

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Offices, Coalville on FRIDAY, 3 MARCH 2023

Present: Councillors J Clarke and D Everitt

Officers: Ms K Woollett, Ms T Cooper and Ms R Haynes

Applicant: Mr A Buck

Interested Parties: Ms J Nauta, Mr Brew, Mr Hodgson

## **1 ELECTION OF CHAIRMAN**

By affirmation of the meeting, it was

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 BUCKO'S BAR - NEW LICENCE APPLICATION**

The Chairman introduced the parties in attendance 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 maximum time limit for each presentation would be 10 minutes.

Tonya Cooper, Licensing Enforcement Officer, presented the report to Members, highlighting the licensable activity applied for, the licensing objectives, Licensing Policy and representations received. Officers confirmed they were satisfied that correct notification procedures had been followed.

It was noted that the premises had been operating under a club premises certificate and in the history of the club's operation, only two complaints had been received, both of which had been quite far in the past. It was also highlighted that no responsible authorities had made representations although four representations had been received from members of the public.

Mr A Buck, applicant, was invited to make his representations. Mr Buck informed the panel that the club had been operational for many years and that since he had taken over, he had introduced a series of improvements and had made positive changes, for example CCTV, new gates and security lights. The applicant stated that he had been willing to take all comments on board which local residents had raised with him and wished to notify the panel that as well as having trained bar staff, he had also employed an ex doorman in order to manage customers during events. It was noted that there had been a child free

Chairman's initials

area designated and that children were to be accompanied by appropriate adults in other areas.

The applicant said that his staff had recently started to sweep the street outside of the bar, and that he would not and did not allow customers to stand and smoke at the front of the premises.

The applicant stated that he would prefer to hold a premises licence, as opposed to a club premises certificate and confirmed that he was already the holder of a personal licence. The applicant expressed a wish to keep the club going.

A member asked whether a different use for the bar had been proposed compared with its previous use. The applicant responded that he would actually be applying to open later in the afternoon, and that he still intended to continue with the activities which had proved to be popular within the local community, for example bingo, and he also stated that the venue had always had music. It was asserted that nothing would be changing essentially except for the name of the venue.

A member asked for clarification on whether the venue would be run as a pub or a club and the applicant responded that this would be something which he still had to finalise the details for, however indicated that he did wish to retain many of the features of a club, and would ask people to apply for membership and would be keeping a register of members and confirmed that he would not allow people to stand outside at the front of the premises to smoke and drink.

It was noted that although the team from the premises had been keeping on top of clearing the pavement outside of litter after complaints had been received, that it was a public footpath so the staff of the club could not be reasonably expected to keep the whole of the pavement clean, and could only take responsibility for the area outside the premises.

A member raised concerns that the applicant had not been diligent in regard to ensuring all paperwork had been completed and returned in a timely manner and suggested that this indicated a lack of regard for authority. It was requested that assurances were made that responses would be provided more promptly and thoroughly in future.

The licensing solicitor enquired whether the applicant had given consideration to the representations and asked for his comments regarding concerns that the premises could potentially become a noise nuisance. The applicant responded that he had taken positive steps to avoid this, by preventing customers from using the front of the premises to smoke. He stated that he had ordered signs which would ask customers to be quiet, considerate to the neighbours and to use the smoking area at the back of the premises. He informed the committee that his intention was for bands to finish playing by 11.30pm in order that customers would all vacate the premises by 12midnight.

Mr Brew, an objector, noted that it had been very quiet recently owing to the Covid 19 pandemic. He stated that he had lived near to the premises for 35 years and confirmed that the main problem with noise had been from people standing at the front of the premises. He asserted that in warmer weather when doors and windows had been left open, the noise from inside the pub had carried to nearby residential properties.

A member asked the applicant for clarification on the question of membership and wanted to know whether this would be obligatory or would enable members to be eligible for discounts, for example. The applicant responded that at present, the premises is a club and this had been a good method of controlling who used the premises. He noted that he had had a till installed which allowed customer details to be inputted in order to create memberships but stated that he was still in the process of working out the best way to

Chairman's initials

deal with memberships. The legal adviser asked whether it was the case that the premises were not going to be run as a club for the purposes of the Licensing Act 2003 but that there would be some kind of membership scheme in place. The applicant agreed this would be the case.

