



## LICENSING PANEL

### Members' Notes & Record of decision

RE: Application for a premises licence for Scafford Hotel Ltd

<b>CONSTITUTION OF THE BOARD:</b>	COUNCILLOR P. CUMBERS COUNCILLOR P. FAULKNER COUNCILLOR J. HURRELL
<b>CHAIRMAN:</b>	COUNCILLOR P. FAULKNER
<b>Legal Advisor:</b>	S Patel
<b>Panel Administrator:</b> <i>(if different)</i>	L Thorn
<b>Licensing Officer:</b>	S Greensmith
<b>Applicant/Applicant's representative(s):</b>	
1. B Clarke – Scafford Hotel Ltd	
<b>Relevant Authority Officers:</b> <i>(Environmental Health, Police, Fire, etc.)</i>	
1. D Martschenko – Environmental Health	
<b>Interested Parties:</b> <i>(Objectors)</i>	
1. T Jones 2. K Jones 3. I Jones	
<b>Documentation:</b>	
<ul style="list-style-type: none"><li>Licensing and Compliance Officer report with appendices as circulated to the parties</li></ul>	

**1. Findings of Fact:** *(i.e. the relevant facts accepted from the evidence available)*

On Friday 23<sup>rd</sup> March 2018 Melton Borough Council became aware that the previous management of Scalford Hall Hotel (Scalford Hotel Limited) had gone into administration.

The new management had not complied with section 27 of the Licensing Act 2003 and as such no interim notice had been applied for within 28 days of having gone into administration.

On 11<sup>th</sup> April 2018 an application for a premises licence was submitted to Melton Borough Council.

Several representations had been received and are summarised in the papers.

There were no representations from the statutory consultees save for Environmental Health who had formulated a pack of measures for the panel to consider and apply to any prospective notice.

Environmental Health confirmed they only had 1 recorded complaint since 2017.

The Applicant sought lesser hours than applied for in the application and wished for the terms of the original licence to be re-instated.

The Licensing Officer provided an oral recommendation for the original licence to be recommended and for the conditions of environmental health to be applied to the licence.

The applicant confirmed failure to transfer the licence was an administrative slip and poor advice from their business agents.

**2. Full text of unanimous decision on the application:**

The Licensing Sub Committee has considered the application, representations and oral evidence submitted today.

The subcommittee notes that the applicant has today clarified and modified their application so that the hours requested accord to the original licence which was in place prior to the administration of the former business.

Nonetheless, the subcommittee notes that it has a duty to promote the licensing objectives in a fair and proportionate manner.

The licensing committee noted that there had been no objection from the police and that there had only been one complaint on the environmental health file since 2017 and this was regarding previous management.

However the committee is sympathetic to resident concerns and understands the impact some events have had upon them.

Then committee has noted the oral recommendation of the licensing officer to grant the applicant a premises licence based on the same terms as the previous licence with the new modified conditions provided by Environmental Health.

The Subcommittee has carefully considered and balanced the licensing objectives and concur with the oral recommendation of the licensing officer and therefore have granted the licence on this basis.

The decision is a fair compromise as it provides lesser hours than what the applicant has applied for and also reduces the use of music in the marquee/pavilion area to 12:00 a.m. when previously it was 1:00 a.m.

In summary therefore the Licensing Panel has granted a licence on the same terms as the former license MMA0258 which was in existence prior to lapsing. However the new license is subject to the new conditions proposed by Environmental Health. Additionally all licensable activities associated with the marquee and pavilion area are to cease at 12:00 a.m in accordance with the conditions inferred by Environmental Health.

The Subcommittee has also provided the following recommendations to consider:

- a) A contact/liaison officer for complaints be provided to residents.
- b) Provide residents with reasonable notice of events as much as possible.
- c) Keep a book/log of complaints and or introduce a complaints process for local residents.

The subcommittee would like to see a positive relationship develop between the applicant and residents and hopes that the applicant has taken on board the concerns of the residents.

Nonetheless should there be future issues with the licence the Committee is aware that the licence could be called in for review at anytime or in terms of noise issues be subject to the enforcement controls of environmental health should their be grounds.

### **3. Reasons for decision:** *(an explanation of why)*

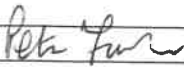
The licensing panel has given appropriate weight to:

- The licensing objectives;
- The representations
- Home Office guidance under s.182 of the Licencing Act 2003.
- It's own statement of licensing policy

The decision has been made taking into account the aforementioned guidance and noting that there had been no representations from the statutory consultees and the guidance of the Environmental Health and Licensing Officer were also taken into account when determining the application.

The decision is deemed to be proportionate and fair noting that the application was only before the panel due to an administrative slip however the committee was also mindful to balance resident concerns in relation to events.

The panel is hopeful that the new management structure will work with local residents moving forward.

<b>Melton Borough Council</b>	
Signature:	
Chairman:	Councillor P. Faulkner
Date of Hearing:	5 <sup>th</sup> June 2018

