

Minutes

Meeting name	Licensing Panel
Date	Tuesday, 5 June 2018
Start time	10.00 am
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray. LE13 1GH

Present:

Chair Councillor P. Faulkner (Chair)

Councillors P. Cumbers J. Hurrell

Observers

Officers Solicitor To The Council (SP)
Licensing & Compliance Officer (Business Advisor: Licensing) (SG)
Licensing & Compliance Officer (Business Advisor: Licensing) (SF)
Administrative Assistant (LT)

Applicant's Representative
Environmental Health Representative
Representative A
Representative B
Representative C

Minute No.	Minute
LP1	<p>Election of a Chair Councillor P. Cumbers proposed Councillor P. Faulkner. Councillor J. Hurrell seconded. Vote was unanimous. Councillor P. Faulkner was elected as Chair.</p>
LP2	<p>Apologies for absence There were no apologies for absence.</p>
LP3	<p>Declaration of Interest Councillor P. Cumbers recognised the Representatives having known each other as governors on the same body previously. The Representative were asked if they were happy with Councillor P. Cumbers being on the Panel, to which the Representatives agreed.</p> <p>Councillor E. Holmes asked that as the Ward Councillor the parties were happy for the Councillor not to sit on the panel. Parties agreed.</p> <p>Councillor E. Holmes left the room.</p>
LP4	<p>Licensing Act 2003 - New Premises Licence - Scalford Hotel Limited, Scalford Hall Hotel, Melton Road, Scalford, Melton Mowbray, LE14 4UB Chair's Introduction</p> <p>The Chair introduced themselves, the other Members on the Panel and asked those present if anyone was aware of any reason for any of the Members to not take part in the Panel, to which there were none.</p> <p>The Chair introduced all who were in attendance, and asked those whom were making representations to introduce themselves also. There were the Representatives, the Applicant's Representatives and the Environmental Health Representative.</p> <p>The Chair then continued to read out the procedure of the Licensing Panel and asked if any representation was likely to be over 10 minutes to which there were none.</p> <p>The Chair noted an amendment on the report section 3.4 reads 11th March 2018 this should be 11th April 2018.</p> <p>The Chair then asked the Licensing and Compliance Officer (LCO) to present the Application and their report.</p> <p>The Licensing & Compliance Officer's Report</p> <p>The LCO read out their report in full and stated the purpose of this report was to</p>

submit an application for consideration by the Licensing Panel for a Premises Licence under the Licensing Act 2003 due to the submission of relevant representations during the statutory consultation period.

The Chair asked if there were any question to the LCO, to which there were none, The Chair then thanked the LCO, and asked the Applicant's Representative to make their representation.

The Applicant's Representative's Statement

The Applicant's Representative (AR) explained their business background and a brief overview of the events leading up to today's panel. AR would not want to change anything and keep same terms as previous licence, which had recently lapsed due to insolvency.

The Chair asked if any of the Licensing Panel had any questions.

Questions to the Applicant's Representative

Members asked questions of the structure of the business now and AR replied that the owner has employed the management team to oversee the running of the Hotel, the Designated Premises Supervisor (DPS) would see to the day to day running and in future would look at putting a local manager in place. A Member mentioned the history of complaints and asked how AR would deal with complaints received, AR replied they could not comment on previous operators and was not a representation of what they are currently, AR had inherited the business in January 2018 and would keep a book and ensure complaints were reported to AR and residents could be assured that these complaints would be passed on to AR through the Hotel.

Member queried whether noise limiter could be used with live entertainment, to which AR replied that live entertainment can be regulated but does not come without its challenges and that they would take reasonable steps.

Members queried the timings applied for and asked for clarification on what was being applied for. AR explained that there had been some confusion and apologised for any distress caused. The application had been made on erroneous information provided and happy to have it exactly as applied for before.

The Solicitor to the Council asked for clarification as to why they were here today and why a transfer of the Premises Licence was not done at the time, to which AR replied that this was the first time the management had taken over a business which had previously gone into insolvency and been informed in error that the Transfer of the Premises Licence had been done.

The Chair asked if the Environmental Health representative could present their statement.

The Environmental Health Representatives Statement

The Environmental Health Representative (EHR) read through the recommended conditions as attached in the Appendix D of the report. In 2015, there had been a number of complaints to Environmental Health regarding noise in the Marquee, Environmental Health colleagues went out to Marquee and established a framework and set conditions based on this.

The Chair thanked the Environmental Health Representative and asked if there were any questions.

