

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 on Wednesday 28th July 2021 at 10.00am.

Present:

Councillors S Gaskin (Chairman), Ms A Legg and C Sylvester.

Officers Present:

Mrs A Wakefield (Solicitor), Mrs H Farman-McKenna and Mrs Monica Henchcliffe (Senior Democratic Services Officer).

53/21 **DECLARATIONS OF INTEREST**

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

54/21 **APPOINTMENT OF CHAIRMAN**

Resolved:

That Councillor S Gaskin be appointed Chairman for this meeting.

55/21 **URGENT BUSINESS**

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

56/21 **APPLICATION FOR A PREMISES LICENCE – THE HOURGLASS, 6A HIGH STREET, BURTON UPON TRENT, STAFFORDSHIRE DE13 9LP**

(HoS) The report of Mark Rizk (Head of Service), regarding an application for a premises licence was considered.

Mrs Carolyn Emmett, objector, was present at the sub-committee meeting.

Representations had also been received from Mrs Patricia Gretton (objector) and Mr Paul Finch (objector), but did not attend the meeting.

Mrs Kirsty Langridge, the applicant, was present at the sub-committee meeting and was accompanied by her son Mr Thomas Langridge.

The sub-committee heard oral evidence from the following witnesses:

Mrs Helen Farman-McKenna (Licensing Officer)

Mrs Carolyn Emmett (Objector) – the Council Solicitor also read out a statement on behalf of Mrs Emmett.

Mrs Kirsty Langridge (Applicant)

Mr Thomas Langridge (Applicant's son)

Resolved:

This was an application for a premises licence at The Hourglass, 6a High Street, Tutbury, Burton upon Trent DE13 9LP. The applicant was Mrs Kirsty Langridge and she attended the meeting of the Licensing Act Sub-Committee accompanied by her son, Mr Tom Langridge.

Three Responsible Authorities had made representations in respect of the application: Staffordshire Fire and Rescue Service had responded to say they had no objections; and East Staffordshire Borough Council's Planning Team had responded in similar terms; Staffordshire Police had originally raised objections to the application but later said that those objections had been overcome by means of conditions agreed with the applicant, to be added to the licence should the application be granted. Staffordshire Police had also suggested that in the absence of other representations it should be possible to deal with the application without the need for a hearing.

However, three Other Persons had also made relevant representations, objecting to the application and it was therefore necessary to convene the hearing for the purpose of determining the application. Two of the three representations cited concerns over potential harm to the prevention of crime and disorder licensing objective, raising the possibility of people "hanging around the streets late at night"; as well as speaking of the potential for anti-social behaviour, citing as an example current instances of youths uprooting plants and generally causing disturbance. All three representations spoke of the potential for harm to the prevention of public nuisance licensing objective by reason of the music to be played at the premises, as well as patrons speaking loudly in the premises' outdoor areas (both at the rear of the premises and at the front, should the premises obtain a pavement licence) and the noise of patrons and vehicles when the premises closed. One of the three Other Persons notified the Licensing Authority two days in advance of the hearing that his objections had been met by the additional responses and assurances given by the applicant; another was unable to attend the hearing but her objections stood; the third, Mrs Carolyn Emmett, attended the hearing and had prepared one comprehensive written statement amplifying her objections and another containing her concluding remarks. Mrs Emmett found herself unable to read these aloud at the hearing and to assist her the Council's Solicitor read them for her.

Mrs Langridge explained to Members the nature of the business she intended to run, the clientele she aimed to attract, the measures she would implement to ensure this was a well-run establishment and the fact that performances of live music would take place for limited hours, early in the evening. This was consistent with the proposals set out in the business plan, which indicated that an acoustic night would be held between 19.00 and 21.00 every 1st and 3rd Tuesday of the month, outside on warm evenings; and that there would be performances of live music on the last Saturday of the month between 16.00 and 18.00, outside on warm evenings.

Members took seriously the concerns of Mrs Emmett and the other objector, Mrs Gretton. At the same time though they were reassured by what Mrs Langridge had to say about the operation and character of her business. Members also had regard to the fact that Staffordshire Police's objections had been overcome by the conditions agreed with Mrs Langridge. Members were not entitled to consider any representations on the subject of business need or the number of licensed premises in the locality. As was pointed out by the Licensing Officer at the hearing, a separate application would be required to licence use of the pavement outside the premises and any objections to that licence would need to be raised as and when an application were to be submitted.

Members took at face value all that Mrs Langridge had to say about the manner in which her premises would be operated and for that reason they found that the premises did not present any harm to the licensing objectives. They therefore granted the licence as applied for and subject to the additional conditions agreed in advance with Staffordshire Police. Members were also mindful of the fact that if the premises were not run in the manner described then it would be open to the objectors or any other party to call for a review of the premises licence.

Chairman