

Minutes of a Meeting of the Licensing Act 2003 Sub Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Thursday, 16th March, 2023 at 10.00 am.

Councillor Stan Avison (Chairman)

Councillors Sandra Campbell-Wardman and Neil Jones.

Councillor David Andrews attended the Meeting as an Observer.

Officers in Attendance:

Adrian Twiddy	- Principal Licensing Officer
Martha Rees	- Legal Representative
Lynda Eastwood	- Democratic Services Officer
Susan Care	- Democratic Services Officer

Also in Attendance:

Mr Rowlands	- Objector
Mr Lee	- Objector

**6. ELECTION OF CHAIRMAN:**

Councillor Stan Avison was duly nominated and upon being put to the vote, it was

RESOLVED

That Councillor Stan Avison be elected Chairman of the Licensing Sub-Committee for this Meeting only.

COUNCILLOR STAN AVISON IN THE CHAIR

**7. APOLOGIES FOR ABSENCE:**

No apologies were received.

**8. DISCLOSURE OF INTERESTS (IF ANY):**

Councillor David Andrews stepped down and asked that it be noted that he would attend as member of the public only.

**9. VARIATION OF A PREMISES LICENCE - TENNYSON LODGE, 61 VICTORIA ROAD, MABLETHORPE, LN12 2AF:**

The Chairman outlined the background to the application then provided information on the meeting's procedure.

The Principal Licensing Officer introduced his report and advised the Sub-Committee Members that this was an application by Mr Sunny KN Oderdra for

variation of the premises licence in respect of Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2A, seeking to remove conditions from the premises licence which restricted the supply of alcohol to persons taking table meal and residents. He further provided a summary of the history of the conditions and how alcohol licences were granted. He also advised that it had become the norm for conditions to be removed if applied for. It was noted that additional conditions could be added by Members if deemed appropriate.

The Principal Licensing Officer drew Members' attention to the licence conditions. It was highlighted that the Police required the applicant to volunteer to implement standard measures that the Council would expect to see in these cases. He noted that neither Lincolnshire Police, Trading Standards or Environmental Health had made representations or raised concerns and reiterated that any planning issues needed to be referred to the Planning Department.

The Chairman invited Mr. Oderdra to make his representation to the Licensing Sub Committee.

Mr Oderdra detailed the background to his application, from the purchase of the property in 2022 to date. He advised that he had partook in constructive conversations with Lincolnshire Police and that all recommendations made had been included in the application.

Following which, representations were invited from those objecting to the application to the variation of the premises licence.

Mr Rowlands advised the Sub-Committee that he lived opposite Tennyson Lodge and raised concerns about smoking and vaping, as well as noise levels and drinking in an unfenced area next to the road. He also expressed concern about the size of the cellar and the ability to cool products. He also queried whether there was a separate room for hotel residents, and raised concerns with the limited on-site parking and problems with refuse and HGV deliveries.

Mr Lee outlined his interest in this application. The concerns he raised included noise levels from inside and outside of the property, including late night karaoke every day of the week. He requested that soundproofing should be added between adjoining properties and the reinstatement of a lobby to mitigate noise when the front doors were opened. He further expressed concern about midnight closing being too late, and repeated concerns about the impact of smoking. He also reiterated concern regarding barrels blocking access to his property. He highlighted that customer parking in front of his father-in-law's property was causing concern and inconvenience.

Following a brief discussion, an agreement was made between Mr Lee and Mr Oderdra to meet informally to discuss parking and the placement of barrels.

Members were then invited to put their questions forward to the Applicant and Objectors.

- A Member asked if the Applicant lived on the premises and whether he would be present during operational hours. The Applicant confirmed that he did not live on the premises, however would be in attendance for the majority of the time (Thursday to Sunday inclusive).
- A Member queried whether CCTV had been installed on the premises. The Applicant confirmed that it had and outlined the benefits of the system he had installed.
- A Member asked for clarification around the issues of parking on the driveways and glass and litter in the passageway and whether these had been addressed. The Applicant responded that he was aware of the problems and was working to address them. He advised that the alleyway was shared and a lot of refuse was left by other businesses and residents, he also confirmed that a contract was held with a waste management company. The Applicant outlined the systems in place to deal with glassware disposal and highlighted that there was an 'after hours' check of refuse disposal.
- Members asked for clarification around the management of closing time and parking on the driveway. The Applicant advised that this would be managed in a timely manner to ensure there were no 'stragglers' left on the premises, and that this would be monitored. He also confirmed that as soon as staff were made aware of a problem, they immediately asked the owner to move their vehicle. He also confirmed that he had put up signs and emailed guests prior to arrival.

