

Minutes

Licensing Sub-Committee Monday, 14th December, 2020

Attendance

Cllr Haigh
Cllr Jakobsson

Cllr McCheyne

Officers Present

Paul Adams	-	Principal Licensing Officer
Zoe Borman	-	Governance and Member Support Officer
Greg Campbell	-	Director of Environment
Dave Leonard	-	Licensing Officer
Alastair Lockhart	-	Legal Adviser
Jean Sharp	-	Governance and Member Support Officer

625. Appointment of Chair

Members **RESOLVED** that Cllr McCheyne should chair the hearing.

626. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

627. Application for a New Premises Licence - Licensing Act 2003 - The Viper, Mill Green Road, Fryerning. CM4 OPT

Members were reminded that an authorisation was required in respect of any premises where it was intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

An appropriate authorisation was either, a premises licence, a club premises certificate or a Temporary Event Notice.

Licence holders were required, when offering any licensable activity, to ensure that they promoted the licensing objectives at all times. The operating schedule of the application contained details of the activities applied for and the control measures that the applicant would have in place in order to promote these objectives. Such measures would, where appropriate, be converted into enforceable conditions on any licence issued.

The four licensing objectives were;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Any representation must be able to demonstrate that on the balance of probability the application in its current form would fail to adequately promote one or more of the licensing objectives. No other matters might be considered.

An application was received on 1 October 2020 from Mr Rupert Cherryman, Director of The Viper Mill Green Ltd. in respect of ***The Viper, Mill Green Road, Fryerning CM4 0PT***. A copy of the application and a clarifying amendment notice from Mr Cherryman was attached at Appendix 1 to the report.

This premise, which was a listed building, was a traditional pub and had held licence up until 29 October 2019 when it was surrendered by the current owner. A redacted copy of the last Premises Licence issued on 2 July 2018, together with a set of OS Street Maps and images to better identify the location were attached to the report at Appendix 2.

The applicant sought a new premises licence to conduct the following licensable activities:

Performance of Dance:

Monday-Sunday 1100hrs-2300hrs

Live & Recorded Music:

Monday-Thursday 1100-2300hrs & Friday/Saturday/Sunday 1100-2330hrs

Late Night Refreshment:

Friday & Saturday 2300hrs-0000hrs

Supply of Alcohol:

Monday-Thursday 0830-2300hrs & Friday/Saturday/Sunday 0830-0000hrs

There were also several non-standard timings to cover the regular seasonal celebrations eg. Christmas, New Year, Bank Holidays and Saints' Days.

There had been no representations received from the Responsible Authorities.

There had been 6 representations against the application received from Other Persons. The concerns raised by local residents generally related to the potential for noise nuisance being caused by the playing of late-night music, the use of the outside garden area and the subsequent dispersal of patrons in an otherwise quiet, rural location. Copies of the redacted representations together with any supporting documents were attached to the report at Appendix 3.

The Licensing officer introduced the report then Mr Dadds addressed the Sub-committee on behalf of those who had submitted representations in objection to the Licence application. Mr Anderson addressed the Sub-committee at Mr Dadds' request to further highlight the potential noise nuisance that might occur if there was to be live and recorded music outside The Viper.

Mr Cherryman addressed the Sub-committee in support of his application.

Mr Dadd's represented a number of residents objecting to the application as set out.

The concerns centered on the anticipated noise levels that would arise as a result of live music being played in the outside areas of the licensed premises and there were also concerns regarding the length of sought opening hours which, it was claimed, was out of character for a premises in a quiet rural area.

The committee determined that live and recordable music should not be allowed in the outside area of the premises but that the applicant should rely on TENS applications for outside events and that there should be a reduction in operating hours as set out below.

Live music – 11.00 to 22.00 – Restricted to the inside of the Licensed Premises

Recorded music – 11.00 to 23.00 – Restricted to the inside of the Licensed Premises

Sale of alcohol – 08.30 to 23.00 Sunday to Thursday

08:30 to 23.30 Friday and Saturday

Opening hours – 08:30 to 23.30 Sunday to Thursday

08:30 to midnight Friday and Saturday

There is a right of appeal against this decision to the Magistrates' Court within 21 days from notification of this decision.
