

Licensing Sub Committee (Panel Hearing) Minutes

Date: 9 March 2020

Time: 10.00 - 10.20 am

PRESENT: Councillor A R Green (in the Chair)

Councillors C B Harriss and I L McEnnis.

56 INTRODUCTORY REMARKS BY THE CHAIRMAN

The Chairman welcomed everyone to the hearing and following introductions he set out the procedure that would be followed during the hearing.

The applicant confirmed that there were no amendments to the application submitted.

57 APOLOGIES FOR ABSENCE

Apologies for absence from Mrs Christine Clifford, the objector, were noted.

58 DECLARATIONS OF INTEREST

There were no declarations of interest.

59 39 HIGH STREET, PRINCES RISBOROUGH, HP27 0AE

The Panel considered an application under s.17 of the Licensing Act 2003 for a Premises Licence in respect of 39 High Street, Princes Risborough, HP27 0AE.

Mr Brian Whittall, WDC Licensing Officer, outline details of the report to the Panel and explained that the applicant had applied under s.17 of the Licensing Act 2003 for a Premises Licence. The application had been served on all responsible authorities and advertised, as required, for the required 28-day consultation period.

The Thames Valley Police had, in discussions with the applicant, agreed to conditions being attached to the Premises Licence which were outlined in the hearing papers. Background information had also been provided on the recent planning application which had been approved. One representation had been received from an interested party in respect of noise nuisance.

It was noted that the objector, Christine Clifford, had not attended the hearing, therefore Mr Whittall read out her submission to the Panel:

“The hours have changed significantly from the original Design and Access Statement by Andrew Eades of September 2019. Originally the hours included a day closure on Monday, and Sunday closure by 6pm. Now it is open every day to 11.30, 12.30 and 1.00am with drinks served, and live music, to times of 11, 12, 12.30 and 10 on Sunday.

I live to the rear of this property and it is obvious that myself and my neighbour will not get any peace or respite from constant noise and music every night of the week. The estate is predominantly elderly people, and this seems totally out of place for the area.

If you refer to the report by Matthew Jackson, my property actually borders these premises, only 6m away from all this noise and disruption, with people probably outside smoking, up against the fence.

Please consider reducing the hours and returning to the original idea of one day a week closure and Sunday to 6pm.”

Mr Whittall drew the Panel’s attention to the relevant parts of the Council’s Licensing Policy and the National Guidance, particularly:

2.19 “Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.”

2.21 “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right.”

3.16 “The Council wishes to protect the amenity of residents and businesses in the immediate area surrounding the licensed premises. Applications should demonstrate that public nuisance will not increase as a result of the application being granted.”

The Panel was obliged to determine the application with a view to promoting the licensing objectives, which were:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Panel was also obliged to have regard to the national guidance and the Council’s Licensing Policy. Should the Panel depart from either, it was required to specify its reasons for doing so. The Panel was also obliged to take into consideration all of the representations made and the evidence submitted, both written and orally at the hearing.

In promoting the licensing objectives, the Panel could take any of the following decisions in relation to the application:

- Grant the application as asked
- Grant the application, subject to any appropriate conditions
- Reject all or part of the application

The Panel was also to consider its responsibilities under the Human Rights Act when considering the fair balance between the interests of the applicant and the rights of local residents.

Any decision taken had to be appropriate and proportionate to the objective being pursued. In particular the following had to be taken into consideration:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First Protocol – peaceful enjoyment of possessions (which could include the possession of a licence).

Finally, Mr Whittall drew the Panel's attention to the premises layout plan contained within the pack.

There were no questions to Mr Whittall.

It was noted that, in the absence of the objector, Mr Whittall had read out her correspondence. There were no questions.

Mr Matthew Walsh, Princes Risborough Town Council; applicant, stated that the Town Council had invested in this property following advice they had received in that the hospitality sector was the path to follow. Mr Walsh explained he was aware of the objector's comments and believed they had been addressed by the Management Plan which had been submitted as part of the Planning Consent. He also explained that they did not expect a large amount of noise emanating from the premises due to the fabric of the building as it was formerly a bank and confirmed that the Town Council would be a responsible landlord and that any tenancy agreement would include a condition requiring the tenant to comply with the licence conditions.

In answer to questions, Mr Walsh confirmed the Town Council was seeking a responsible tenant and wished to have all Planning and Licensing in place which would make it a more attractive proposition for an incoming tenant. He also believed that by having everything in place, this would expedite matters in attracting a tenant.

Mr Walsh confirmed that as a result of the Management Plan the outside space to the rear of the property would not be used and that customers, particularly smokers, would use the front of the premises. It was noted that noise was always anticipated that the smokers would use the front of the premises. Mr Walsh confirmed that he had not given thought to having a management plan in terms of customers being allowed to take glasses outside but would do so.

Mr Walsh also confirmed that he was aware no alcohol could be sold at the premises until a Designated Premises Supervisor had been appointed.

There being no more representations or questions, the Chairman thanked everyone for attending the hearing and explained that he and the Panel would go into private session to make their decision.

The hearing closed at 10:17

During their deliberations the Panel took into consideration all the written and oral evidence presented at the hearing by the Town Council (applicant) and the written representation by the objector, the legislation, Statutory Guidance and the Council's Licensing Policy.

RESOLVED: that the application be granted.

Chairman

The following officers were in attendance at the meeting:

Liz Hornby	- Senior Democratic Services Officer
Alaka Thomlinson	- Solicitor
Hilary White	- Paralegal
Brian Whittall	- Licensing Officer