

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, 28 March 2022, at 10.00 a.m.

Present

Councillors

Helen Irving

Helen Ladhams

Ian Wharton

Officers

Neil Gardiner

Licensing (Specialist)

Rachel Ireland

Trainee Solicitor

James Cartwright

Case Management - Support Services

LS/43 ELECTION OF CHAIRMAN

RESOLVED – That Councillor Helen Ladhams be elected Chairman for the meeting.

LS/44 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

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

LS/45 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

LS/46 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LS/47 INTRODUCTIONS

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

LS/48 PREMISES LICENCE APPLICATION

The Licensing Specialist presented the report regarding an application that had been made to South Lakeland Licensing Authority under section 17 of the Licensing Act 2003 for a new premises licence at Unit 6, St Martin's Parade, Bowness-on-Windermere, LA23 3GQ. Members were asked to examine the application and take into account the 16 representations that had been received by the Licensing Authority.

The application had been received and validated on 4 February 2002 and the Applicant's name was William Whitaker. The application had sought to apply for the following licensable activities:

- (1) Supply of Alcohol between the hours of 12:00 to 00:30 Monday to Sunday, on & off the premises;
- (2) Hours Open to the Public between the hours of midday to 01:00 Monday to Sunday; and
- (3) Non-standard timings include an additional hour each Saturday and Sunday of every Bank Holiday weekend, Christmas Eve and New Year's Eve.

The Licensing Specialist clarified to Members that as part of the original application the Applicant had applied for the provision of recorded music between the hours of 12:00 to 01:00, Monday to Sunday, indoors only. However, this part of the application had subsequently been withdrawn by the Applicant during the consultation process. Therefore, this provision did not form part of the premises licence application to be considered before Members

The Applicant had proposed a number of voluntary conditions that formed part of the application that had the intention to promote the four licensing objectives.

The Licensing Specialist went on to confirm that a 28 day consultation had taken place. The last date for representations to be submitted to the Licensing Authority was Friday, 4 March 2022. The Responsible Authorities had been served with copies of the Application Form, Premises Plan and the Designated Premises Supervisor Consent form. The sixteen representations that had been made in response to the consultation had been mainly concerned by the possible effect the application would have on the two licensing objectives - 'Prevention of Public nuisance' and 'Prevention of crime and disorder'.

The Applicant, William Whitaker, began by addressing the members of the public present, he reiterated that the application had been altered from the original proposal. He stressed the aim was for the establishment to be an upmarket wine and cheese bar and that music would not be played loudly in the early hours of the morning. Any music played would be done so at a reasonably low volume as to allow members of staff the ability to explain the origins of the wines. The application was for the premises to be a quiet, cosy bar that would attract wine enthusiasts. The Applicant reassured Members that there would not be people dancing, nor spilling out onto the street causing noise pollution and litter. The Applicant confirmed that he had consulted with the Council's Environmental Health Officers to mitigate the impact of the proposed premises licence application on nearby residents.

A Mr Michael Hynes, who lived in the same building as the proposed premises for 14 years, then addressed the Committee. He described that there were bedrooms in which young families resided directly above the premises, and considered it inappropriate to have a licensed premises underneath. Mr Hymns finished his representation by stating that there were plenty of wine bars in the area and that he did not see the need for another licensed premises.

Mr Mark Hartnett spoke and reiterated the concerns of Mr Hymns. He was further concerned that patrons would be smoking outside the premises and this would drift to the nearby flats above.

Mr Richard Glenister spoke next and said he lived directly above the premises and was worried about the potential impact licensed premises underneath his property could have on his sleep and mental health. He was further concerned about the potential of public nuisance caused by patrons.

Mrs Sarah Hartnett was the last representation to address the Committee and reiterated the concerns regarding public nuisance. Additionally, she was worried about the potential noise levels of the establishment and its patrons and the storage of the waste created by the premises.

