

Public Document Pack

LICENSING AND CONSENTS APPEALS COMMITTEE

20 MAY 2021

PRESENT:

Councillors B Yeates (Chair), Evans, Salter

Also present

Susan Bamford – Partnerships, Community Safety and Licensing Manager

Christine Lewis – Governance

Fiona Samuda – South Staffordshire Legal Services Solicitor

Will Stevenson – Governance (Clerk)

Applicants

Leanne Giblin (Duke of York Pub)

Steve Nuttal (Joules Brewery)

1 APOLOGIES FOR ABSENCE

There were apologies from the following objectors:

Margaret Jolley

Neil Wain

Emma & John Sanders

2 DECLARATIONS OF INTERESTS

There were no declarations of interest

3 APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

The Partnerships, Community Safety and Licensing Manager presented the Council's report to the Committee. The Applicant then informed the Committee that they have been involved in ongoing discussions with the licencing department regarding outdoor lighting on the premises.

It was confirmed that all present had read the evidence submitted by Objectors in the public document pack. A recent evidence submission sent by Margaret Jolley was then read aloud to the Committee. In it the Objector raised concerns regarding the installation of additional lighting, potential breaches of the existing licence via temporary events notices and over a nearby plot of land which is a shared right of way. The Applicant stated that the lighting in question had been on the premises for over 10 years and challenged claims that upcoming advertised events at the premises were being billed as "outdoor" events. The Applicant later claimed to have emails from the Police and Environmental Protection confirming there were no issues with noise limits.

When questioned about toilet arrangements for the premises the Applicant stated that the existing pub toilets would be adequate as the outdoor seating area would only be in use during periods in which indoor seating is not possible. The Applicant was questioned about closing time procedures. They responded that due to Covid-19 restrictions all customers were currently entering and leaving the premises via the front doors, where notices encouraged patrons to be respectful towards residents when leaving at night.

The Applicant clarified that glass bottle bins are never emptied after 8:00pm and that this had been witnessed by Craig Morris from Environmental Protection. The Applicant also assured

the Committee that the Beer Bus raised by Objectors has been on site for the past 2 years and would only be used on hot summer days to relieve pressure from the main bar. On the use of food stalls, the Applicant stated that food stalls are only present in the car park on select days, no later than 9:00pm and that advertisements for these events always specify that there is currently no on-site parking.

DECISION

The Panel deliberated in private with the solicitor. The decision of the Panel having regard to the evidence submitted was that the Premises Licence Variation Application be granted in entirety.

Each party has the right to appeal this decision within 21 days to the Magistrates Court.

(The Meeting closed at 3.49 pm)

LICENSING ACT 2003

**Decisions & Reasons of Lichfield District Council
Licensing Sub Committee Hearing on Thursday 20 May 2021 at 3:00pm**

Application to vary a Premises Licence under the Licensing Act 2003 for the Duke of York, Greenhill, Lichfield, Staffordshire WS13 6DY

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| Councillors | - | Councillor Brian Yeates (Chair)
Councillor David Salter
Councillor Diane Evans |
| Democratic Services Advisor | - | Will Stevenson
Christine Lewis |
| Legal Advisor to Committee | - | Fiona Samuda |
| Partnership, Community
Safety and Licensing Manager | - | Susan Bamford |
| Applicant | - | Lea Giblin
Steve Nuttall (Joules) |
| Interested Parties | - | Ben Humphries
Margaret Jolley
Emma Sanders
John Sanders
Neil Wain |

DECISION

The Licensing Sub Committee resolved to grant the variation in its entirety.

REASONS FOR DECISION

This is a hearing of the Lichfield District Council Licensing Sub-Committee which is an application for a variation of a Premises Licence.

The hearing concerns an application to vary the Premises Licence of the Duke of York ("the Premises"), Greenhill, Lichfield, Staffordshire WS13 6DY. The variation request is for the extended area to cover the extension of the Beer Garden and the relocation of the car park at the Premises.

The Licensing Sub Committee can only deal with Licensing matters and its role is to determine licensing applications which cannot be dealt with by officers. The Licensing Sub Committee therefore cannot consider matters that fall outside of its remit. It was noted that 4 representations had been made by interested parties and that some of the contents of these were not evidenced based or referenced concerns which were not matters for the Licensing Sub Committee. As such, these matters were not considered.

