

ALCOHOL AND ENTERTAINMENTS LICENSING COMMITTEE

WEDNESDAY, 19 AUGUST 2020

Present: Councillor P D Simpson, Chair

Councillors: B C Carr
J C Patrick

An apology for absence was received from Councillor D Bagshaw

1 **APPOINTMENT OF CHAIR**

RESOLVED that Councillor P D Simpson be appointed as Chair for the meeting

2 **DECLARATIONS OF INTEREST**

There were no declarations of interest

3 **APPLICATION TO VARY A PREMISES LICENCE**

An application to vary a premises licence under Section 34 of the Licensing Act 2003 (the 'Act') in respect of The Star Inn Public House, Middle Street, Nottingham was considered by the Alcohol and Entertainment Committee Licensing Panel.

Due to Covid-19 restrictions and the requirement for social distancing, the hearing took place using Microsoft Teams with each participant accessing the hearing remotely.

Once all representations had been heard and questions asked, the Committee retired to consider its decision, however unlike the usual case where the Committee would then verbally notify the participants of the decision once reached, the decision would be communicated in writing to all parties within five working days of the hearing.

The applicant and all interested parties confirmed that they had understood the papers and procedures pertaining to the hearing.

The Panel considered the Application, representations made by the Applicant, and the representations made by the Interested Parties in relation to this application. It was noted that the applicant had agreed to conditions suggested by the Environmental Health Department as a Responsible Authority which had been circulated prior to the meeting and it is these conditions that were the subject of debate rather than the proposed conditions in the application.

The Committee also noted representations raised by the interested parties relating to the way in which the application was publicised and concerns that more should have been done to bring the application to the notice of the general public in light of the lockdown due to the Covid-19 pandemic. These concerns were given due

consideration by the Committee and after taking legal advice, the Committee was satisfied that the Notice had been substantially complied with and that no party had been prejudiced as a result of non-compliance. It was acknowledged that there had been a minor defect in that the Notice had not also been advertised along the external perimeter of the premises abutting the highway ie along Moore Gate. However, the Panel did not consider this to be sufficient so as to invalidate the proceedings.

The Applicant confirmed that they had amended the application to the satisfaction of the Responsible Authority and were open to further suggestions from the Panel.

The Panel also considered representations from the Environmental Health Officer who clarified the suggested agreed amendments to the proposed licensing conditions and answered extensive questions from the Interested Parties and the Panel in relation to addition sound proofing measures that had been undertaken by the applicant and technical questions relating to sound monitoring.

The Panel heard representations from a total of 12 Interested Parties who were either present at the virtual meeting or were being represented by one of the Interested Parties present. Concerns were raised regarding the level of noise and the frequency of events. Assurances were given by the Applicant in relation to the frequency of events and monitoring levels of noise.

The Panel was satisfied that a 'directed discussion' had taken place between the Applicant and the Interested Parties.

After all the representations had been made by the Interested Parties and due process had been followed all parties were advised they would receive a notice of the decision within five working days and of their right to appeal to Nottingham Magistrates Court within 21 days of receipt of the Decision Notice.

The Panel retired to make its decision and sought advice from the Legal Advisor whilst deliberating.

In reaching its decision the Panel gave due consideration to representations from the Applicant, Interested Parties and Responsible Authorities.

Extensive consideration was given to the effect of a grant to vary on the 'Licensing Objectives' and in particular, the objectives of the 'prevention of crime and disorder' and the 'prevention of public nuisance.'

The Alcohol and Entertainment Sub-Committee also had regard to The Licensing Act 2003 and the statutory guidance issued under S182 of the Act (as updated April 2018), the Council's 'Statement of Licensing Policy' 2014-2019 and its duties under s17 of the Crime and Disorder Act 1998.

RESOLVED that the licence be varied subject to the following modifications and conditions:

Hours of Operation: Licensing conditions

- 1. The performance of live and recorded entertainment/regulated entertainment shall only be permitted in the internal marquee area and will be limited to 3 sessions per calendar week. Such sessions shall only take place between 12:00 - 22:00 hours at a maximum duration of 3 hours inclusive of any breaks per day**
- 2. The beer garden bar must be closed by 22:00 hours and the beer garden area must be closed and cleared of customers by 22:30 hours daily. Adequate notices shall be displayed to inform patrons of this requirement.**
- 3. The Premises Licence Holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of any live and recorded regulated entertainment and periodically throughout regulated entertainment and take action to reduce noise levels if they are found to be heard above background levels at the nearest residential property.**
- 4. After 22:00 hours daily, staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.**
- 5. No live and recorded entertainment/regulated entertainment will be permitted within the beer garden except for a maximum of 2 events per annum.**
- 6. The Premises Licence Holder or nominated person shall ensure a telephone number is made available and displayed in prominent locations at The Star Inn Middle Street, Beeston, Nottingham NG9 1FX and circulated to local residents to enable contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises**
- 7. During events of live and recorded entertainment/regulated entertainment within the marquee area and permitted external events of live and recorded entertainment/regulated entertainment in the beer garden, the premises licence holder or nominated person shall carry out observations in the vicinity of noise sensitive properties surrounding The Star Inn, Middle Street, Beeston NG91FX at agreed periods between events commencement hours and events terminal hours.**
- 8. Whilst relevant entertainment is taking place, the premises licence holder or nominated person shall use a decibel meter to ensure the event noise does not exceed existing background noise level (LA90) over a 15 minute**

period (LAeq15min.) by 5 dB. The background noise level (LA90) shall be established at the agreed monitoring points prior to the commencement of the regulated entertainment.

- i. If the observation reveals noise breakout exceeds the above and is likely to cause disturbance to the occupants of properties in the vicinity namely, neighbouring noise sensitive properties at Waverley Avenue, Nether Street and Moore Gate then the volume of music shall be reduced to a level that does not cause disturbance
- ii. A record of such observations shall be kept in a log for that purpose, such a log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout
- iii. Such records must be made available at all times upon request to an officer or an officer of the local authority

9. The licensable area to be varied in line with Plan JG/DM/13/038/40 – May 2020”