

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Remote Meeting using Microsoft Teams on THURSDAY, 17 DECEMBER 2020

Councillors J Clarke, M D Hay and A C Saffell

Officers: Mr T Delaney, Mr M Pickering, Mrs R Wallace and K Woollett

## **1 ELECTION OF CHAIRMAN**

It was moved by Councillor J Clarke, seconded by Councillor M Hay and

RESOLVED THAT:

Councillor A C Saffell take the chair for the remainder of the meeting.

## **2 APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

## **3 DECLARATION OF INTERESTS**

No interests were declared.

## **4 APPLICATION FOR A NEW PREMISES LICENCE**

The Chairman introduced the parties and outlined the procedure to be followed.

The Hearing Regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time limit for each presentation be ten minutes.

The Licensing Enforcement Officer presented the report to Members, highlighting background information and representations received.

In response to questions from Councillor J Clarke, the Licensing Enforcement Officer confirmed that the premises was in operation up until the licence was surrendered and there was no cause for concern during this time, however it was during the first national lockdown due to Covid-19 and many premises were not operating as normal.

The applicant's representative, Ms Yvonne Freeman, addressed the meeting. Ms Freeman would be the Designated Premises Supervisor if the application was successful. She confirmed that all conditions requested by Environmental Protection and the police in relation to noise and disturbance had been agreed. She explained that much of the noise and disturbance in the past was at the front of the premises and that was because the back of the premises had to be closed by 11pm in line with licence conditions. The new licence application allowed the back of the premises to remain open and therefore it could still be used as a smoking area. She confirmed that the back of the premises would be monitored by CCTV 24 hours a day which would help control noise and behaviour, this footage would be kept for a three-month period. She added that it was her intention to restrict the use of glass containers outside of the premises after a certain time. She concluded by confirming that the application was for recorded music to be played Monday

Chairman's initials

to Sunday and live entertainment on Fridays and Saturdays, the closing hours were in line with other licensed premises in the area.

In response to a question from Councillor J Clarke, the applicant's representative confirmed that the premises did have living accommodation, but she would not be living there as she was a local resident. It was unknown what the intentions were for the living accommodation.

Councillor M Hay referred to the recent history of anti-social behaviour at the premises and asked what the intended action was to prevent this problem going forward. The applicant's representative explained that the CCTV would be in operation at all times and a screen behind the bar would allow staff to monitor this. There was also a refusals list at the premises and as the applicant's representative worked at the premises previously, she was aware who these people were. Finally, she added that anyone entering the premises who was already intoxicated would be refused sale and anyone causing anti-social behaviour would be asked to leave, with police involvement if necessary.

In response to a further question from Councillor J Clarke, the applicant's representative confirmed that customers would be using the back of the premises as a smoking area rather than the front.

There were no questions from the Licensing Enforcement Officer but in relation to the reference to the provision of live and recorded music, he clarified that conditions could be added to the licence after 11pm when it became a licensable activity.

The Democratic Services Officer read out the following submitted statements of Mr Paul Whyman and Mrs Angela Burr who had made representations but were unable to attend the hearing:

'Firstly, my apologies for not being able to attend this meeting.

My first point is that it is the council's responsibility to protect the people it represents. Listed below are my objections and questions regarding the above request. This should also be read in conjunction with my previous objections already in your possession.

This pub has been notorious for rowdy behaviour, drunkenness and fighting. This has been mainly caused by owners that have not bothered and the clientele that they have allowed in. I cannot comment on the present owners but I know full well that it is unlikely that the clientele will change.

With regard to the application, why does the pub not operate under the same hours as other local pubs. This will only cause a mass exodus from one pub at closing time to the Three Crowns.

Will the pub have a cut off time that people cannot enter the pub?

I cannot see how the pub can serve drinks up to closing time during the week and Friday and yet still close at the same time. There obviously needs to be a last orders time.

The beer garden at the rear of the property I believe should be closed to drinking after 11 p.m. and only used for a smoking area. In the past this has been the main problem other than the music from which the nuisance noise has emanated due to people singing and shouting as the more alcohol they drink releases their inhibitions. There is no mention either of silent self-closing doors to this area.

