

## LICENSING AND APPEALS SUB-COMMITTEE

**Date and Time** 5 August 2024 at 10.00 am  
**Location** Council Chamber  
Broxtowe Borough Council  
Foster Avenue  
Beeston  
Nottingham  
NG9 1AB

<b>Applicant:</b>	Plumb Right Limited
<b>Premises applied for:</b>	The Lion 28 Hall Lane Brinsley Nottingham NG16 5AH
<b>Type of application:</b>	S17 Licensing Act 2003 Application for a new premises licence
<b>Date application received</b>	10.06.2024
<b>Consultation period end</b>	08.07.2024
<b>Licensable Activities applied for:</b>	Live Music (Indoors and Outdoors) Recorded Music (Indoors and Outdoors) Provision of Late Night Refreshment Supply of Alcohol ON and OFF the premises
<b>Variation(s) applied for:</b>	N/A

<p><b>Hours applied for:</b></p>	<p><u>Live Music</u>  Sunday to Thursday 10:00 to 00:00  Friday and Saturday 10:00 to 02:00  <u>Recorded Music</u>  Sunday to Thursday 10:00 to 00:00  Friday and Saturday 10:00 to 02:00  <u>Late Night Refreshment</u>  Sunday to Thursday 23:00 to 00:00  <u>Supply of Alcohol</u>  Sunday to Thursday 10:00 to 00:00  Friday and Saturday 10:00 to 02:00</p> <p><u>Seasonal Variations for Recorded Music, Late Night Refreshment and Supply of Alcohol</u>  *Standard timings terminal hour plus 1 hour on  24 December  26 December  Thursday before Good Friday  Bank Holiday Friday, Saturday, Sunday, Monday  1 March (St David's Day)  17 March (St Patrick's Day)  23 April (St George's Day)  30 November (St Andrew's Day)  On the morning of the commencement of British Summer Time where the terminal hour is later than 01:00, the terminal hour shall be extended by one hour.  31 December; from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>
<p><b>Hours open to Public:</b></p>	<p>Sunday to Thursday 08:00 to 00:30  Friday and Saturday 08:00 to 02:30</p> <p>Seasonal variations – standard timings terminal hours plus 1 hour on dates listed with * above.</p>
<p><b>Proposed Designated Premises Supervisor</b></p>	<p>Kane Oliver</p>
<p><b>Steps applicant proposes to take to promote the Licensing Objectives.</b></p>	<p>See application (<b>Appendix 1</b>)  Conditions proposed by the applicant (which have been agreed with Nottinghamshire Police) (<b>Appendix 2</b>)</p>

Representations by Responsible Authorities	Comments			
<ul style="list-style-type: none"> <li>• Police</li> <li>• Planning</li>   <li>• Environmental Health Health &amp; Safety</li> <li>• Environmental Health Noise</li> <li>• Fire Service</li> <li>• Safeguarding Children Board</li> <li>• Trading Standards</li> <li>• Health</li> </ul>	<p>Conditions agreed (Appendix 2) No Objection</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>			
	<b>Licensing Objectives</b>			
Representations by Interested Parties:	Crime and Disorder	Public Safety	Public Nuisance	Protection of Children from harm
1. Linda Robertson			X	
2. Andrew Palmer			X	
3. Jackie Pass			X	
4. Richard Hughes	X		X	
5. Dr Jefferies	X		X	
6. Joanna Cooke	X		X	
7. Ian Cooke			X	
8. A Page			X	
9. Mr Atkin		X		
10. Miss Atkin		X		
11. Mr R Barke		X		
12. Mr M Heyman		X		
13. Julie & Kevin Straw	X		X	
14. Nigel Cann	X		X	
15. Stephen & Janice Spiby		X		
16. Gillian Woodhead			X	
17. David Woodhead			X	
18. James & Claire Blissett			X	
19. Mr T Pearson	X		X	
20. Carol Rhodes	X		X	

21. Andy Slater		X		
22. Cllr Elizabeth Williamson		X	X	
23. Alan & Andrea Butler			X	
24. Mr & Mrs Holmes			X	
25. Vanessa Hughes			X	
26. Mr A Marshall			X	
27. Mrs S Marshall			X	
<b>Attendances on behalf of the Applicant:</b>	TBC			
<b>Attendances on behalf of Interested Parties</b>	TBC			

### **Licensing History**

The Lion, 28 Hall Lane, Brinsley, Nottingham, NG16 5AH which has been known as the White Lion applied for a conversion and variation of their licence when the powers to licence a premise transferred from the Magistrates Court to the Local Authority in 2005. The original licence was granted on the 19 September 2005. A copy of this licence can be found at **Appendix 3**.

