

At a meeting of the Licensing Panel held in Council Chamber, Allerdale House on Wednesday 30 November 2022 at 1.30 pm

Members

Councillor Malcolm Grainger
Councillor Peter Kendall

Councillor Hilary Harrington

Staff Present

D Fletcher, K Magnay and J Morgan

264. Election of Chair

Councillor M Grainger was elected chair for the meeting.

265. Declaration of Interests

None declared.

266. Questions

None received.

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

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

The report concerned an application for a premises licence for a premises known as Hazeldene. The postal address of the premises is The Heads, Keswick.

The applicant is Fellpack Limited. A description of the premises was described in the report as,

‘This small hotel is located on the south end of The Heads, between Highfield Hotel and Café Hope, it has long operated as a family-run good-value hotel. Our plan is to evolve the space and experience so that it feels more boutique and differentiated from the rest of the Keswick accommodation market. We wish to do this in part by offering guests a selection of interesting drink options from a small hotel bar, for enjoyment in the shared ground floor spaces and garden areas - such as a pro-theatre drink or post-Keswick meal nightcap (hence the need for an all-day licence). This is in no way intended to compete with the current offerings in Keswick, but simply enhance our guests' stay at the hotel. We may include simple add-on experiences such as champagne on arrival.’

The application is to allow supply of alcohol on and off the premises between 11am and midnight each day. The premises would be closed to the public at 00:15.

The applicant listed ways to promote the licensing objectives and if the licence is granted, these would become conditions.

Five representations were received against the application. The Specialist Licensing and Compliance Officer advised members she had requested further information from representation five to date nothing had been received.

The representations were included in the members report, officers provided a summary and advised members that some of the representations refer to a previous application and were not accepted as valid.

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.

They advised that the Licence was to cover drinks before dinner, offer pre arrival experiences and to cater mainly for guests of the boutique hotel.

In response to the representations received, the applicant advised that they were repetitive and in relation to noise. They advised it would not be a late-night establishment, in relation to music this would be background music only as they don't want the music to impact on other guests. The applicant also advised members that the representations received with regards to noise was due to another establishment in the area and this was misrepresenting what they are trying to achieve. The applicant also addressed the concerns raised for the outside terrace, he stated if designed properly there would only be 8-10 tables with table service only for people to enjoy the sunset, this would not be all year round only on good weather days and during hours of light.

The Licensing and Compliance Officer then went through the representations in detail with the applicant.

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 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 the applicants. The panel also considered the relevant legislation.

Councillor Kendall moved to grant the premises licence.

The motion was seconded by Councillor Grainger

A vote was taken on the motion 2 voted in favour, 1 against and 0 abstentions.

The motion was carried.

Decision

The Licensing Panel has reached its decision.

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, the prevention of public nuisance and the protection of children from harm. The Panel has also taken into account the representations received from the applicant, the representations from residents 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:

- To agree to grant the licence subject to the conditions outlined in the application, which are appended to this decision.

In making its decision, the Panel considered the fact that the Responsible Authorities did not object to the application. It considers that the conditions as outlined are sufficient to promote the licensing objectives.

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

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

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

The report concerned an application for a premises licence for a premises known as Hazeldene. The postal address of the premises is The Heads, Keswick.

The applicant is Deborah Burrows, A description of the premises was described in the report as,

'Coffee shop situated beside a car park, semi-detached on the end of a small row of businesses.

The application is to allow live music, anything of a similar description and the sale of alcohol in the following terms:

Live Music (indoors)

Monday to Thursday 09:00 – 23:30

Friday and Saturday 09:00 – 00:00

Sunday 09:00 – 23:00

Anything of a similar description (indoors)

Monday to Thursday 19:00 – 23:30

Friday and Saturday 19:00 – 00:00

Sunday 19:00 – 23:00

Sale of Alcohol (on and off the premises)

Monday to Thursday 09:00 – 00:00

Friday and Saturday 09:00 – 01:00

Sunday 09:00 – 23:00

Premises open to the public

Monday to Thursday 09:00 – 00:00

Friday and Saturday 09:00 – 01:00

Sunday 09:00 – 23:00

The applicant listed ways to promote the licensing objectives and if the licence is granted, these would become conditions.

The Specialist Licensing and Compliance Officer advised members Environmental Health had suggested measures which they felt would promote the licensing objectives which included Public Safety and Prevention of Public Nuisance. The Specialist Licensing and Compliance Officer asked the applicant if these measures were accepted. The applicant confirmed she accepted them and was happy to work with them.

Three representations were received against the application and these were included in the officer's report.

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 the purpose for the licence was to serve nice meals and be able to offer the customer drinks with their meals.

In response to the representations received, the applicant advised that they were repetitive and in relation to noise. Having ran a pub for over 20 years she is aware of the rules and regulations and wants to work with the residents not against them and takes her business very seriously. Noise levels in the pub will be kept to a minimum and windows will be kept closed.

The Licensing and Compliance Officer then went through the representations in detail with the applicant.

The Objectors spoke and raised their concerns which mainly focused on noise and antisocial behaviour.

The applicant advised the objectors that she wants to work with them and nip any trouble or excess noise in the bud.

Members then asked questions in relation to 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 the applicants. The panel also considered the relevant legislation.

Councillor Kendall moved to grant the premises licence.

The motion was seconded by Councillor Harrington

A vote was taken on the motion: The vote in favour was unanimous.

The motion was carried.

Decision

The Licensing Panel has reached its decision.

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, the prevention of public nuisance and the protection of children from harm. The Panel has also taken into account the representations received from the applicant, the representations from residents, the additional conditions proposed by Environmental Health 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:

- To agree to grant the licence subject to the conditions outlined in the application, which are appended to this decision and the additional conditions suggested by Environmental Health which were accepted by the applicant.

In making its decision, the Panel considered the fact that the Responsible Authorities did not object to the application and that the conditions suggested by Environmental Health were accepted by the applicant. It considers that the conditions as outlined are sufficient to promote the licensing objectives.

If any party is aggrieved by this 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 3.22 pm