I cannot see any response in the documentation requested by the police.

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Another objection to the licensing hours is that after the pub has closed the noise from their clientele in the past has carried on for well over any hour due to them singing and shouting in the street. My wife is registered disabled and struggles to sleep at the best of times. Although not the responsibility of the pub the noise will not help the matter. Also, it is impossible to sleep with the windows open during the summer months due to the noise from the pub.

In conclusion whilst I have no objection to the establishment being run as a pub during reasonable hours, I do object to them playing live and recorded music especially as this is a residential area.

Paul Whyman, Local resident'

and

'Thank you for accepting my representation to be read out at the meeting on 17 December 2020.

This establishment has been the cause of continuous anti-social behaviour, drunkenness, fighting, noise from rowdy behaviour and very loud music over a long period of time and making life unbearable and frightening.

I have no reason to believe that if the licence is granted with the hours suggested that things will be any different unless certain conditions are attached to the licence.

In my humble opinion it is the duty of the district council to ensure that residents live in a peaceful and safe environment.

I ask that careful thought and caution is given to the hours that this establishment is allowed to operate with emphasis of closing hours particularly at weekends.

Also I ask that the Licensing Committee pays attention to when music is played and certainly does not allow any music late evening to be played in the small beer garden rear of the public house and limits access to that garden for drinking and socialising in the late evening.

The licensing authority will hopefully seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

The licensing authority will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention of Human Rights: -

Article 8 ~ Every person has the right to respect for his /her home and private and family life. Article 1 ~ Every person is entitled to the peaceful enjoyment of his or her possessions.

Also, please consider whether the premises will make a significant contribution to levels of crime and disorder and whether the operating schedule is based on adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application. .

Whether operating schedules contain adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance to peoples in the vicinity. In my opinion, stricter conditions should be imposed

Chairman's initials

on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.

Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at home and when at home both while relaxing and whilst sleeping.

Also, in my opinion one of the conditions of the application should be operational and working CCTV particularly externally. (CCTV cameras are already in position externally. However, not known whether CCTV is operational).

Suggest for the provision of staff to control admission and to control persons inside the premises. When such staff are engaged, they must be licensed by the Security Industry Authority.

I feel I have covered enough points for consideration with my representation.

However, I trust that in deciding the licensing application for The Three Crowns Whitwick then the Licensing Committee will adhere (without exception) to the ' North West Leicestershire District Council Licensing Act 2003 ~ Statement of Licensing Policy ~ Effective Period March 2019 to March 2024 ~ Issue 7. Approved by the council at its meeting on 26 February 2019

Mrs Angela Burr, Local Resident'

In response to the statements made, the applicant's representative referenced the broken windows and trespassing of a residential property and pointed out that there was no evidence that it was from customers of the Three Crowns. She also confirmed that all the external doors were self-closing and windows would remain closed at weekends.

In response to a question from Councillor A C Saffell, the applicant's representative confirmed that the closing time applied for on Fridays and Saturdays was in line with another licensed premises in the area, as requested by Environmental Protection. Therefore, she did not foresee any issues with an influx of customers from other premises after 11pm. The Licensing Enforcement Officer referred Members to appendix 2 of the report which included a statement from the Environmental Protection Team.

In response to a question from Councillor J Clarke, the Licensing Enforcement Officer confirmed that there were no issues from any of the other licensed premises in Whitwick.

The Legal Advisor referred to the proposal made to prohibit the use of glass containers by the applicant's representative and asked for confirmation of the time. It was confirmed that glass containers would always be prohibited outside the front of the premises and at the back of the premises after 11pm.

The applicant's representative gave a brief closing statement reiterating comments made previously in the meeting.

At 11.05am the Sub Committee adjourned to consider its decision. It reconvened at 11.58am.

RESOLVED THAT:

The licence be granted subject to the conditions on the operating schedule and those agreed with Environmental Protection and the Police.

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The meeting commenced at 10.30 am

The Chairman closed the meeting at 12.02 pm