The Principal Licensing Officer asked the Applicant for further information about the role of the Designated Premises Supervisor and queried who would be responsible when the Applicant was not on the premises. The Applicant confirmed that when he was not on the premises there would be a manager on site for the bar and the guest house. The Principal Licensing Officer also asked for clarity on actions regarding noise insulation on the wall adjacent to Mr Lee's father-in-law. The Applicant advised on the actions taken so far, including the purchase of a digital sound meter and avoiding placing speakers on that wall. The Principal Licensing Officer queried whether the Applicant had received advice from a noise expert, to which the Applicant responded that he had not. The Applicant also confirmed that part of the licence condition was to ensure litter patrols, but highlighted that it was difficult to say that all the litter was originating from his premises. He also confirmed that noise patrols were carried out, and that there was a log sheet to complete on an hourly basis. The Principal Licensing Officer asked whether a lobby to assist in reducing noise was a viable option. The Applicant responded that for the size of the bar, this would be difficult as it would impact on bar space.

The Principal Licensing Officer and a Member referred the Applicant to the conditions agreed with the police, and asked him about his understanding of

the sale of alcohol to non-residents. The Applicant confirmed that non-residents were not permitted to sit outside the premises with alcohol.

The Principal Licensing Officer referred to Page 13 of the report pack, to clarify that the alcohol licence times could not be changed by the Committee. It was confirmed that all the Committee could consider was to look at sales to the public if it was minded to remove the conditions.

The Chairman invited the interested parties to ask questions of the Applicant.

Mr Lee advised that car parking may be an ongoing issue but that it would be managed between himself and the Applicant.

*(N.B: The Committee retired for their deliberation at 11.25 am)*

*(N.B: The Committee re-convened at 11.45 am)*

In reaching its decision, the Sub-Committee had due regard for the representations made to it, both in writing and verbally at the hearing, and decided to grant the premises licence variation application with modification. The licence variation was modified by the addition of the following licence condition:

Sale of Alcohol to Non-Guests for Consumption On and Off the Premises –  
These non-residents (unless there as a guest of a resident) must have vacated the premises by 2330 Hours (Monday to Saturday) and 2300 Hours (Sunday) except on New Year's Eve when the Non-Standard Timings shall apply.

***N.B.*** *The Non-Standard Timings in relation to this premises licence were that during the New Year Period the supply of alcohol was permitted from New Year's Eve until the terminal hour on New Year's Day.*

#### **REASONS FOR THE DECISION:**

At the hearing the Sub-Committee heard from the Council's Principal Licensing Officer, the premises licence holder and three interested parties who lived locally to the premises. In reaching their decision the Sub-Committee had due regard for all that they had read and heard (including the written submissions from those interested parties not present at the hearing) and also for the Licensing Act 2003, the Section 182 Guidance to Licensing Authorities, the licensing objectives and their duty under Section 149 of the Equality Act 2010.

The Sub-Committee heard from the applicant as to the steps he had undertaken to address the concerns raised by the interested parties; removing a speaker from an adjoining wall, utilising a noise monitor, asking and advising guests about parking, extra refuse bins purchased, provision of CCTV, etc. The Sub-Committee were heartened by the dialogue between the

applicant and the interested parties to maintain a good relationship and to look to address any outstanding issues such as the refuse storage area.

Overall, the Sub-Committee supported the application as applied for, but felt that there was some scope for confusion in respect of one of the proposed conditions regarding when members of the public must leave the premises.

Accordingly, the Sub-Committee determined that it was reasonable and proportionate to the promotion and protection of the licensing objectives to grant the variation application as applied for but subject to the following amendment:

Sale of Alcohol to Non-Guests for Consumption On and Off the Premises – These non-residents (unless there as a guest of a resident) must have vacated the premises by 2330 Hours (Monday to Saturday) and 2300 Hours (Sunday) except on New Year's Eve when the Non-Standard Timings shall apply.

Following which it was,

**RESOLVED:**

That the modification of the premises licence conditions in relation to Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF as set out in Appendix D to the report be supported.

The Meeting closed at 12.02 pm.