

At a meeting of the Licensing Panel held in Theatre - The Wave Centre, Maryport on Thursday 23 September 2021 at 1.00 pm

## **Members**

Councillor Allan Daniels  
Councillor Peter Kendall

Councillor Hilary Harrington

## **Staff Present**

C Fleming, D Fletcher and L Jardine

### **196. Election of Chair**

Councillor Kendall was elected as Chair for the ensuing meeting.

### **197. Declaration of Interests**

None declared.

### **198. Questions**

None received

### **199. To consider representations received in relation to an application for a premises licence - The Art Lounge, Scenery Hill House, Branthwaite**

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 a premises know as 'The Art Lounge' at Scenery Hill House, Branthwaite.

The applicant is Eileen Watson, who is a personal licence holder with Allerdale Borough Council. A description of the premises was described in the report as,

'A detached Georgian double stored, Country house B&B, with an in-house art gallery for guests, we will be running Art courses in the gallery. The property is set in an acre of mature enclosed private gardens, having many points in the gardens for guests to eat and relax. The business comprises of main property having 4 guest rooms and an additional guest suit in a small coach house with its own enclosed patio. Drinks will only be sold for consumption on the property, on sales only. We will host small reception lunches or afternoon high teas, max 20 people and daytime only (funerals/conference/baby shower etc). We have adequate private car park facilities to accommodate this and alcohol will only be sold ancillary to food'.

The applicant listed ways to promote the licensing objectives and if the licence is granted, these would become conditions. Cumbria Constabulary also made recommendations for conditions to promote the licensing conditions which were also agreed by the applicants. The conditions were listed in the members report.

Six representations were received against the application, however following consultation, one of the representations had withdrawn.

As with the conditions the representations were included in the members report, officers provided a summary and advised members that some of the representations were not relevant to the Licensing Act but relevant to other areas such as Planning.

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

The applicant made representations, explaining the background to the application then responded to concerns raised in the representations.

She advised that there had been some misconceptions surrounding her application and clarified that the focus of the business was to provide 5-star luxury accommodation with an inhouse Art Gallery. The Licence was to cover mini bars in the rooms and to cater mainly for guests of the B&B. In terms of alternative uses, the premises will host funeral breakfasts and afternoon tea. The applicant assured members that there would be no late-night events, off sales or large group bookings, the venue would also be adults only and operate a strict 'Challenge 25 Policy'. The applicant also explained that the car park is suitable for the number of guests and that no additional staff would be working

In response to the representations received, the applicant advised that they were repetitive and in relation to amenity and noise. They had liaised with the community and received positive responses including support from the Parish Council. The sale of alcohol was raised as a concern, but the applicant explained that if they did not provide alcohol, guests would bring their own.

Mr Chittenden made representations on behalf of Dean Parish Council. He explained that the Council had intended to submit written representations, but he attended the meeting to advise that the Council supported the Licence Application. He and members of the Council had visited the site and were of the opinion that the business with the relevant licence would be an asset to the Community.

The Licensing and Compliance Officer then went through the representations in detail with the applicant. In response the applicant clarified again that the premises is not a late night venue and the functions would have an early evening finish time and the business is a retirement project and will not be explained. In relation to the sale of alcohol, the applicant explained that they are the DPS, has went through relevant training and is aware of the responsibility to ensure compliance.

In summary the applicant advised that guests are paying for tranquillity, peace and quiet, and it is within the best interests of the business to keep it that way.

Members then asked questions in relation to traffic, the business model and the resident concerns.

The meeting was then adjourned for member deliberations.

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

Councillor Daniels moved to grant the premises licence, with conditions as suggested by Cumbria Constabulary.

The motion was seconded by Councillor Harrington

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 four licensing objectives under the Licensing Act 2003, in particular the prevention of crime and disorder and the prevention of public nuisance. The Panel also took into account the representations made by the applicant, the representations from residents, the response to the application from Cumbria Constabulary and the information set out in the report by the Licensing and Compliance Officer.

The Panel has 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 applicant 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 conditions 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:

- Grant the licence subject to the conditions mentioned in the operating schedule including those outlined in the representation from Cumbria Constabulary.

In making its decision, the Panel determined that the conditions supported the application in achieving the licensing objectives; furthermore, it assessed the representations of residents and made the following determination

Whilst it acknowledges the content of the representations differ, they follow these same themes which were considered as follows:

- Noise nuisance – no evidence was furnished to show that this issue would exist, the Applicant was able to demonstrate how the premises would operate to ensure that no such nuisance would occur and how it would be suitably addressed if it was to occur.
- Concerns were raised over event expansion and the impact on the serving road network – the existing parking facilities wholly satisfy the operations of the premises and there is sufficient means through the Planning and Licence regime to review the operations at the premises should they change in nature.
- The presence of an existing licenced premises is not a material consideration of the decision-making process.
- Representations were also made about the planning application which are not relevant to the determination of this panel.
- Resident 6 also raised a concern about the suitability of the Licence Holder, which was unevicenced and there was nothing from the representations made by the Applicant that raised any concern about the suitability of the applicant as a licence holder.

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

**The meeting closed at 2.05 pm**