

LICENSING PANEL

TUESDAY 5TH JUNE 2018

REPORT OF ASSISTANT DIRECTOR OF STRATEGIC PLANNING AND REGULATORY SERVICES

APPLICATION FOR PREMISES LICENCE FOR SCALFORD HOTEL LIMITED, SCALFORD HALL HOTEL, MELTON ROAD, SCALFORD, MELTON MOWBRAY LE14 4UB

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to submit to the Licensing Panel an application by the general Manager Barry Clarke on behalf of 'Scalford Hotel Limited' for a Premises Licence under the Licensing Act 2003 due to the submission of relevant representations during the statutory consultation period.

2.0 RECOMMENDATIONS

- 2.1 **It is recommended that the Panel determine this application for a Premises Licence having regard to all the information provided by the applicant and the representations, taking into account this Council's Statement of Licensing Policy.**

3.0 KEY ISSUES

- 3.1 On Friday 23rd March 2018 Melton Borough Council became aware that the previous management of Scalford Hall Hotel (Scalford (Hotel) Limited) the premises Licence holders had gone into Administration on 2nd January 2018.
- 3.2 Section 27 of the Licensing act 2003 states outlines that A Premises licence lapses if the holder of the licence
- Sec 27(4) *For the purposes of this section, a company becomes insolvent on—*
- (a) the approval of a voluntary arrangement proposed by its directors,*
- b) the appointment of an administrator in respect of the company,*
- (c) the appointment of an administrative receiver in respect of the company, or*
- (d) going into liquidation.*
- 3.3 The new management were made aware that as no interim authority notice was applied for within 28 days of going into administration that there was no licence in force at the premises and no licensable activity could take place.
- 3.4 On 11th March 2018 an application for a premises licence was submitted to Melton Borough Council with the required fee and having been served on the responsible authorities.
- 3.5 In summary, according to the application (**Appendix A**) “..This application is to allow a new operator to use this venue as a “Hotel with Restaurant and Conference + Events”
- 3.6 The applicant has applied to carry on Licensable Activities, namely Regulated entertainment:
- A. Plays between the hours of 09.00 – 01.00 Monday – Sunday Both indoors and outdoors.
 - B. Films between the hours of 10.00 – 01.00 Monday – Sunday Both indoors and outdoors.
 - E. Live Music between the hours of 10.00 – 01.00 Monday – Sunday Both indoors and outdoors.

- F. Recorded Music between the hours of 10.00 – 01.00 Monday – Sunday indoors only.
- G Performance of Dance . between the hours of 09.00 – 01.00 Monday – Sunday indoors only.

Provision of Late Night refreshment:

- I. Late night Refreshment between the hours of 11.00 – 02.00 Monday – Sunday indoors only

Supply of Alcohol:

- J. Sale of alcohol by retail between the hours of 10.00 – 02.00 Monday – Sunday Both indoors and outdoors.

The premises are open 24 hrs a day 7 days a week as a functioning Hotel.

The proposed activities will take place within the area identified in the accompanying plan **(Appendix B)**.

- 3.7 The consultation period closed on Friday 11th May 2018; one representation had been submitted from Environmental health and a further 7 from members of the public.

4.0 REPRESENTATIONS.

- 4.1 The representation received **(Appendix C)** relates to one of the Licensing Objectives namely, the Prevention of Public Nuisance; additional conditions have been suggested as part of this representation. **(Appendix D)**
A plan showing the curtilage of the original site and Pavilion **(Appendix E)**
- 4.2 The representation received **(Appendix F)** relates to three of the Licensing Objectives namely, Prevention of Crime & Disorder, Public Safety and the Prevention of Public Nuisance.
- 4.3 The representation received **(Appendix G)** relates to Three of the Licensing Objectives namely, Prevention of Crime & Disorder, Public safety and the Prevention of Public Nuisance.
- 4.4 The representation received **(Appendix H)** relates to two of the Licensing Objectives namely, Prevention of Crime & Disorder and the Prevention of Public Nuisance.
- 4.5 The representation received **(Appendix I)** relates to Four of the Licensing Objectives namely, Prevention of Crime & Disorder, Public safety, the Prevention of Public Nuisance and to Protect Children from harm.
- 4.6 The representation received **(Appendix J)** relates to three of the Licensing Objectives namely, Public safety, the Prevention of Public Nuisance and the to protect Children from harm.
- 4.7 The representation received **(Appendix K)** relates to Four of the Licensing Objectives namely, Prevention of Crime & Disorder, Public safety, the Prevention of Public Nuisance and to Protect Children from harm.
- 4.8 The representation received **(Appendix L)** relates to Four of the Licensing Objectives namely, Prevention of Crime & Disorder, Public safety, the Prevention of Public Nuisance and to Protect Children from harm.

5.0 POLICY AND CORPORATE IMPLICATIONS

- 5.1 The Sub Committee's attention is drawn to Melton Borough Council's Statement of Licensing Policy 2.3 and 2.5 **(Appendix M)** which states:

Balance

2.3 The Licensing Authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

Extent of Control

2.5 Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual club or business holding the licence, certificate or authorisation concerned.

However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimising the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 There are no financial or other resource implications.

7.0 LEGAL IMPLICATIONS/POWERS

7.1 Any of the parties involved may, if they are unhappy with the outcome of this hearing, appeal to the Magistrates' Court within 21 days of the date of the hearing.

8.0 COMMUNITY SAFETY

8.1 The Act contains four Licensing Objectives which underpin the functions that this authority will perform and must be overriding in any decisions that are made in relation to this or any Licensing Application these are:

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

9.0 EQUALITIES

9.1 There are no equalities issues in relation to this report.

10.0 RISKS

10.1 The risks identified by the representations are mainly in respect of public nuisance.

11.0 CLIMATE CHANGE

11.1 There are no implications for Climate Change.

12.0 CONSULTATION

12.1 The consultation period of 28 days ended on 11th May 2018 and the representations received are attached.

13.0 WARDS AFFECTED

13.1 Waltham on the Wolds ward

Contact Officer: Simon Greensmith

Date: 17th May 2018

Appendices :
Application Form – Appendix A
Application Plans – Appendix B
Representations from Environmental Health - Appendix C
Environmental Health – Recommended Conditions – Appendix D
Plan of Curtilage including Pavilion - Appendix E
Representations from interested party - Appendix F
Representations from interested party - Appendix G
Representations from interested party - Appendix H
Representations from interested party - Appendix I
Representations from interested party - Appendix J
Representations from interested party - Appendix K
Representations from interested party – Appendix L
Melton Borough Councils Statement of Licensing Policy - Appendix M

Reference : 05062018