

LICENSING SUB COMMITTEE

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

on Thursday, 11th April, 2024 at 10.30 am

Present: Councillor Warren Nuttall in the Chair;
Councillors Paul Grafton and John Wilmott.

Apology for Absence: Councillor Dawn Justice.

Officers Present: Julian Alison, Rose Arbon, Lynn Cain,
Hannah Cash, Joanne Lindley and Christine Sarris.

LSC.1 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

LSC.2 Application to Vary a Premises Licence – Top Drinks, High Street, Hucknall

The Chairman introduced himself and asked the Committee Members, Officers and Falah Hassan Ibrahim, as the Licence Holder, to introduce themselves.

The Council's Legal Representative explained the procedure to be followed throughout the hearing.

The Council's Licensing Enforcement Officer then proceeded to outline the application for a variation of the Premises Licence.

The Chairman then invited the Licence Holder to put forward their case to the Sub Committee.

Following this and in accordance with adopted procedure, the Sub-Committee Members and the Legal Officer were given the opportunity to ask questions of the Licence Holder for the purposes of clarity and further explanation.

As the Objector to the application was not in attendance at the meeting, the Chairman then invited the Licence Holder to sum up their case as required.

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 10.43am.

The Chairman and Sub Committee Members subsequently returned to the room and the hearing reconvened at 10.48am.

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

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 to vary the premises licence held by Falah Hassan Ibrhim for Top Drinks, High Street, Hucknall, subject to the following conditions:

- A The mandatory conditions, the new conditions detailed in the Application to be inserted into the Operating Schedule and the embedded restrictions on the use of the premises.
- B The following conditions proposed by Nottinghamshire Police and the Licensing Authority and agreed by the Applicant:
- Between the hours of 00:00 and 02:00 the front door to the premises will be locked so as to exclude customers from the licensed area and all service will be via a serving hatch.
 - The Premises Licence holder shall when the sales of alcohol take place via the Service Hatch, place a notice in a prominent position for all customers to see, requesting that:
 - Alcohol shall not be drunk on or in the immediate vicinity of the premises.
 - Customers are reminded to be respectful to the needs of local residents when queuing to purchase alcohol and when departing from the premises.
 - All bottles and cans purchased shall be disposed of in a responsible manner.

Facts and Reasons

The Sub-Committee decided the following:

1. The evidence provided by the Applicant, and the additional conditions already agreed with the Police and Licensing Authority, satisfied the Panel that the Applicant was committed to the effective and responsible management of the premises to ensure the promotion of the licensing objectives;
2. There was no evidence before the Panel which undermined any of the four Licensing Objectives;
3. There was no evidence presented of ASB in and around the Premises which could be attributed to the Premises;

4. The Conditions proposed were, appropriate, proportionate for the promotion of the Licensing Objectives and would be incorporated in the Licence;

In consideration of all of the evidence and taking into account the Licensing Authority's Policy, the four Licensing objectives, the Licensing Act, the statutory guidance and the Human Rights Act, the Sub-Committee was 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.

Appeal

The parties to the hearing were reminded that there is a right to appeal against the decision to the Mansfield Magistrates Court, Rosemary Street, Mansfield, Nottinghamshire, exercisable within 21 days from the date of notification of the Licensing Authority's decision.

The meeting closed at 10.50 am

Chairman.