


Charnwood

LICENSING SUB COMMITTEE

Members Record of Decision
 Premises Licence Application for Hall Croft Tap

 Hearing: 17th June 2020

Constitution of the Panel:
CHAIRMAN: CLLR FORREST

Other Panel Members: CLLR TILLOTSON & CLLR HOWE

 CLLR MURPHY (observing only as a reserve member)

Clerk: SACHDEV KHOSA

Licensing Manager Present: GRACE DOWSON

Rachel Cluer (Licensing Officer)

Democratic Service Manager: KAREN WIDDOWSON

LAURA STRONG (Democratic service officer)

Principal Solicitor: Nicola Ford (observing proceedings)

Parties Present:
For the applicant:

Applicant: Mr Andrew Reed


Representing Applicant: Mr Malcolm Ireland from Napthens LLP Solicitors

For Responsible]
Authority:

Ann Green (Environmental Protection Manager)

Objectors: Mr John Consterdine

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Signature:	
Chairman:	CLLR FORREST
Date:	22nd June 2020

Decision on the Application

FINDINGS OF FACT

The application submitted on the 20th April 2020 is for a premises licence for the premises known as Hall Croft Tap to be used as a Micro Pub with a single bar operation.

The applicant explains that a Micro Pub is a small freehouse which differs from that of a regular pub. It will mainly serve cask ales, promotes conversation and does not hold any televised events.

The applicant is an experienced operator who has another 2 premises which they are running without experiencing any licensing issues.

The micro pub would result in £150,000 investment into Shepshed and will introduce up to 5 new jobs.


The Applicant and his representative have provided reassurances that they are fully committed to ensuring they adhered to the licensing objectives at all times. That the applicant would:

- Actively take steps to promote the prevention of public nuisance and in particular to manage noise levels and have agreed with environment health to adhere to a noise management plan dated 29th November 2019.
- Take his responsibility to promote the licensing objectives seriously and would invite the local residents and the objectors, in particular to raise any future concerns directly with them, as they would be keen to address these concerns together.

- **The applicant has agreed to comply with the following Additional Conditions:**

1. The Beer Garden will be closed to customers other than between the hours of 15:00-22:00 Mondays to Thursday;
12:00-22:00 Fridays and Saturdays; and,
12:00-21:30 Sundays and public holidays.
2. Customers shall not be permitted to take drinks in the Courtyard other than between the hours of :
15:00-22:00 Mondays to Thursday;
12:00-22:00 Fridays and Saturdays; and,
12:00-21:30 Sundays and public holidays. Signs to this effect will be prominently displayed at the entrance to the Courtyard.
3. Waste which has the potential to cause nuisance, such as glasses and bottles, will not be disposed of externally between the hours of 18:00 and 0:00.

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4. Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the local Police force to prevent crime and disorder.
5. During times that licensable activities are taking place at the premises, regular assessments of the noise emanating from the premises will be undertaken. Wherever said assessments indicate that noise is likely to cause nuisance to any local residents, remedial action will be taken.
6. Waste collections from the premises will not take place between the hours of 18:00 and 10:00.

The applicant considers the above additional conditions should demonstrate their commitment to promoting the licensing objectives and should address the concerns of the objectors.

There is one objection to the application from Mr and Mrs Consterdine.

Mr and Mrs Consterdine – live within 10metre of the premises at no 23. They have objected to this application on the grounds of prevention of public nuisance. They raise concerns that:

- the close proximity of the proposed pub will cause considerable nuisance to them and other close by residents but Mr Consterdine accepts that most of their concerns have today been addressed by the applicant.
- the opening hours were however still a concern and needed to be reduced

Mr Consterdine accepted that the concerns of customers leaving the premises and causing noise nuisance were matters not necessary in the applicant's controls. He feared that there would be public nuisance issues but accepted that there was no evidence to support the concerns raised.


Mr Consterdine's main concern was that the micro pub would result in changes to their lifestyle and changes to the street and consequently urged the committee to consider the reduction of the opening hours.

No other objections have been received from other nearby residents within the permitted consultation period.

No representations have been received from any of the responsible authorities

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THE DECISION OF THE SUB-COMMITTEE

In reaching its decision, the Sub-Committee has taken into consideration all relevant written and oral representations and submissions made. The Sub-Committee has had particular regard to the Licensing Objectives, in particular public nuisance and to the Council's Statement of Licensing Policy and section 182 government guidance.

The Sub-Committee are satisfied by a **UNANIMOUS** decision that the Application should be **GRANTED** as applied for, (save that the noise management plan dated 29.11.19 would be adhered to but was not a condition) together with the additional agreed conditions (detailed in the findings of fact).

REASONS FOR THE DECISION

The Sub-Committee were sympathetic to the concerns raised by the objector. But felt that the applicant has shown commitment to work with the local residents and relevant authorities to ensure the licensing objectives would be adequately promoted and would continue to cooperate with local residents to address any future fears.

The Sub-Committee were mindful that:


- the applicant had engaged with environmental health and had already agreed to adhere to the noise protection plan, to actively promote the licensing objectives and in particular to promote the prevention of public nuisance.
- The applicant had agreed to additional conditions to address the concerns raised by the objection.
- there were no other objections from the responsible authorities who had been consulted and no other resident objections before them.
- the applicant understood and took their responsibilities seriously and there was no evidence before them to suggest otherwise.

The sub-committee recognised that that should there be evidence that the premises were not promoting the licensing objectives in the future then it was open to a local resident or business and the responsible authorities to seek a review of the licence. Although the committee hoped this would not be necessary based on the reassurances provided today by the applicant and his representative.

RIGHT OF APPEAL

There is a right to appeal to the Magistrates Court within 21 days from the date on which the party is notified of the determination of the decision of the Sub-Committee Panel.

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Rider:

Failure to comply with any of the conditions of the premises licence is a criminal offence, which can result in a sentence of up to 6 months imprisonment and/or a £20,000 fine.