Questions to the Environmental Health Representatives

Members asked questions about complaints, EHR confirmed there had been one complaint since 2015 which was in 2017 so this seemed better and EHR would like it to be the same. EHR explained the use of sound limiter with live bands. With recorded music where the level exceeds threshold it turns off the power, with live bands it would give you a warning but would not turn them off. EHR explained that it was a good tool but not infallible when it came to live entertainment.

The Chair asked if Representative A would like to present their representation.

Representative A Statement

Representative A lived across the fields and had done for 24 years, for 20 of these years they had had a good relationship with the owners of the premises but since the current owner took over the noise has been remarkable with processions in the daytime and would like clarification on his input into the Premises. Representative A recounted an event that happened in January 2018 where the Duty Manager was not on the premises but did ring us and within 20 minutes the noise did drop. He sent on his neighbours apologies as they could not make it to the Panel but had said that there was noise emitting from the Marquee, pavilion doors wide open, told limiter no longer in use by staff at premises. Noise levels should be limited and feels that local residents complaints have been ignored. Raise traffic issues on the road used as access point by local scouts. There is no speed limits, no lighting and regular used.

Questions to the Representative A

Members asked if Representative A if they had any forwarded any complaints to Environmental Health, to which Representative A could not recall exact dates.

Members asked AR if they had received this complaint, to which AR replied no but he was empathetic to residents and queried the comment of the sound limiter not being in use as, he stated it was in use and it is correct and that they had invested in portable decibel monitors in the Marquee. AR mentioned the difficulty in guarantee with different DJs, different equipment.

Member relayed that in their written representation, Representative A, were not against approval, but the hours applied for and the control and regulation. Representative A would like to live in harmony and would like to enjoy being in their garden at home rural area and not be disturbed.

A Member asked if the application was still legal if they were asking for reduced hours. Solicitor to the Council confirmed the application was still valid.

Representative A asked if the marquee was considered indoor or outdoor. EHR answered outdoor.

Representative B Statement and Questions

Representative B lived in the grounds and mentioned the noise through the daytime with drumming and a discussion took place about a gentlemen's agreement with the owner about when and where this activity would take place. Representative B mentioned that the previous owner would notify of fireworks to prepare the residents and people with livestock and asked if this would be possible with the current owners. Members asked AR if this would be possible, to which AR said yes but there was no regulations for this.

A discussion was had about the Marquee/Pavilion and whether it was considered outdoor or indoor. It was resolved to be regarded as outdoor but with an extension of time and it was confirmed there were three areas defined; Indoor, Outdoor and Marquee/Pavilion.

Representative C asked if they could play a recording of the level of noise on 3 separate occasions and involved another person not present at the Licensing Panel. Representative C described the recording and the Chair asked all who were present if they agreed for the recording to be played. The Members and AR did not agree to this and it was resolved that the recording would not be played and the Members would take Representative C's description of the events.

EHR was asked by members to clarify the conditions which EHR was recommending adding to the licence, to which EHR reiterated the recommended conditions in Appendix D and clarified that night time hours were classed to be.

Representative C Statement and Questions

Representative C mentioned that the owners had not kept to this.

Representative A mentioned that when they do have an event, the representatives do speak to the Hall, Environmental Health not available at the times of events. For the last three years they had phoned the police and phoned the Council but there was no recourse.

EHR clarified that in the past they had attended events by appointments only to check the Marquee/Pavilion after a complaint and that they would attend if they received a succession of complaints.

Members reiterated the need for people to put their complaints about premises' in writing and submit them to the council.

Summaries

All parties were given opportunity to summarise.

LCO clarified hours requested be that of the previous licence MMA0258 with the Environmental Health conditions.

AR explained that they would be happy to compromise with the hours permitted and to communicate directly with residents if they had any concerns and explained how to get in contact.

The Licensing Panel adjourned at 12:50.

The Licensing Panel recommenced at 13:25, to which the Chair thanked everyone and handed over to the Solicitor to the Council for the Decision.

The Solicitor to the Council summarised the findings of facts and read out the decision.

It was **RESOLVED** to grant the licence on the same terms as the former license MMA0258 which was in existence prior to lapsing. However the new licence 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 12:00am in accordance with the conditions inferred by Environmental Health.

The decision was unanimous. The Solicitor to the Council advised of the 21 days to Appeal.

The Chair thanked everyone and closed the meeting.

The meeting closed at: 1.30 pm

Chair

