

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room, Council Offices, Coalville on WEDNESDAY, 12TH NOVEMBER 2003.

Present: Councillor P A Hyde (Chairman) (In the Chair)

Councillors J G Coxon, R A Evans, P Holland, D Howe, J T Male, E J Purver, A C Saffell and D H Wintle.

In attendance: (Item 2 on the agenda) Councillor G J Davies.

Officers: Messrs G Crossley, R Eaton (Item 4 on the agenda), J R Kirkham, J E Peters and Miss M Lister.

In respect of the Turk's Head application:

Mr A Chambers, Mr J Greenbank, Mr A Hardwick, Mr M Harris(Licensee of the Turk's Head), Miss K Jones(Landlady of the Turk's Head), Parish Councillor R Morris-Chapman and Mr A Wilson.

Apologies for absence were received from Councillors J Collins and G Tacey.

The following declarations of personal and prejudicial interests were received:

Parish Councillor Morris-Chapman declared an interest in the Turk's Head application as a member of Oakthorpe, Donisthorpe and Acresford Parish Council. He reserved the right to appear at the meeting and speak on the application as a member of the public.

After the Chairman asked committee members whether there were any objections to a change in the agenda's order of business, it was agreed that item 4 would be considered after the minutes.

**426. MINUTES**

... Consideration was given to the minutes of the meeting held on 17 September 2003 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meeting held on 17 September 2003 be approved and signed as a correct record.

**427. MINUTES**

... Consideration was given to the minutes of the meeting held on 1 October 2003 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meeting held on 1 October 2003 be approved and signed as a correct record.

Chairman's initials

**428. THE TURK'S HEAD, 65 CHURCH STREET, DONISTHORPE**

Mr Kirkham reminded members that the Licensing Committee was a quasi-judicial body and the effect of this meant that the rules of natural justice had to be observed and that the applicant must be treated fairly and be seen to be treated fairly. He requested members to restrict themselves to questions and reserve their opinions until the process of deliberation.

Mr Kirkham introduced the application for a public entertainment licence in respect of the Turk's Head, Church Street, Donisthorpe. He asked members to note that the original application for the licence had indicated a use of less than 50 times a year. However, the applicant had amended his application by letter dated 8 October 2003 requesting a licence to provide public entertainment on 4 dates per calendar month plus Christmas Eve and Boxing Day. Members noted that the application had been referred to the Licensing Committee for determination because objections to the application had been made by members of the public and officers were not authorised to grant applications under delegated authority where objections had been made.

Members were provided with papers relating to the application.

The Chairman invited questions to the applicant from consultees.

Mr Harris was invited to present the case in support of the application. He gave members a brief description of the premises and his reasons for applying for an entertainments licence. He also confirmed his request to amend the original application.

Mr Crossley, the Council's Head of Environmental Protection, introduced himself to members, the applicant and objectors. In response to questions from Mr Crossley the applicant gave details of previous events that had been held at the premises prior to the submission of the public entertainment licence application and improvements to the building to reduce and prevent disturbance to local residents from musical entertainment being held at the premises.

Mr Crossley referred to a meeting with the licensee concerning noise outbreak from the premises and he asked the licensee to explain the measures that he had undertaken under the guidance of Mr Crossley to prevent noise problems. Mr Harris stated that in addition to keeping doors and windows closed during public entertainment, he had filled a redundant extractor fan which faced the street with expanding insulating foam and he had fitted a baffle on the outside of another extractor fan, lining it with rock wool.

Furthermore, in response to questions from Mr Crossley, Mr Harris confirmed that his application was for an entertainment licence to provide on entertainment on 4 evenings per calendar month, either a Friday or Saturday evening, and for the entertainment to cease at the standard entertainment licence hour of 12 midnight.

Chairman's initials

Councillor G J Davies, the ward member for Oakthorpe and Donisthorpe, was invited to ask questions to the applicant. In response to questions Mr Harris confirmed that he was willing to abide by the recommendations of the Council's Environmental Protection Officer and address any identified problems of noise disturbance to local residents.

Members of the public were invited to ask questions to the applicant. The applicant answered questions from Mr Greenbank concerning noise levels and the cessation time for entertainment at the premises.

Members of the group then asked questions on the location of complainants' properties in relation to the public house's position; the concern that customers would attempt to open doors and windows during entertainment; car parking; adequate ventilation at the premises; the positioning and opening direction of doors; the lounge capacity and the decking structure at the front of the building.

The Chairman invited comments on the application from Mr Crossley, Miss Lister, the ward member and members of the public.

Mr Crossley replied that he had no objection in principle to the licence application provided that public entertainment was only held on Friday and Saturday evenings and was restricted to 4 occasions per calendar month and provided that the treatment of the extractor fan was adequate. He also asked that the entertainment cease at 12 midnight and a condition be imposed on the licence instructing the licensee to keep all doors and windows closed whilst entertainment is in progress.

In response to a question from Mr Harris, Mr Crossley confirmed that public entertainment provided on Christmas Eve, Boxing Day and New Year's Eve would be additional to the limit of 4 occasions per calendar month.

