

<b>Report To:</b>	<b>LICENSING COMMITTEE</b>	<b>Date:</b>	<b>19<sup>TH</sup> AUGUST 2019</b>
<b>Heading:</b>	<b>HEARING FOR APPLICATION FOR A NEW PREMISES LICENCE: 127 OUTRAM STREET, SUTTON IN ASHFIELD</b>		
<b>Portfolio Holder:</b>	<b>ENVIRONMENT</b>		
<b>Ward/s:</b>	<b>CENTRAL &amp; NEW CROSS</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

### **Purpose Of Report**

For Members to consider evidence produced at a public hearing taking into account the details contained within this report and any representations made at this meeting for an application to grant a New Premises Licence to David Mattis in relation to 127 Outram Street, Sutton in Ashfield, Nottinghamshire, NG17 4BG; and to determine the application by taking such of the steps set out below as the Committee considers necessary for the promotion of the licensing objectives.

### **Recommendation(s)**

Members having regard to the application and any relevant representations, take such of the following steps as they consider appropriate for the promotion of the licensing objectives:

The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Grant the licence in accordance with the application.**
- b) Modify the conditions of the operating schedule by altering or omitting or adding to them.**
- c) Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.**
- d) Reject the whole of the application.**

The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

## **Reasons for Recommendation(s)**

Members must consider all evidence offered at the Hearing and make an unbiased decision on the evidence offered. In making any decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 (which can be found online at):

**[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)**

and the Council's own Statement of Licensing Policy (which can be found online at):  
**<https://www.ashfield.gov.uk/media/5265/statement-of-licensing-policy-2019-2024.pdf>**

## **Alternative Options Considered (With Reasons Why Not Adopted)**

None

## **Detailed Information**

The Licensing Act 2003 came in to force in September 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities:

- **The sale by retail of alcohol;**
- **The supply of alcohol by or on behalf of a club or to the order of a member of the club;**
- **The provision of regulated entertainment; and**
- **The provision of late night refreshment.**

The licensing objectives are:

- **The prevention of crime and disorder;**
- **The promotion of public safety;**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

Section 18 of the 2003 Act, allows Interested Persons, and Responsible Authorities, to make representations in favour or against applications for the grant of a Premises Licence. Should representations be made that cannot be resolved between the parties during any consultation period, then the application must be determined by a Licensing Committee or Sub-Committee Hearing.

## **Other Relevant Considerations**

The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Ashfield District) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in

existence, and the protection of private and family life) when considering the fair balance between the interests of the all parties to this Hearing.

Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

When considering any representations, only those issues relating to the licensing objectives should be considered, and appropriate weight given to the importance and relevance of each representation.

Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

### Summary of Application

On 24<sup>th</sup> June 2019, the Licensing Authority received an application from David Mattis for the grant of a New Premises Licence for 127 Outram Street, Sutton in Ashfield, Nottinghamshire, NG17 4BG, seeking to provide licensable activities at the premises (a Micro Brewery)

A summary of the licensable activities applied for and the times proposed for these activities can be found detailed below.

#### Sale of Alcohol (off sales only):

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Monday – Sunday	18:00	Until	02:00
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#### Late Night Refreshment (provided outdoors only):

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Monday – Sunday	23:00	Until	02:00
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A summary of the proposed opening hours can be found detailed below.

#### Opening Hours:

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Monday - Sunday	18:00	Until	02:00
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Both the application and the steps that the applicant intends to take to promote the licensing objectives can be found at **Appendix A**.

In light of the Licensing Authority believing that the applicants Operating Schedule required further enhancing in order to promote the licensing objectives, the Responsible Authority for the Licensing Authority sought and obtained agreement from the applicant to a more robust set of conditions to be attached to the grant of any New Premises Licence. A copy of the agreed conditions (to replace those originally proposed by the applicants) are attached at **Appendix B**. A copy of the applicants' agreement to these conditions is attached at **Appendix C**.

During the 28 day consultation period the Licensing Team received one representation submitted by Nottinghamshire Police objecting to the application. The representation is attached at **Appendix D**, and the representation raises concerns that the proposed business may undermine the licensing objectives of the prevention of crime and disorder.

A map detailing the general location of the premises is attached at **Appendix E**.

## **Implications**

### **Corporate Plan:**

Licensing Act 2003 is a statutory duty of the Council.

Ensuring that Premises and Clubs operate with the correct Licence, having regard to the Council's Statement of Licensing Policy on alcohol, regulated entertainment, and late refreshment licensing, will contribute towards the reduction of crime and disorder within the district and to improve community safety and environmental quality.

### **Legal:**

Legal advice will be given at the hearing.

### **Finance:**

*Information Only*

No financial implications for the Council.

This report is effective from 19<sup>th</sup> August 2019 and has the following financial implications:

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
It is important that due process is followed in considering this application to ensure that the correct decision is reached which could not be challenged on the grounds that the specified procedures have not been followed.	The hearing has been organised to ensure that due process is followed, with appropriate support from the Council's legal representative to ensure this.

### **Human Resources:**

*Information Only*

There are no direct HR implications contained within this report

### **Equalities (to be completed by the author):**

*Information Only*

Statutory requirement of the Licensing Act 2003, there no diversity or equality implications.

**Other Implications:**

None

**Reason(s) for Urgency (if applicable):**

Not applicable

**Background Papers**

- Appendix One:** Application for a New Premises Licence  
**Appendix Two:** Proposed conditions of the Licensing Authority  
**Appendix Three:** Agreement of Applicant to Licensing Authority conditions  
**Appendix Four:** Representation from Nottinghamshire Police  
**Appendix Five:** Location Map

**Report Author and Contact Officer**

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