A minor variation application had previously been granted to the Premises which included the existing car park in the licensed area. This was granted subject to the extended area closing at 11pm with outside food service ceasing at 10pm.

As new land had since been acquired by the Premises, the plans were changed to include the additional land. The Applicant was therefore now applying for the extended area to be included in the licensed area. Given the structural changes to the layout; a full variation application was now required. This was the matter before the Licensing Sub Committee to be determined.

The structural changes included a ramp to assist customers purchasing from the Beer bus (when in use), a covered area immediately at the rear of the pub and some booths, a wall, gates as well as the car park being relocated. The actual works being undertaken at the Premises falls outside of the scope of the Licensing Sub Committee remit.

It was confirmed that the Beer bus at present was contained within the existing licensed area, as is most of the seating. The Beer bus however is moved around the site within the current licensed area. The intention is now to have the bus parked in front of the boundary wall facing away from the residential properties within the proposed layout.

The Applicant confirmed the reason for the variation was to have the ability to function within a covid environment and that the outside area would only be used where indoor use was not possible. The reality being that the new area would not be in regular use and utilised if for instance lockdown restrictions dictated the need for the use of the outside space. The intention therefore was to operate indoors where possible.

It was noted by the Licensing Sub Committee that the Premises Licence includes 'off sales' so presently customers regardless are able to purchase drinks to 'take away' and consume elsewhere.

The representations from interested parties included issues surrounding lighting, toilets, rights of way, refuse, noise, the beer garden, the Beer bus, restricted access on Greenhill Mews, smoking, dogs, TENs, music festivals, parking, increase in traffic, alternative accessways, and the Premises customer capacity. The Applicant addressed the issues highlighted and it was further noted that some of the issues raised were not matters reserved for the Licensing Sub Committee or speculative concerns which were not evidenced based.

The Applicant confirmed:-

- That the lighting had been on the Premises for over 10 years and accepted that one light had to be re-angled. The lights are timed so switch off at 11:30pm.
- That upcoming advertised events were deemed as “outdoor” events. At this stage they had not finalised the details to determine how the events would be run ie. they may not be outside.
- That there were no issues with noise; they use a noise calibrator to ensure that the noise does not exceed the required level and further indicated that the Police and Environmental Protection would support this.
- That the pub toilets would be adequate for the extension as the outdoor seating area would only be used when indoor seating was not possible.
- Due to Covid-19 restrictions all customers are entering and leaving the premises via the front doors. Notices encourage customers to be respectful towards residents when leaving at night. Customers are also verbally reminded of this upon departure.
- The glass bottle bins are never emptied after 20:00 hrs
- The Beer Bus has been on site for 2 years and will be used going forward on hot days to relieve pressure from the main bar.
- Food stalls are only present in the car park on select days and no later than 9:00pm and advertisements for these events specifically state that there is no on-site parking.
- She had emails from the Police and Environmental Protection confirming there were no issues with noise at the Premises. She further confirmed that there were also several residents that were supportive.

Upon hearing the representations made by the Applicant and considering the written representations of Margaret Jolley, Emma Sanders, John Sanders and Neil Wain (who did not attend the hearing), the Licensing Act 2003, the Council’s Licensing Policy, the Section 182 Guidance and having regard to the human rights of the parties and giving consideration to the proportionality of their response; members formed the view that there had been regard for the Licensing regime at the Premises and as such, the Licensing Sub Committee had confidence that the Applicant would uphold the four licensing objectives in particular the prevention of crime and disorder and public safety. The members decided that there was positive management at the Premises and that the Applicant being involved in the management of the Premises would ensure that the Premises were run correctly. As such, the Licensing Sub Committee agreed to the application to vary the Premises Licence, as requested, in its entirety.

Right of Appeal

All parties are reminded that under the provisions contained within Schedule 5 of the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates Court, such an appeal is to be made within twenty-one days of the date of the notification of the decision.

Dated 20 May 2021

Signed

Designation



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Councillor Brian Yeates
Chair