In response to a question from Mr Greenbank, Mr Crossley confirmed that his section at the Council was responsible for monitoring noise levels and investigating complaints of noise disturbance. Mr Crossley invited Mr Greenbank and any other resident to contact him direct with any complaints relating to disturbance from musical entertainment at the licensed premises.

In response to a point made by Councillor Saffell that some calendar months could contain 5 Fridays or Saturdays, Mr Harris replied that he envisaged only 1 or 2 actual entertainment events per month.

Miss Lister stated that an occupancy capacity of no more than 50 persons had been calculated for the lounge at the building. However she was seeking to obtain further advice from Leicestershire Fire and Rescue Service on this matter.

Councillor Davies commented that the licensed premises were well managed and well supported. The building had no houses adjacent to it and had good parking and during his period as a district councillor he had not been made aware of any problems, including noise disturbances associated with the pub's operation.

Chairman's initials

Mr Morris-Chapman understood the concerns of some residents regarding the potential for noise disturbance but he pointed out as a resident of Church Street that he and his family had never suffered any disturbance from the premises as a result of musical entertainment. Furthermore, he believed that Mr Harris had done everything to address the concerns of local people in view of their complaints.

Mr Harris was invited to make a closing address to the Licensing Committee. He summed up by stating that the application had been made to cover occasions, particularly karaoke, when an entertainment licence was required. He stressed that entertainment was not advertised and was basically provided for his regular customers on 1 or 2 occasions per month.

At 7.25pm the applicant, Councillor Davies, Mr Crossley, Miss Lister and members of the public were asked to leave the room while the committee deliberated. The parties were invited to return to the room at 7.30pm.

RESOLVED:

That the grant of a public entertainment licence in respect of the Turk's Head, 65 Church Street, Donisthorpe to permit public entertainment on up to 4 Fridays and Saturdays per calendar month, Christmas Eve, Boxing Day and New Year's Eve from 9.00am until 12 midnight be granted subject to the satisfactory completion of noise control treatment measures to an extractor fan as recommended by Mr Crossley, the Council's Head of Environmental Protection, and that the licence be granted subject to the following conditions:

- (a) All doors and windows shall be kept closed while entertainment is in progress.
- (b) The number of persons (including those employed in the premises) allowed to be present in the lounge part of the Turk's Head during public entertainment be limited to 50 persons. This occupancy figure would be subject to any further advice from Leicestershire Fire and Rescue Service.

In reaching their decision the committee had considered the human rights of both the applicant, particularly under the Article 1, Protocol 1 and of the objectors, particularly under Article 8. On the evidence presented, having balanced these rights, the group had decided that it would not be proportionate to refuse the application.

**429. ASHBY'S, 59A MARKET STREET, ASHBY DE LA ZOUCH**

Miss Lister reported that a renewal application made in February 2002 had remained unconsidered due to objections and outstanding work at the premises. The premises had subsequently closed for business at the end of 2002. The licence holder at the time of the renewal application no longer had any interest in the business or premises and he had confirmed the withdrawal of the application with immediate effect.

RESOLVED:

That the withdrawal of the application for the renewal of a public entertainment licence for Ashby's, 59A Market Street, Ashby de la Zouch be noted.

Chairman's initials

#### 430. CONSULTATION ON PUBLIC COLLECTIONS

... Consideration was given to the report of the Head of Administration (copy previously circulated and retained with the official copy of the minutes).

The purpose of the report was to make members aware of proposals to amend legislation governing public collections and to obtain members' comments on responses to the proposals explained in the consultation document.

The Head of Administration described the aims of the strategy paper which recommended a new integrated licensing scheme for public collections for charitable purposes to address the inconsistencies in legislation which causes problems with the current situation. The consultation document intended the creation of a fair and cost effective licensing system which facilitated organisations to be responsible for fund-raising but deterred bogus collections and prevented nuisance to the public.

Mr Eaton gave details of the main problems under the existing legislation and how a new integrated licensing scheme aimed to overcome these. The report proposed a single licensing scheme covering public collections where a representation is made that some or all of the proceeds would go to a charitable cause. Only the smallest local collections should be exempt. It was also envisaged that any new legislation would cover new forms of fund-raising, eg direct debit solicitation.

In respect of the report and consultation document, Mr Eaton answered questions on guards against bogus fund-raising, the replacement of national exemption orders with "lead authority" model, the minimum age of collectors and future costs of administering the system, record keeping and monitoring of collections.

Members stated how important it was to know what part of the proceeds from fund-raising actually went to a charitable cause.

#### RESOLVED:

That the comments outlined in the report be supported and submitted to the Home Office in response to the consultation document subject to an amendment to the response relating to question no. 31 as set out below.

The minimum age of street and house collectors be set at 16 years but in any event the licensing authority would need to be satisfied that a responsible adult would accompany any young person collecting.

Mr Eaton left the meeting at the conclusion of the consultation on public collections.

Councillor Davies left the meeting after consideration of the Turk's Head application.

The meeting terminated at 7.35pm.

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