

LICENSING SUB-COMMITTEE

Minutes of the proceedings at a meeting of the Licensing Sub-Committee held in the District Council Chamber, South Lakeland House, Kendal, on Monday, 18 July 2022, at 10.00 a.m.

Present

Councillors

Hazel Hodgson

Kevin Holmes

David Webster

Officers

Malcolm Ireland

Solicitor

Rachel Ireland

Trainee Solicitor

Donna McCarthy

Specialist (Licensing)

Tony Smith

Licensing Specialist - Health & Environment

LS/13 ELECTION OF CHAIRMAN

RESOLVED – That Councillor David Webster be elected Chairman for the meeting.

LS/14 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

There were no apologies and there had been no change in the membership of the Sub-Committee and, therefore, no reconstitution was necessary.

LS/15 DECLARATIONS OF INTEREST

RESOLVED - That it be noted that the following Declaration of Interest was made:-

- (1) Councillor David Webster raised a non-pecuniary interest for transparency by virtue of the fact that he knew the Applicant and recognised a number of the Objectors to the application.

LS/16 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there were no excluded items on the agenda.

LS/17 INTRODUCTIONS

The Chairman made introductions and read out the procedure for the meeting.

LS/18 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - UNIT 8 LIGHTBURN INDUSTRIAL ESTATE, ULVERSTON

The Licensing Specialist presented a report, which requested that Members consider an application for a premises licence in respect of Unit 8, Lightburn Industrial Estate, Ulverston.

Members' attention was drawn to the background and proposals to the application, which had been submitted on 1 June 2022 and sought authorisation for the following:-

- (1) Sale of alcohol (on and off the premises) 7 seven days a week between the hours of 11:00-23:00.

Sixteen representations had been received from residents and local councillors concerning the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The report noted that as part of the 28-day consultation period no representations from the responsible authorities had been received.

When asked by the Chairman, no Members raised any questions for the Licensing Specialist. The Chairman then asked the objectors if they had any questions.

In response to a question raised by an Objector, the Licensing Specialist clarified the types of notices for Planning and Licensing and referred to the agenda pack to highlight the differences.

Councillor Judy Filmore, Ward Member for Ulverston West, addressed the Sub-Committee on behalf of herself as well as fellow Ulverston West Ward Members Councillors Helen Irving and Janette Jenkinson. She referred to the objections to the application regarding the prevention of crime and disorder and issues with public safety, noting the complaints of residents. Councillor Filmore stated that this area was a peaceful residential area, which had been impacted by the actions of numerous groups of intoxicated patrons.

Louise Clegg, a local resident, spoke in objection to the application. She referred to the quiet but friendly nature of the neighbourhood and the impact that the proposals in the application would have on residents who would not be protected by any retrospective action. In concluding her remarks she noted that venues as the one set out in the application should only be considered within the town, not in an industrial estate where the impact on residents would be greater.

Victoria Gill, a local resident, spoke in objection to the application. She informed Members that those leaving the premises would cause a disturbance to local residents who were made up of both families with children and the elderly. She added that it had been difficult for those elderly residents in the area to object within the 28-day consultation period. In concluding her address to members Ms. Gill noted that those who lived in the area had chosen to be outside of the town, in a quieter area and did not think that a premises as set out in the application would benefit residents.

Lee Morris, a local resident, spoke on behalf of his parents in objection to the application. He referred to the responsibility of the licensees, adding that patrons could not be served alcohol if they were drunk. Similar to the previous objectors, he noted the impact on the surrounding neighbourhood and informed Members that the industrial estate had only ever had minimal use since its construction, which had not caused issues with residents. He added that that the application was not suitable for the residential area and explained the impact on residents' health and wellbeing.

Bryan McQuillin, a local resident spoke in objection to the application. He referred to points previously raised by objectors at the meeting and noted that the geography of the premises would mean residents would be subjected to consistent noise, litter and petty crime due to the amount of alcohol being consumed. Mr McQuillin suggested that the geography would create a pub-crawl route for patrons, which would stretch the local police. He queried the accuracy of the application when compared with the advertisement and noted the lack of public toilets in the surrounding area. In concluding his remarks, Mr McQuillin reminded Members of the risk of public nuisance which would impact on local

residents by changing the ambience of the estate and impacting on residents human rights.

Steve Woodburn, local resident, spoke in objection to the application. He expressed his disappointment that the police had not submitted any objections to the application during the consultation period and highlighted the potential risks of the premises being located so close to the train tracks as well as the increased risk of damage and vandalism to local businesses. In concluding his objection, he noted the lack of road markings close to the premises, which posed a risk as there would be an increase in the number of taxis coming to and from the location.

The Solicitor responded to queries raised by the objectors.

The Applicant addressed the Sub-Committee to present their case. She expressed her disappointment of the nature of the objections, adding that this had not been their intention. She noted the founding of the microbrewery, adding that it had been difficult to navigate the brewery through the Covid-19 Pandemic.

The Applicant noted the local focus of the brewery, which aimed to champion local produce with a low carbon footprint for its products and ingredients. She informed Members that the planned hours for the bar were to open at 3 p.m. with last orders at 22.30 p.m. with all patrons having left by 23.30 p.m.

The Applicant reiterated that the premises did not wish to cause nuisance, adding that two thirds of their patrons were over 55 years old. She highlighted that due to the geography, those taking the last train from Ulverston would have been using the same route whether or not the Application was successful.

No Members raised any questions.

The Applicant responded to questions raised by the objectors.

Note – The Sub-Committee passed a resolution to adjourn the meeting to exclude the press and public in making its decision and retired in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) in order to further consider the application.

The Sub-Committee, supported by the Solicitor and Trainee Solicitor, then withdrew at 11.19 a.m. to consider the application.

The meeting reconvened at 12.50 p.m.

The Solicitor communicated the Sub-Committee's decision.

The Licensing Sub-Committee had carefully considered the application and the written representations (including supporting information), the oral submissions of the Applicant and the oral submissions of those who have submitted representations and attended today.

The Licensing Sub-Committee had considered the steps that were appropriate to promote the licensing objectives and have also had regard to the Guidance issued under s.182 Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Licensing Sub-Committee have determined that the application is granted:

(1) for the following activities:-

Activity	Approved
Supply of alcohol (on and off)	Monday to Sunday 11:00 to 23:00 hours
Hours open to the Public	Monday to Sunday 11:00 to 23:30 hours

- (2) subject to the mandatory conditions;
- (3) subject to those conditions proposed within the Application with the exception that;

The condition:

'Digital colour CCTV system installed to monitor the front of the premises and the bar area. It will be maintained, working and recording at all times the premises are open. Copies of CCTV recordings will be available at any time during operating hours to hand over to any Responsible Authority.'

Will be amended to read:

'Digital colour CCTV system installed to monitor the front of the premises and the bar area. It will be maintained, working and recording at all times the premises are open. Copies of CCTV recordings will be retained for a minimum of 30 days and will be made available at any time during operating hours to hand over to any Responsible Authority.'

- (4) And subject to the following additional condition:-
- (a) The general public will not be permitted to use any exits at the rear of the premises except in the event of an emergency.

The decision and the written reasons for the decision would be confirmed in writing within five working days.

The Applicant and any party that submitted a valid representation had the right to appeal against the decision of the Sub Committee and may do so by giving notice of appeal to the Magistrates Court for the area in which the premises concerned are situated within a period of 21 days beginning with the day on which they were notified of the decision by the licensing authority.

The meeting ended at 12.52 p.m.