

EAST STAFFORDSHIRE BOROUGH COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the Meeting of the Licensing Act Sub-Committee held in the Coltman VC Room, Town Hall, Burton upon Trent on Wednesday 22nd August 2018.

Present:

Councillors B G Peters (Chairman), Ms A Legg and L Milner.

Officers Present:

Mrs A Wakefield (Solicitor), Miss L Kemplay (Interim Enforcement Manager) and Mrs H Farman-McKenna (Licensing Officer).

108/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

109/18 **APPOINTMENT OF CHAIRMAN**

Resolved:

That Councillor B G Peters be appointed Chairman for this meeting.

110/18 **URGENT BUSINESS**

There was no urgent business brought forward to the Licensing Act Sub-Committee pursuant to Rule 12.

111/18 **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – THE NEW INN, LUDGATE STREET, TUTBURY, BURTON UPON TRENT, STAFFORDSHIRE DE13 9NG**

(CE) The report of Chief Executive, regarding an application to review a premises licence was considered.

Mrs Louise Raybould (the applicant) attended the sub-committee meeting and was accompanied by Mr Mike Olley (McKenzie Friend) and her husband Mr Garry Raybould.

Mrs Hayley McVoy (current Premises Manager) attended the meeting and was accompanied by Mr Duncan Craig (representing Stone Property Limited – the Premises Licence Holder), Mr Guillaume Chipchase (Solicitor), Mr Gurnam Rai (Tenant) and Mr Marc McEvoy (the current Manager's husband).

Police Constable David Evans and Mr Mark Dempsey (Staffordshire Police) attended the meeting.

Mr Christopher Humphreys and Mr Michael McHardy (Environmental Health) attended the meeting.

The following members of the public supporting the review, attended the meeting:

Mrs Patricia Warhurst

Mr Kevin and Mrs Sally Rogers

Mrs Jean Shakespeare

The sub-committee heard oral evidence from the following:

Mrs Helen Farman-McKenna (Licensing Officer)

Mr Mike Olley (Mckenzie Friend)

Mr Kevin Rogers (Supporter of the Review)

Police Constable David Evans (Staffordshire Police)

Mr Christopher Humphries (Environmental Health

Mrs Jean Shakespeare (Supporter of the Review)

Mrs Louise Raybould (Applicant of the Review)

Mr Garry Raybould (Husband of the Applicant of the Review)

Mr Duncan Craig (representing Stone Property Limited – the Premises Licence Holder)

Mrs Hayley McEvoy (Current Manager of the Premises)

Resolved:

The Chairman stated that the sub-committee had been asked to consider the application of Mrs Louise Raybould for a review of the premises licence. The sub-committee had been assisted considerably by the representations made by Mr Olley on behalf of Mrs Raybould on one hand, and Mr Craig on behalf of the premises on the other. The sub-committee also noted the written representations submitted in response to the review, all of which formed part of the agenda circulated in advance of the meeting.

The sub-committee were satisfied that there had been harm to the prevention of public nuisance licensing objective arising from the New Inn. The involvement of Staffordshire Police had resulted in a set of suggested conditions and the sub-committee were satisfied that those were an appropriate and proportionate means by which to address the causes of concern described to them in the review application.

As far as the condition under the heading 'Prevention of Public Nuisance' was concerned the sub-committee determined that this should be altered to read: "After 2200 hours on any day no more than 10 persons shall be permitted to congregate in the beer garden and no open vessels to be allowed to be taken into the beer garden after such time. No persons to be allowed to congregate at the front of the premises for the purpose of drinking or smoking at any time".

The sub-committee noted that the work of East Staffordshire's Environmental Health team was ongoing, and in particular the sub-committee had been told by Mr Humphries that another noise monitoring exercise was to be carried out in order to assess whether or not the music played at the premises constitutes a statutory nuisance. The sub-committee had not attempted to pre-judge the outcome of that separate exercise.

The Chairman informed all parties that a copy of the decision would be circulated to them in due course.

Chairman