

## LICENSING SUB-COMMITTEE

Wednesday, 2nd October, 2019  
Time of Commencement: 2.00 pm

**Present:** Councillor Stephen Sweeney (Chair)

Councillors: B. Proctor M. Reddish

Officers: Matthew Burton Licensing Administration Team Manager  
Geoff Durham Mayor's Secretary / Member Support Officer  
Emma Rushton Jones Legal Assistant  
Anne-Marie Pollard Solicitor  
Claire Ryles Technical Assistant  
Melanie Steadman Licensing Assistant  
Darren Walters Team Leader Environmental Protection

Also in attendance: Mr G Domleo Solicitor for the licence holder  
Mr I Lester Star Pubs and Bars  
Residents:  
Ms J Madew  
Mr D Smith  
Mr D Rogers  
Ms J Hughes  
Ms S Asher

### 1. APPOINTMENT OF CHAIR

**Resolved:** That Councillor Stephen Sweeney be appointed as Chair for this meeting.

### 2. APOLOGIES

There were no apologies.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

### 4. VARIATION OF A CURRENT PREMISES LICENCE

Mr George Domleo, the Solicitor representing Punch Partnerships Ltd introduced himself and Mr Ian Lester of Star Pubs and Bars.

Mr Domleo advised the Committee that the Jolly Potters would operate under the 'Just Add Talent' Model whereby tenants are put into a premise and were assisted in the running of the business. Mr Lester would visit the premises on a fortnightly basis to ensure that everything was running as it should.

£477,000 would be invested into the site, including a complete refurbishment. The public house would be renamed 'the Malt Kiln'.

There was a proposal to open from 8am every morning for breakfast. There was no proposal to extend the hours for the sale of alcohol or to stay open later at night. Sunday's opening hours to sell alcohol would be changed from 12 noon to 10am.

Further proposals were to show films at the premises and to have a late night refreshment licence which would allow the service of teas or coffees but no food after 11pm.

A meeting was held on 18 September, 2019 where environmental health issues were discussed including noise mitigation measures. There was no evidence to suggest that noise nuisance would be created with the proposed substantive measures. These included patrons being monitored when they were outside; doors and windows being closed when there was any entertainment and after 10pm patrons would only be allowed outside to smoke. Any drinks would remain indoors.

Residents were assured that they would receive the Designated Premises Supervisor's telephone number in order to report any problems. Mr Lester also handed out his business card to the residents to do the same. In addition, the site would hold a complaints log for six months.

Changes had been made to the internal layout including the creation of a double door lobby with self closers on the doors and also, the depth of the lobby had been increased.

The Chair asked why residents did not currently use the premises and was advised that they were in need of investment. Mr Lester informed the Committee that they had not been trading to the licensing conditions and as a result the public had 'voted with their feet'.

The Chair asked Mr Domleo and Mr Lester if they were confident that the works would bring in new people and was advised that a 'new market' was being aimed at – including being family friendly.

Councillor Reddish queried the complaints log of six months and asked what would happen after this period. Mr Domleo advised that after the six months, a new log would be started and any previous complaints would be kept on the system. The residents voiced their concerns which included noise from both inside and outside of the premises.

Local resident Mr Smith asked what measures would be taken to stop noise from escaping and was advised that windows and doors would be kept closed when any entertainment was on and furthermore, any windows that were not currently double glazed would be replaced.

The residents were informed that a 'soft opening' / pre-launch would be held to which the residents would be invited.

The Council's Environmental Protection Officer, Darren Walters referred Members to Appendix Q of the agenda which showed the premises in relation to residential properties – the nearest property being 17-18 metres away.

A plan was circulated at the meeting (and attached to the supplementary agenda) which showed the internal layout of the premises.

Environmental Health had examined the Premises Licence which had revealed the planned refurbishment and which would see a change in the trading format. Mr Walters stated that it would be inappropriate to proceed with a review of the licence at this stage as this was not a Review Hearing.

A Planning Application submitted by Star Pubs and Bars was permitted under delegated powers on Tuesday 1 October. The application was for refurbishment and a new kitchen. Environmental Health had raised concerns on the application including additional patrons, artificial lighting and seating would cause a significant impact. A list of conditions had been agreed with the applicant including ones covering noise and odour control of the ventilation system.

The Committee's attention was drawn to the compiled negotiated conditions dated 30 September which were handed round at the meeting and included on the Supplementary agenda.

Clare Ryles from the Council's Food and Safety Section referred Members to Appendix D on the agenda. At the meeting held on 18 September a number of new conditions had been drawn up. The Committee was again referred to the negotiated conditions.

Within the conditions document, Annex 3 was discussed to amend the existing conditions 1-3.

Ms Ryles referred to condition 1. There was concern about conditioning curtains or window coverings as it was felt that, should these fall or fail for whatever reason, the premises would be in breach of licensing conditions.

Mr Domleo advised that there were no proposals to put any floodlights outside the premises.

The Council's Solicitor Ms Pollard stated that there had been complaints about the lighting. Mr Domleo advised that the previous operators were using flashing lights. However, the new operators would be operating on a more food-based method than entertainment.

Ms Pollard asked how light would be obscured. Mr Domleo stated that there could possibly be window coverings but it would be inadvisable to condition it.

Councillor Reddish asked if the new operators, as a goodwill gesture could use window coverings.

Mr Domleo stated that they would be prepared to attach the suggested condition highlighted in yellow referring to curtains or window coverings. Ms Ryles added that this condition would be 'sensibly' used in that, should the coverings come away from the windows for a genuine reason, there would be no breach of condition.

All parties were happy with the changes to the conditions in Annex 3.

The residents raised further concerns:

Resident Mr Burton (who was not in attendance) referred to indoor and outdoor entertainment and that a tent could be erected. The Committee was advised that the tent was part of the Planning Permission that had been granted and not part of the area which the Licensing Sub-Committee was being asked to consider.

The Committee was advised that Mr Burton would have read about the tent on the application form guidance notes where it suggests that a tent could be indoors.

Concerns were raised about staff coming in to prepare breakfasts for 8am and also, the leaving of drinks inside the premises which could be spiked whilst a person was outside smoking.

*A five minute break was held at 3.45pm..... the meeting reconvened at 3.51pm.*

Resident Jane Hughes welcomed the conditions that had been attached and asked about entertainment at the premises.

Mr Lester advised that entertainment wouldn't be 'constant' as it would be aimed more at families and as a dining venue.

Mr Smith advised the Committee of the problems that had been encountered at the premises in the past.

The Chair stated that the problems previously encountered were in the past and that the applicants were here proposing to improve the situation.

Ms Hughes asked about summer months and whether air conditioning had been considered if doors and windows were to be kept closed. The Committee was advised that just because it was sunny and warm they would not be able to breach the conditions.

Mr Lester apologised for what the residents had previously had to put up with – which he had not been made aware of until 18 September. After that date the operator had been told to have no entertainment at all.

Residents confirmed that there had been no issues since then.

The Committee was advised that a condition could be added in respect of strobe lighting.

All parties gave a summing up of their reports.

The residents and applicants then left the room while the information was deliberated.

**Resolved:** That the variation to the current premises Licence be granted subject to the agreed compiled negotiated conditions (30/9/19) being incorporated and a further condition prohibiting the use of strobe lighting at any time.

**Chair**

Meeting concluded at 4.45 pm