

## LICENSING SUB COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 13th April, 2017 at 10.00 am

**Present:** Councillor Mike Smith in the Chair;

Councillors Cathy Mason and Robert Sears-Piccavey.

**Officers Present:** Julian Alison, Vicky Dawson, Alan Maher and Andrew Sullivan.

**In Attendance:** Mr Gary Ashworth, Ms Lynette Henry, Mr Moir Rawson.

### **LC.5 Declarations of Disclosable Pecuniary and Non-Disclosable Pecuniary / Other Interests**

No Declarations of Interest were received.

### **LC.6 Hearing for Application for a New Premises Licence. Lyngary's 30A Annesley Road, Hucknall, Nottinghamshire NG15 7AB**

The Chair introduced himself and asked the Committee Members, officers and those others present to introduce themselves.

The Applicants for the New Premises Licence, Mr Gary Ashworth and Ms Lynette Henry were in attendance. Mr Moir Rawson, as an Interested Party in the application, was also in attendance.

The Chair outlined the application. He also explained the procedure to be adopted throughout the duration of the hearing.

The Chair then invited the applicants to put forward their case to the Sub-Committee. Mr Ashworth and Ms Henry proceeded to do this.

In accordance with the adopted procedure, the Interested Party, Sub-Committee Members and Legal Officer were then given the opportunity to question the Applicants. During the questioning, Mr Ashworth referred to a letter of support for the application from the local Member of Parliament, Mr Mark Spencer, which he asked the Sub-Committee to consider. As the Interested Party had no objections to this the Sub-Committee agreed to the request.

The Interested Party, Mr Moir Rawson, was then invited to address the Sub-Committee, which he did. Following on from this and in accordance with

adopted procedure, the Applicants, Sub Committee Members and Legal Officer were given the opportunity to question him.

Finally, the Chair invited the Applicants and Interested Parties to sum up their respective cases.

The Chair and Sub-Committee then withdrew from the hearing in order to deliberate on the application and the representations made in respect of it.

The hearing was adjourned at 10.33 am.

The Chair and Sub-Committee returned to the room at 11.13 am.

The Legal Officer presented the Sub-Committee's findings:

**RESOLVED**

### **1. Decision**

The decision of the Licensing Sub-Committee (in exercise of its powers delegated by Ashfield District Council as Licensing Authority) was to grant the application for a premises licence subject to the following conditions:

The mandatory conditions, the conditions requested by the Responsible Authority and accepted by the Applicant, the embedded restrictions on the use of the premises; and the conditions consistent with the Operating Schedule save for the following amendment:

Live music to be played indoors only Wednesday – Saturday 18.00 to 21.30hrs, Sunday 12.00 to 21.30 hrs

### **2. Facts and Reasons**

The Sub-Committee decided the following:

1. No representations were received from any Relevant Authority;
2. No representations were received from Nottinghamshire Police specifically in connection with public nuisance or crime & disorder in the area;
3. No evidence of public nuisance or crime & disorder connected to this Premises.

The Sub-Committee's reasoning behind its decision was based on being satisfied that:

1. The conditions proposed by the Responsible Authority and accepted by the Applicant were appropriate for to the promotion of the Licensing Objectives.
2. Having taken into consideration of all the objectors comments with regards to public nuisance, especially noise, they were satisfied that a reduction in

the hours of live, acoustic/unamplified music and the steps taken by the applicant to reduce noise with improvements to the flowing will promote the licensing objectives.

3. Licensing Law is not the primary mechanism for the general control of public nuisance but rather a part of a holistic approach to the management of the District.
4. If a Responsible Authority and/or Interested Party feel that the licence cannot be or is not being adhered to then a review application can be made to the Licensing Authority for the licence to be reviewed.

The Sub-Committee considered all the evidence carefully submitted by the Applicant including the additional evidence accepted during the hearing, took into account all objections received and the presentation by an interested party at the hearing, and took into account the District's Licensing Policy, the Secretary of State's Guidance issued under s182 of the Licensing Act 2003 (April 2017) in particular paragraphs 9.12 – 9.19, 10.8-10.10 and 10.46-10.49, the Human Rights Act and the four licensing objectives, namely:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Each objective being of equal importance.

On consideration of the evidence and by virtue of the guidance issued under section 182 of the Licensing Act 2003 ( April 2017) the Licensing Authority only imposed conditions which it regarded as necessary and proportionate to the promotion of the Licensing Objectives or were offered by the Applicant.

The Sub-Committee were also satisfied that the variation to conditions for live music would address the concerns of the Interested Parties going forward.

If a Responsible Authority and/or Interested Party felt that the licence was not being adhered to then a review application could be made to the Licensing Authority for the licence to be reviewed.

### **3. Appeal**

The parties to the hearing are reminded that there is a right of appeal against the decision to the Mansfield Magistrates Court, Rosemary Street, Mansfield, exercisable within 21 days of receipt of this notification.

The meeting closed at 11.17 am

Chairman.