A member asked how the applicant intended to “vet” members of the club/bar and how would someone be excluded. The applicant responded that he was still considering this, and told the panel that he has the facilities to create memberships and had also considered a loyalty scheme. He also wished to make the panel aware that he had obtained drug tests which were kept behind the bar and hoped that these would act as a deterrent to anyone who may consider using drugs and entering the premises. A member noted that there generally seemed to be less trouble in clubs than in pubs.

Mr Hodgson, objector, raised concerns with regards to the time that this application would allow music to be played until and felt a more reasonable time to finish playing music would be 10pm throughout the week and 11pm at weekends. However, the licensing solicitor advised that if the sub-committee decided to grant a licence for the sale of alcohol, the provided the premises were open for the sale and alcohol and the audience was less than 500 people, then the playing of live or recorded music up to 11pm would not be a licensable so the sub-committee could not put conditions on the licence in relation to music before 11pm and could not prevent music being played up to 11pm. He wished to highlight that the surrounding area was largely residential and that many young children lived nearby. He also asserted that when the door was opened to allow customers access and egress, this allowed the loud music to emanate from the premises. He confirmed that his main concern was the potential for noise nuisance and that he had no problems with the bar.

The applicant responded that there was a secondary door which he hoped could help to insulate noise. He assured the panel that he had arranged to have air conditioning installed so that in the warmer months there would be no need to have the windows open. He indicated that during the week, music would be played through a single TV and stated that he would control and manage noise levels as much as he could.

The licensing solicitor wished to clarify that the objector proposed to the applicant that music be played until 11pm on weekends and 10pm during the week and asked whether the applicant would consider this. The applicant stated that he would like to keep his application as it remained.

Members reminded the objectors that should noise nuisance be experienced by local residents, then there were avenues to report this via Environmental Protection and the licence could be brought back before this committee for reconsideration.

The Licensing Officer informed the meeting that she had carried out comparisons with other licensed premises in the vicinity, the Bird in Hand and the White Hart, and noted that these premises both had comparable opening hours.

Mr Brew, objector, requested that customers of the bar be encouraged to park reasonably as some residents had experienced their gates being obstructed. The applicant offered to consider everything which had been discussed and gave assurances that he would respect the neighbours.

The meeting was adjourned at 11.15am for deliberation.

At 12:08 the meeting reconvened and the Licensing solicitor read out the decision notice as paraphrased below.

Chairman's initials

Taking into consideration the submission made by the interested parties, the Sub-Committee was of the view that there was the potential for the prevention of public nuisance licensable objective to be undermined. However, the Sub-Committee was satisfied that the provisions the Applicant had put in place, namely, the signs advising patrons that they are not to congregate outside the premises, that air conditioning had been installed and that signs would be displayed warning patrons to be considerate of neighbouring properties when leaving the premises, would be sufficient to deal with this.

While the Applicant had put these provisions in place voluntarily, the Sub-Committee was of the view that these should be conditions of the licence.

The Sub-Committee, therefore, decided to grant the application, with the following additional conditions:

1. Signs to be displayed informing patrons they are not to take drinks or congregate outside the entrance to the premises, instead signs should direct patrons to use the smoking area at the rear of the premises;
2. Doors and windows are to remain closed, other than for entry and egress, at any time music, be it live or recorded, is played.
3. Signs to be displayed at prominent locations near the exits of the premises notifying patrons to be considerate of surrounding properties when leaving the premises.

However, the Sub-Committee reminded the Applicant, that should there be any issues with the premises, any member of the public could bring a review of the premises licence and at a review hearing, the Sub-Committee would be able to restrict the hours for playing live or recorded music or place conditions on the licence in this regard.

RESOLVED THAT:

A new premises licence be granted with additional conditions.

The meeting commenced at 10.30 am

The Chairman closed the meeting at 12.18 pm

Chairman's initials