was to do with planning and would fall to the owner of the other floors.

A Member asked if the above office space was vacant at present, to which the Applicant's Representative said for about three years.

A discussion took place about parking spaces, it was resolved that there had been a dispute between leases in the past but there was approximately two car park spaces that belong to the proposed Premises and approximately four car parking spaces for the office space above.

Interested Party Statement

The Interested Party stated that although she had a legal training she was not acting in a legal capacity. She referred to the Cumulative Impact policy, section 5.2 and section 5.6 and requested that the Sub-Committee uphold the recently validated policy and hoped that the application would be refused based on the guidance.

The Interested Party said she had further statement to make depending on outcome of the decision; a discussion ensued and it was resolved and asked to continue with her statement by the Chair as a decision would not be determined at this point.

The Interested Party mentioned she had not gathered supporters for her representation as wasn't aware until the Friday before the Sub-Committee that this was possible. The supporter letters for the Applicant did not reference the street itself, no in support letters from someone who lives in the on the street. The letters of support were inconsistent in what the supporters were referencing and unsure as to what they had been shown; some of the letters were from businesses who were not open past 5pm and some were not from Melton. None of the letters of support were referenced late night music and compared to the population of Melton Mowbray the amount of supporters were invisible.

She asked the Sub-Committee to consider Need versus Cumulative Impact and referenced the Licensing Objectives, and was concerned

what had been discussed with responsible authorities and that there did not appear to have any reference to preventing crowding or staff controlling admission, security on the door and no mention of volunteer CCTV, no offer to under 21 scheme and Protection of Children from Harm. The Interested Party was concerned about how the Applicant would go about managing two locations. To which the Applicant's Representative mentioned that in the Applicant's Representative statement there were references to protection of Children from Harm and there were five or more proposed personal alcohol licenced individuals.

Summaries from both parties

The Interested Party summarised her Representation and referenced other businesses similar to the proposed that had failed, and was concerned that with her property for sale and that if this failed it would be too late for her sale. She was concerned about noise, no sound proofing and had raised this with the shop that were there before and the Agents but had not gotten far with it.

The Chairman asked if the Applicant/ Applicant Representative would like to add or summarise to give equal time to both parties.

The Applicant's Representative summarised that they thought having a good strong management in place would help; the references made by supporters are to the character of the Designated Premises Supervisor. After the Notice going up and advertisement of proposed premises only one representation had been made. The Applicant's Representative stated the Applicant would be putting the licensing objectives first and foremost. Environmental Health was the only Responsible Authority that wanted to put conditions on licence. He spoke about Fire Regulations and Toilets were under different legislations. With regards to noise, that it would be the developer's responsibility to ensure it was sound proof. There is not a condition on the grapes to do with CCTV, if the police thought it was needed they would have put condition on.

The Applicant's Representative said that having a Personal Alcohol Licence does not stop things from happening, good management and training will. The Premises would be a different type of venue, not a takeaway like many are in that area. Protection of children from Harm is covered. The Applicant added that some of the staff are DBS checked through there other employment links and have had a letter of commendation from the Police.

The Interested Party added that she would hope the Sub-Committee did not deviate from the Cumulative Impact policy in this case.

The Legal Officer asked how many residents lived on the street of the proposed premises, to which the Licensing Officer replied she did not know.

A discussion ensued about pubs.

The Licensing Officer clarified that all parties had had the same time.

The Applicant's Representative summarised that it is right to grant the application and that everyone has seen the documents and seen how the Grapes have operated without issue or adversary. The Residential area is not there and cannot make decision on whether this may or may not happen.

The Interested Party spoke about the property being marketed as Residential and if they did grant the application urged the Sub-Committee to look at the opening hours etc.

The Legal Officer said that when the Sub-Committee determine the decision it would have nothing to do with planning. A discussion ensued that if the premises licence was granted would the Applicant then need to go to planning etc. The Licensing Officer replied that the licence would separate to any planning etc.

The Chairman adjourned the Sub-Committee at 11.16.

The Sub-Committee recommenced at 12:46, to which the Chairman thanked everyone and handed over to the Legal Officer for the Decision.

The Legal Officer summarised the findings of facts and **RESOLVED** that the Premises Licence be granted with conditions set by Environmental Health. The Legal Officer advised all parties of the 21 days to Appeal.

LS22. ANY OTHER BUSINESS

None

The Chairman thanked everyone and closed the meeting.

The meeting closed at 11:50.

Chairman