The Applicant responded to the representations. He stated that he had taken all of the concerns expressed on board and re-affirmed that the application had no intention of disrupting local residents and families, and was willing to put everything required in place to mitigate their concerns. The Applicant suggested examples to mitigate the concerns, suggesting that he would move the smoking area away from windows and was not planning on placing tables outside of the premises. CCTV would contain any customers inside while they waited for taxis.

The Applicant continued by stating that if crime was a potential issue he would have expected a representation from the police, and that the hours applied for had been industry standard and would not necessarily represent the opening times.

The Committee adjourned for deliberations at 10.35.

The meeting reconvened at 11.20.

Members had enquired about the designated smoking area for the premises. The Applicant confirmed that there had been no designated area on the application plans. In response, the Applicant suggested that the premises would have a contained area outside with designated members of staff assigned to the area throughout opening hours.

Note – The Sub-Committee passed a resolution to adjourn the meeting at 11.23 a.m. to exclude the press and public in making its decision and retired from the meeting room in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) in order to further consider the application.

The meeting reconvened at 11.42.

RESOLVED – That:-

The application should be approved with the following conditions:-

(1) for the following activities:-

Activity	Approved
Supply of alcohol (on and off)	Sunday to Thursday 12:00 to 23:00 hours
	Friday to Saturday 12:00 to 00:30 hours
	Saturday and Sunday of UK Bank Holiday weekends 12:00 to 01:30 hours
	Christmas Eve 12:00 to 22.30 hours
	New Year's Eve 12:00 to 01:30 hours

Hours open to the Public	Sunday to Thursday 12:00 to 23:30 hours Friday to Saturday 12:00 to 01:00 hours Saturday and Sunday of UK Bank Holiday weekends 12:00 to 02:00 hours Christmas Eve 12:00 to 23:00 hours New Year's Eve 12:00 to 02:00 hours
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- (2) subject to the mandatory conditions and to the following conditions:-
- a) **Staff will ensure that the outside area is kept free from litter and undertake at least one litter check each day.**
 - b) **Patrons required to temporarily leave e.g. to smoke and then re-enter the premises shall not be permitted to take drinks or glass containers with them; and**
 - c) **The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff to ensure there is no public nuisance.**
 - d) **Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.**
 - e) **Any staff employed at the premises will be provided with training on safety and security and on a regular basis thereafter. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority.**
 - f) **CCTV shall be provided:**
 - i. **in the form of a recordable system capable of providing pictures of evidential quality and in all lighting conditions particularly facial recognition.**
 - ii. **Cameras shall encompass all ingress and egress to the premises and internal areas.**
 - iii. **CCTV equipment shall be maintained in good working order, regularly serviced and correctly timed and dated.**
 - iv. **Recordings will be available for a period of 30 days made available to the police and other responsible authorities following reasonable request.**
 - v. **The recording equipment shall be of a digital hard drive or cloud based system and shall be kept in a secure environment under the control of the premises licence holder or other responsible named individual.**
 - g) **The dispersal of customers from the premises must be managed in accordance with the following:-**

- i. prominent, clear signage must be displayed at all exits from the premises requesting customers and staff to respect local residents by keeping noise to a minimum when leaving the premises**
- h) The disposal of all waste or recyclable materials (including bottles) shall take place between 09:00 and 21:00 hours.**
- i) No noise generated on the premises shall emanate from the premises which gives rise to a nuisance.**
- j) All the premises' external lights should be down lighted.**
- k) The premises shall join the local Barwatch scheme.**

The Sub-Committee also had regard to the Council's Statement of Licensing Policy. Having regard to the Licensing Objectives, the reasons for reaching the decision were the prevention of crime and disorder and the prevention of public nuisance. The Licensing Sub-Committee were satisfied that the conditions imposed will serve to further the licensing objectives contained within the Licensing Act 2003 and the statutory guidance.

The decision would be confirmed in writing within the next few days. Any party had the right to appeal against the decision of the Sub-Committee and could do so by giving notice of appeal to the Magistrates Court for the area in which the premises concerned was 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 11.48 a.m.