

At a meeting of the Licensing Panel held in Zoom Virtual Meeting on Thursday 14 January 2021 at 1.00 pm

Members

Councillor Mary Bainbridge
Councillor Will Wilkinson

Councillor Alan Tyson

Apologies for absence were received from Councillor Ron Munby MBE

Staff Present

D Fletcher, L Jardine and J Morgan

266. Election of Chair

Councillor Tyson was elected Chair for the ensuing meeting.

267. Declaration of Interests

None declared

268. Questions

None received

269. To consider representations received in relation to an application for a premises licence

The Licensing and Compliance Officer submitted a report to consider representations received in relation to an application for a premises licence.

This report concerns an application for a premises licence for Premier Inn, High Hill, Keswick.

The applicant is Whitbread Group Plc

2 representations were received in respect of the application.

Members were then advised of the options available and that they were to decide in line with the licensing objectives.

The Applicant's agent (Mr Shield) made representations, explaining the background to the application then responded to concerns raised in the representations.

The application is for a 71 Bedroom Premier Inn Hotel, with Restaurant and Bar Facilities, the application also full planning permission.

The License application is for the sale of alcohol to non-residents 10am – 12:30am and for the sale of alcohol to residents 24 hours a day. The Licence is also for late night refreshment after 11pm and to show movies in the bedrooms.

Mr Shield referenced the document pack that members were provided, outlining plans, example food/drink menu, artist impressions and indicative layouts.

Mr Shield then commented on the representations and that the only statutory representation came from Environmental Health and a condition had been agreed.

From the residents objections, the agent advised that drinking alcohol to excess was not part of the business model but that stringent policies and procedures were in place. The agent also commented that the premises being close to a river and school should not be an issue, commenting that the school is 500m away. The need for a new hotel should not be considered as this is not part of the licensing regime and the fact that no DPS was in place was not a material consideration.

Members then asked questions of the agent in relation to residential amenity, disruption, off licence sales, parking and noise.

In response to the concerns the agent and the applicants representative (Mr Murray) explained that the premises and layout are designed to prevent nuisance and disturbance, the venue will not play loud music and all staff will have sufficient training. The hotels aim is to provide guests with the best night sleep and hotel environment, this cannot be achieved if they allow disturbance, nuisance and noise.

The panel then heard representations from objectors.

The first objector (G.Oliver) expressed concerns over the type of licence the premises was applying for, stating that a residential licence with clauses would be suitable. He then cited comparisons with local pubs stating that they close earlier than the premier inn which could encourage patrons to frequent the premier inn afterwards, which could cause disruption to local residents.

The objector then asked questions of the agent in relation to the access to the hotel/bar, the sale of alcohol to non-residents and the condition requested by Environmental Health.

Members asked further questions of the agent in relation to security, nuisance and amenity.

In response to concerns the agent and representative reiterated that the premises will be primarily a hotel with a restaurant, not a high street bar. The premises will also not be an off licence and only those staying at the hotel can get access after 11pm. The applicant also advised that if needed signage can be displayed reminding patrons to respect the residents nearby.

All parties then had the opportunity to summarise the points raised in the meeting.

The meeting was then adjourned for member deliberations.

The panel considered all information provided including the representations from objectors and written representations from Environmental Health, the applicants and the agent. The panel also considered the relevant legislation.

Councillor Bainbridge motion was moved to grant the premises licence, with conditions as suggested by Environmental Health but with an additional condition to display signage around the premises reminding patrons to exit quietly.

The motion was seconded by Councillor Wilkinson

A vote was taken on the motion 3 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Decision/Reasons

In making its decision, the Panel had regard to the Licensing Act 2003 and the four licensing objectives under that Act: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Panel took into account the fact that no representations were received from Cumbria Constabulary and that a representation was received from Environmental Health, following which a proposed condition was agreed. The panel also considered the representations received from the interested parties. In addition, the Panel had regard to the information provided by the Applicant's representative and the Applicant's solicitor and the information set out in the report by the Licensing and Compliance Officer.

The Panel considered the Secretary of State's guidance under section 182 of the Licensing Act 2003, the Council's Licensing Policy and Human Rights.

The Panel sought to balance the interests of the licence holder and the interested parties.

The Panel considered the options available to it, which were:

- a) To grant the licence subject to the conditions mentioned in the operating schedule, modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and any mandatory condition;
- b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) To refuse to specify a person in the licence as the premises supervisor;
- d) To reject the application.

The Panel felt that it was reasonable and proportionate to take the following steps to promote the licensing objectives:

To grant the licence subject to the conditions mentioned in the operating schedule, modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and any mandatory condition.

This means that the Panel has agreed to:

- grant the licence subject to the following conditions:
 - The conditions proposed by the applicant as outlined in the report
 - The additional condition agreed with the applicant which reads “signage will be placed on exits around the building encouraging patrons to be quiet until they leave the area and to respect the right of people living nearby to a peaceful night”.
 - The additional condition agreed with Environmental Health which states “the placing of glass bottles into receptacles outside the premises is not permitted to take place after/between the hours of 8pm and 8am and not before 10am on Sundays to minimise the disturbance to nearby properties”.
 - The mandatory conditions

In making its decision, the Panel considered the fact that the Responsible Authorities raised no concerns with the amended conditions which have been agreed with the applicant. It also considered the representations made by the interested parties and gave sufficient weight to these concerns. It considers that the conditions as outlined are sufficient to promote the licensing objectives.

If any party was aggrieved by the decision, they have the right to appeal to the Magistrates Court within 21 days of receiving written notification of the decision.

The meeting closed at 2.55 pm