

## LICENSING SUB COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Tuesday, 6th December, 2016 at 10.00 am

**Present:** Councillor Mike Smith in the Chair;  
Councillors Cathy Mason and Paul Roberts.

**Officers Present:** Julian Alison, Peter Barrow, Lynn Cain and Kieran Stockley.

### **LC.3 Declarations of Disclosable Pecuniary and Non Disclosable/Pecuniary/Other Interests.**

There were no declarations of interest made.

### **LC.4 Hearing for Variation to a Premise Licence at "Ego at Old Ashfields", Sutton Road, Kirkby in Ashfield, Nottingham**

The Chairman introduced himself and asked the Committee Members, officers and those parties present to introduce themselves.

In attendance were Mr. G. Baker (representative for Ego Restaurants Limited), Mr. W. Rathore (Fraser Brown Solicitors - representative for Ego Restaurants Limited) and Interested Parties Mrs. A. Kirk, Mr. M. Morris, Mr. D. Roe, Mr. J. Stephens and Mrs. T. Stephens.

The Chairman outlined the application and explained the procedure to be adopted throughout the duration of the hearing.

The Chairman then invited Mr. Rathore, the representative on behalf of the Applicant, to put forward his case to the Sub Committee. Mr. Rathore proceeded to address the Sub Committee on behalf of the Applicant.

Following this and in accordance with adopted procedure, the Interested Parties, Sub Committee Members and the Legal Officer were offered the opportunity to ask questions of the representative for the Applicant for the purposes of lucidity and further explanation.

The Interested Parties were then invited to put forward their representations to the Sub Committee. Following this and in accordance with adopted procedure, the representatives for the Applicant, Sub Committee Members and the Legal Officer were offered the opportunity to ask questions of the Interested Parties for the purposes of lucidity and further explanation.

Finally, the Chairman invited the representative for the Applicant and the Interested Parties to sum up their respective cases.

The Chairman and Members of the Sub Committee then withdrew from the hearing in order to deliberate upon the application and representations made in respect of it.

The hearing was adjourned at 11.18 a.m.

The Chairman and the Sub Committee Members subsequently returned to the room and the hearing was reconvened at 12.37 p.m.

The hearing was adjourned again at 12.50 p.m. to consider an amendment to the decision put forward by the representative for the Applicant. The Chairman and Sub Committee Members returned to the room and the hearing was reconvened at 1.05 p.m.

The Legal Officer delivered the Sub Committee's findings, the decision and reasons as follows:-

The Sub Committee had taken into account the evidence put before it at the hearing and also took into account the contents of the application and written representations.

#### **Findings of the Sub Committee:**

In consideration of all of the evidence and taking into account the Licensing Authority's Policy, the four Licensing objectives, the Licensing Act, the DCMS guidance and the Human Rights Act, the Panel were minded to grant the application for a variation because:

1. Licensing Law is not the primary mechanism for the general control of Anti-Social Behaviour but rather a part of a holistic approach to the management of the District;
2. There are other mechanisms available and in place for controlling problems of crime and disorder in the area such as the Police and/or the Council's Departments such as the Anti-Social Behaviour Team and/or the Environmental Health Team;
3. If a Responsible Authority and/or Interested Party felt that the licence was not being adhered to then a review application can be made to the Licensing Authority for the licence to be reviewed.

#### **RESOLVED**

that the decision of the Licensing Sub Committee (in exercise of its powers delegated by Ashfield District Council as Licensing Authority) was to approve the application for a variation of a premises licence subject to the following conditions:-

- a) the mandatory conditions, the new conditions detailed in the Application to be inserted in to the Operating Schedule and the embedded restrictions on the use of the premises;

b) the following conditions proposed by the Applicant:

1. Not to use the external speakers after 23:00hrs;

c) the following conditions proposed by the Sub-Committee and agreed with the Applicant:

1. Persons under the age of 18 shall not be permitted to enter or remain on the premises after 23:00hrs unless taking a table meal or accompanied by an adult;

2. The proof of age policy will be a Challenge 21 scheme with an acceptable form of photo identification (e.g. passport, driving licence, Military ID or PASS accreditation card).

**Reasons:**

1. The Applicant was co-operative with the residents and willing to work with all Parties to minimise any nuisance;
2. The evidence provided by the Applicant satisfied the Panel that the Applicant was committed to the effective and responsible management of the premises to ensure the promotion of the licensing objective [Policy 1];
3. There was no evidence before the Panel which undermined any of the four Licensing Objectives;
4. There was no evidence presented of ASB in and around the Interested Party's property which could be attributed to the Premises;
5. The Conditions proposed by the Applicant were, appropriate, proportionate for the promotion of the Licensing Objectives and would be incorporated in the Licence;

The decision to be notified to the parties in compliance with the legislation and regulations. The parties have a right to appeal against the decision to the Magistrates' Court within 21 days of the receipt of the notification of the decision.

The meeting closed at 1.06 pm

Chairman.