

LICENSING AND APPEALS SUB-COMMITTEE

Date and Time 20 August 2024 at 10.00 am
Location Council Chamber
 Broxtowe Borough Council
 Foster Avenue
 Beeston
 Nottingham
 NG9 1AB

Applicant:	Juan Hua Chen
Premises applied for:	Queen's Head 34 Main Street Kimberley Nottingham NG16 2LL
Type of application:	S17 Licensing Act 2003 Application for a new premises licence
Date application received	04.07.2024
Consultation period end	31.07.2024
Licensable Activities applied for:	Live Music (Indoors) Recorded Music (Indoors) Performance of Dance (Indoors) Supply of Alcohol ON and OFF the premises
Variation(s) applied for:	N/A
Hours applied for:	<u>Live Music</u> Daily 14:00 to 23:30 <u>Recorded Music</u> Daily 14:00 to 23:30 <u>Performance of Dance</u> Daily 14:00 to 23:30 <u>Supply of Alcohol</u> Daily 14:00 to 23:00
Hours open to Public:	Daily 14:00 to 23:30
Proposed Designated Premises Supervisor	Juan Hua Chen
Steps applicant proposes to take to promote the Licensing Objectives.	See application form (Appendix 1)

Representations by Responsible Authorities	Comments			
<ul style="list-style-type: none"> • Police • Planning 	Representation received No Objection			
<ul style="list-style-type: none"> • Environmental Health Health & Safety 	Representation received			
<ul style="list-style-type: none"> • Environmental Health Noise 	None			
<ul style="list-style-type: none"> • Fire Service 	None			
<ul style="list-style-type: none"> • Safeguarding Children Board 	None			
<ul style="list-style-type: none"> • Trading Standards 	None			
<ul style="list-style-type: none"> • Health 	None			
	Licensing Objectives			
Representations by Interested Parties:	Crime and Disorder	Public Safety	Public Nuisance	Protection of Children from harm
James Towle	X	X	X	X
Jason Buckley	X		X	
Rachel & Lauren O'Neil	X	X	X	X
Mick Simpson	X	X	X	X
Neil Doherty	X	X	X	X
Kimberley Town Council			X	
Representations by Responsible Authority:				
Nottinghamshire Police	X	X		X
Environmental Health		X		
Attendances on behalf of the Applicant:	Mr Juan Hua Chen			
Attendances on behalf of Interested Parties	TBC			

Licensing History

The Queen's Head, 34 Main Street, Kimberley, Nottingham, NG16 2LL 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 29 July 2005 following a licensing hearing. This licence was reviewed following an application received by Nottinghamshire Police and supported by local residents. The licence holder and DPS at the time was Mr Juan Hua Chen. At the licensing review hearing on 20 November 2020, the licence for the premises was revoked.

A new application was submitted for the premise on 1 September 2021, with the proposed licence holder as Ms Mei Mei Huang and the proposed DPS as Mr Juan Hua Chen. This application went to a licensing hearing on the 2 November 2021 and was rejected in its entirety.

A further application was submitted for the premise on 7 April 2022, with the proposed licence holder as Ms Mei Mei Huang and the proposed DPS Mr Duggan. This application went to a licensing hearing on 7 June 2022 and was rejected in its entirety.

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 2 Responsible Authorities and 6 Interested Parties. All representations are relevant. A copy of these representations are attached at **Appendix 2**.

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

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm**

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 3**. Nottinghamshire Police have provided a bundle of information to support their representation, which can be found at **Appendix 3A**.

Relevance of representations

- 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 Mr Juan Hua Chen 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 previous history of the premises and the applicant
- The content of the application (**Appendix 1**)
- The representations from the Responsible Authorities and Interested Parties (**Appendix 2 and 3A**)
- Further information requested from Interested Parties Responses (**Appendix 3**)
- The guidance issued under 182 of the Licensing Act 2003 (As updated) - Chapters 2, 8, 9 and 10 (**Appendix 4**)
- The council's "Statement of Licensing Policy" 2024 – 2029 and in particular:
 - Sections 2, 5 & 6 (**Appendix 5**)
 - 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 Queen's Head, 34 Main Street, Kimberley, Nottingham, NG16 2LL 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 – Relevant representations

Appendix 3 – Further information requested by the Licensing Authority Responses

Appendix 3A – Nottinghamshire Police Bundle

Appendix 4 – Chapters 2, 8, 9 and 10 of S182 Guidance

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