

Minutes

Alcohol, Entertainment & Late
Night Refreshment Licensing
Committee

Friday, 13 August 2021



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Mrs Pam Bosworth
(Chairman)
Councillor Harrish Bisnauthsing
Councillor George Chivers
Councillor Mrs Rosemary Kaberry-Brown

Councillor Philip Knowles
Councillor Lee Steptoe
Councillor Dean Ward (Vice-Chairman)

Officers

Mandy Braithwaite (Legal Executive)
Chris Clarke (Licensing Officer)
Graham Watts (Head of Democratic
Services)

5. Register of attendance and apologies for absence

Apologies for absence were received from Councillors Robert Broughton, Helen Crawford, Jane Kingman and Nikki Manterfield. All other Members of the Committee were present, as expected.

6. Disclosures of interests

No disclosures of interest were made.

7. Minutes of the meeting of the Alcohol, Entertainment & Late Night Refreshment Licensing Committee - 13 November 2020

The minutes of the meeting of the Alcohol, Entertainment and Light Night Refreshment Licensing Committee held on 13 November 2020 were confirmed as a correct record.

8. Minutes of the meeting of the Alcohol, Entertainment & Late Night Refreshments Licensing Sub-Committee - 21 June 2021

The minutes of the meeting of the Alcohol, Entertainment and Light Night Refreshment Licensing Sub-Committee held on 21 June 2021 were confirmed as a correct record.

9. Licensing Act 2003: Application for a Variation of a Premises Licence - The Pantry, 6a Market Place, Corby Glen, NG33 4NH

The Licensing Officer presented report number ENV 785 relating to an application for a variation of the premises licence for The Pantry at 6a Market Place, Corby Glen, NG33 4NH. The application was to vary the supply of alcohol of Fridays between June until September, 18:00 until 23:00 and anything of a similar description to that falling within (e), (f) or (g), namely unamplified music played from a speaker on Fridays from 18:00 until 23:00.

It was reported that two representations had been received, mainly relating to noise from music and guests leaving the premise, however one of the representations had since been withdrawn. No representations were received from Lincolnshire Police, Environmental Health or Planning or from any other responsible authority. The Licensing Team had not received any licensing related complaints since 2013 when a premise licence application was granted to allow the applicant to sell alcohol between the hours of 08:30 until 19:30 Monday through to Saturday.

The Chairman invited Members of the Committee to ask any question of the Licensing Officer's report and provided the same opportunity to Mrs Roberts, applicant and Mr and Mrs Anderson, objectors to the application.

Mr Anderson sought clarification as to the normal process associated with objecting to applications such as this as he was surprised that a copy of his objection had been sent directly to the applicant. It was reported that it was standard practice in respect of licensing applications that any representations received be shared with the applicant in order that they had an opportunity to respond to them as it was their licence and not the Local Authority's.

The Chairman invited Mrs Roberts to present her application. The following points were noted as part of her presentation:

- the business currently ran seven days a week, from the hours of 9:00 to 16:00 from Monday to Saturday and 09:00 to 15:00 on Sundays;
- the variation sought to extend these hours to facilitate social evening events between June and September from the hours of 18:00 to 22:00, with customers leaving the premises no later than 23:00;
- low level background music was currently played at the premises and it was proposed that the same level of music would be played during later opening hours should the variation be approved;
- during the Covid-19 pandemic a greater level of ventilation was required during opening hours to keep people safe. This meant that windows and doors had to

be kept open which may have resulted in sound from customers and background music travelling further than usual during this period. Unfortunately there was very little the business could have done to prevent this;

- the variation of the licence was critical to the business in enabling it to offer a full range of beverages and food which its current licence would not allow it to cater for;
- live music would never be played at the premises. The size of the venue would not accommodate this in any case but an assurance was given that this would not be a feature of the business;
- the business had always taken into account neighbouring properties and tried to minimise disruption as much as possible. The garden area, for example, was not proposed to be used with customers remaining in the premises. It was confirmed that the accommodation indoors would cater for up to 30 customers.

The Chairman invited Mr and Mrs Anderson to outline the reasons for their respective objections to the application. The following points were noted:

- they had lived in the village of Corby Glen for 35 years and occupied their current property for 28 years;
- whilst their neighbour had been exemplary, their concerns were due to the fact that they shared the same building and that the building itself when re-developed and divided into its current layout had not been sufficiently insulated. This meant that there was no division in areas such as the loft space meaning that sound, and smells from cooking, would carry into their living space;
- the design of the property incorporated an open void in the centre of the building which meant that conversations could already be overheard;
- the building was not double glazed and this was difficult to address due to it being located in a conservation area;
- given the proposed variation, one concern related to the potential for increased risk of fire due to later use of the kitchen and there being no staff in the premises should a fire occur in the evening;
- the continued off-sales aspect of the business as part of the licence did not seem relevant as there were other businesses such as the Co-operative in the village;
- the variation would see people drinking alcoholic beverages into the evening and parking in the area which would inevitably bring with it more noise, which was a concern since their bedroom occupied the front of the property;
- a principal concern was that this initial variation would see subsequent applications be granted to extend opening hours into the evening on more days of the week than included as part of this application;
- it was predominately warmer in the summer, when the variation would take effect, meaning that it would be more necessary to windows and doors to remain open meaning the channelling of more noise from music and people talking;
- the business was used as a storage facility when they first bought their property so it was never expected that a business such as this would operate from the building.

Further to questions from Members it was noted that most of the points of objection were inherent with the design of the building as opposed to the conditions of the variation applied for and were therefore not relevant to the application. Mr and Mrs Anderson were asked to clarify what they had themselves done to alleviate some of the concerns expressed regarding their own property. In terms of sound proofing, which was their most significant concern, it was reported that this would be an enormous undertaking. The extension of opening hours into the evening was the main problem from their perspective in this respect.

Mrs Roberts, in response to the comments made by Mr and Mrs Anderson, highlighted that she did not own the premises and was solely a tenant so had limited control over the layout and maintenance of the part of the building occupied by her business. She added that in operating her business she always gave due consideration to neighbours and did as much as she possibly could to make sure everything was done properly, causing as little disruption as possible.

The Licensing Officer confirmed that opening hours did not constitute a licensing objective, highlighting that the premises could already operate for 24 hours if the licensee chose to under their current licence.

As a closing statement the Licensing Officer reminded the Committee that, where relevant representations were made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who had made such representation agree that a hearing was unnecessary. In having regard to the representations, the authority could take one of the following steps as it considered necessary for the promotion of the licensing objectives:

- grant the variation as applied for subject to conditions that were consistent with the operating schedule modified to the extent that the Committee considered appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003;
- modify the conditions of the licence;
- reject the whole or part of the variation application.

Mrs Roberts, as a closing statement, emphasised that she always tried to be considerate to her neighbours and just wanted to expand her business.

Mr and Mrs Anderson reiterated that they were content with the current operation of the business, it was the expansion they were concerned about given the small and quiet nature of the village.

In deliberating the application, taking into account the Licensing Officer's report and all representations made at the meeting, it was proposed, seconded and AGREED that the application for the variation of the premises licence for The Pantry at 6a Market Place, Corby Glen, NG33 4NH be granted.

Decision:

That the application for the variation of the premises licence for The Pantry at 6a Market Place, Corby Glen, NG33 4NH, be granted.

- 10. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

No other business was considered.

The meeting closed at 10:55.