This licence lapsed on the 9 April 2024 as the licence holder went into administration. The Licensing Authority was made aware on 9 June 2024. A new application was received by the Licensing Authority on 10 June 2024.

The Licensing Authority has received 4 Temporary Event Notices (TEN's) for The Lion, Brinsley in this calendar year. The premises did not have a premise licence at the time and therefore the sale of alcohol was permitted under the TEN authorisation. The details of the TEN's are shown in this table:

<b>TEN Number</b>	<b>Start</b>	<b>Finish</b>	<b>Days</b>	<b>Dates</b>
1	10:00	00:00	6	18.06.2024 to 23.06.2024
2	10:00	00:00	6	25.06.2024 to 30.06.2024
3	10:00	00:00	4	04.07.2024 to 07.07.2024
4	10:00	00:00	4	11.07.2024 to 14.07.2024

### **Focus of hearing:**

The Panel may first need to consider whether the public should be excluded during part or all of the hearing of this matter under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

#### **14. Hearing to be public**

(1) Subject to paragraph (2), the hearing shall take place in public.

- (2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- (3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

### **Relevance of representations**

**Representations have been received from 27 local residents. All representations are relevant. A copy of these representations are attached at Appendix 4.**

Representations have been received relating to the licensing objectives as follows:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**

Those making representations were asked to consider any conditions that they would like the Licensing Committee to consider attaching to the licence if they are minded to grant it. These responses can be found in **Appendix 5**.

### **Relevance of representations**

- Protection of children from harm relates to moral, psychological and physical safety of children within the premises. There is nothing in the application to suggest that any such harm may occur.
- Planning and Highway matters cannot be considered.
- The panel should consider what weight should be given to the representations.

### **Consideration of the application**

Whether upon consideration of the facts, that the grant of an application by Plumb Right Limited in the terms applied for will undermine the above mentioned licensing objectives.

In considering this application, the Licensing and Appeals Sub-Committee will have regard to:

- The content of the application (**Appendix 1**)
- Conditions agreed with Nottinghamshire Police (**Appendix 2**)
- The representations from the Interested Parties (**Appendix 4**)
- Further information requested from Interested Parties Responses (**Appendix 5**)
- The guidance issued under 182 of the Licensing Act 2003 (As updated) - Chapters 2, 8, 9 and 10 (**Appendix 6**)
- The council's "Statement of Licensing Policy" 2024 – 2029 and in particular:

- Sections 2, 5 & 6 (**Appendix 7**)
- Policy 1 and 2:

### Policy 1

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

### Policy 2

When preparing or considering applications, applicants, responsible authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.
- (ii) The precise nature, type and frequency of the proposed activities.
- (iii) Any measures proposed by the applicant in the Operating Schedule.
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) Means of access to and exit from the premises.
- (vi) The provision and availability of adequate seating and the restriction of standing areas
- (vii) Noise from the premises or noise arising from persons visiting the premises
- (viii) The potential cumulative impact
- (ix) Other means and resources available to mitigate any impact.
- (x) Such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

## **Recommendations**

**That Members are asked to consider the premise licence application and the representations made for The Lion, 28 Hall Lane, Brinsley, Nottingham, NG16 5AH and takes steps as it considers appropriate for the promotion of the licensing objectives.**

**The steps available on determination of a new premise licence application are:**

- **Grant the licence subject to:**
  - i) **Such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives; and**
  - ii) **Any condition which must, under section 19, 20 and 21 be included in the licence (mandatory conditions)**
- **To exclude from the scope of the licence any of the licensable activities to which the application relates.**
- **To refuse to specify a person in the licence as a premises supervisor**
- **To reject the application**

## **List of Appendices**

Appendix 1 – Application and plan

Appendix 2 – Conditions agreed with the Police

Appendix 3 – Copy of previous licence

Appendix 4 - Relevant representations

Appendix 5 – Further information requested by the Licensing Authority Responses

Appendix 6 – Chapters 2, 8, 9 and 10 of S182 Guidance

Appendix 7 – Sections 2, 5 and 6 of BBC Statement of Licensing Policy

Appendix 8 – Procedure for hearing