

Minutes of a Meeting of the Licensing Act 2003 Sub Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Thursday, 31st August, 2023 at 2.00 pm.

PRESENT

Councillors Sandra Campbell-Wardman, Stephen Evans and Terry Taylor.

Officers in Attendance:

Adrian Twiddy	- Principal Licensing Officer
Kim Robertson	- Legal Advisor
Elaine Speed	- Senior Democratic Services Officer and Civic Officer
Lynda Eastwood	- Democratic Services Officer

Also in Attendance:

Michael Kheng	- Kurnia Licensing Consultants
Leah Beeton	- Director of J & L Beeton Limited
Jack Beeton	- Director of J & L Beeton Limited
Mary Abbott	- Interested Party
Steve Farrar	- Interested Party's Witness

15. ELECTION OF CHAIRMAN:

Councillor Sandra Campbell-Wardman was duly nominated and upon being put to the vote, it was

RESOLVED

That Councillor Sandra Campbell-Wardman be elected Chairman of the Licensing Sub-Committee for this Meeting only.

COUNCILLOR SANDRA CAMPBELL-WARDMAN IN THE CHAIR

16. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the meeting, Members were invited to declare any relevant interests. None were received.

17. APOLOGIES FOR ABSENCE:

Those present were noted.

18. APPLICATION FOR A PREMISES LICENCE:

A report was submitted by the Group Manager Public Protection which enabled Members to consider an application for a premises licence in respect of The Blind Tiger Bar, 1-2 Pawnshop Passage, Mercer Row, Louth, LN11 9JQ.

The Principal Licensing Officer outlined the options available to the Committee, page 1 of the report refers.

The Sub Committee Members were asked to consider the application for a premises licence whilst having regard for the representations made by two local residents.

Mr Michael Kheng who was representing the applicants was invited to make his representation to the Committee. Members were advised that the applicants were applying for a new premises licence, with the opening hours up to 11pm from Sunday to Thursday and up to 1am on a Friday and Saturday which they did not consider to be excessive. It was confirmed that they would be operating within those hours and may not be open until 11pm every night.

Mr Kheng referred Members to a tabled plan which identified 13 local premises and included information on their live and recorded music hours and the hours in which alcohol was supplied. It was pointed out to Members that one of the premises was licenced for live and recorded music and the supply of alcohol until 4am seven days a week. However, it was highlighted that it did not operate at those hours and closed at midnight from Sunday to Thursday and at 1am on a Friday and Saturday.

Members were advised that the Police and ELDC Environmental Health were not objecting to the application, and they were referred to point 9.12 in the amended guidance issued under Section 182 of the Licensing Act 2003.

Mr Kheng outlined the two representations that had been received, the first being from Ms Wendy Becker, pages 21 to 22 of the report refer.

Members were informed that Ms Becker had referred to the neighbouring Wetherspoons pub seven times in her letter, with some of the information being factually incorrect and not specific to the Blind Tiger Bar.

The second representation was from Mary Abbott, the mother of local resident Emily Farrar, pages 23 to 24 of the report refer.

Mr Kheng pointed out that there were two emails from Mary Abbott, the first outlining the potential problems relating to the new licence and the second was advising him that her daughter, Emily, would now be dealing with the licensing issue however, it was confirmed that no correspondence had been received from her in relation to this.

Mr Kheng stated that he strongly disagreed that customers of the Blind Tiger Bar would use the area behind the two properties as they would have to go out of their way to access this.

Members were referred to photographs of the properties concerned and their location in relation to the Blind Tiger Bar which confirmed that there

were no windows overlooking the parking area that was referred to in the correspondence.

Mr Kheng further informed Members that the objection stated that Wendy Becker and Emily Farrar lived opposite Blind Tiger Bar however, as detailed on the plan there was a building in between, therefore any noise would bounce off that building.

Members were referred to paragraph 2.26 of the Section 182 Guidance, relating to public nuisance and were advised that matters beyond the immediate area of the surrounding premises were matters for personal responsibility of individuals under the law. It was pointed out that this was not the responsibility of the Blind Tiger Bar.

Members were then invited to put questions to the directors of the Blind Tiger Bar, Miss Leah Beeton and Mr Jack Beeton.

A Member queried what type of entertainment would be taking place and whether it would be a regular occurrence. In response, Miss Beeton advised that there would be general music played during the daytime and it would be similar in the evenings too. She explained that they would potentially like to invite guest DJs to perform in the bar.

A Member asked for clarification on the capacity in the building. Members were informed that it had not been assessed yet and it was confirmed that only the downstairs area would be open. The area upstairs was not ready and would be private rooms. It was anticipated that there would be a maximum capacity for 50 to 60 people.

Following on from a query regarding food being served, it was confirmed that there would be no food sold on the premises at the current time.

Mrs Mary Abbott was invited to put forward any questions to Mr Kheng. She explained that she was attending the hearing on behalf of her daughter Emily, who had recently had a baby. Mrs Abbott confirmed that her daughter had asked her to write the email on her behalf and that it was Emily's wording and added that her daughter was still very concerned and worried about the proposed application.

Mrs Abbott raised her concerns that if people chose to take drugs they would use the yard near her daughter's house and a further concern was that her daughter had a car parking space in that area.

Mrs Abbott stated that she disagreed with Mr Kheng's statement with regards to complaints about Wetherspoons and was of the opinion that the behaviour in the yard would increase and the later opening hours would increase the problem.

Mrs Abbott informed Members that she was not against the Blind Tiger Bar and she wished them luck in their venture however, the late licence was a concern for them.

Mr Stephen Farrar, the father of Emily Farrar was invited to speak and he commented that Mr Kheng was a reasonable man and the opening times for the Blind Tiger Bar were reasonable. He highlighted that if there were any issues following the opening of the establishment they would hope to be able to approach the owners in a reasonable way and hoped that the security staff would be helpful and take steps to discourage customers from going near the residential properties.

Mr Kheng advised that Leah and Jack Beeton were brother and sister and were Louth born and bred and he was sure they would address any problems or situations relating to the neighbouring properties.

Mr Kheng also highlighted that the original hours applied for were longer, however further to discussions with the police the applicants had agreed to reduce them.

N.B The Sub Committee retired to deliberate at 2:33pm.

N.B The Sub Committee returned from their deliberations at 2:48pm.

The Licensing Sub-Committee read and heard all of the information before them. They heard from Mr Kheng of Kurnia Licensing Consultants on behalf of the premises licence applicant - S & L Beeton Limited. They also heard from Mrs Mary Abbott and Mr Stephen Farrar on behalf of their daughter, Ms Emily Farrar.

The Sub-Committee noted the contents of the premises licence application. They noted there was a building in between the Blind Tiger Bar premises and the interested parties.

They also noted the Section 182 Home Office Guidance to Licensing Authorities – in particular Paragraph 2.26 in relation to public nuisance.

The Sub-Committee noted Mrs Abbott's representation and noted that Ms Emily Farrar was currently experiencing anti-social behaviour from persons in the area.

The Sub-Committee considered all the matters before them, noting in particular the area of the premises and the hours applied for. They noted that whilst there was currently anti-social behaviour in the area, this was not attributed to the Blind Tiger Bar which had not yet opened. They therefore considered that there was no evidence to suggest that the Blind Tiger Bar would contribute to anti-social behaviour or noise in the area.

Having considered everything and the licensing objectives the Sub-Committee were of the view that it was appropriate to grant the premises licence as applied for. In reaching their decision the Sub-Committee had due regard to all of the information put to them, along with the Section 182 Guidance to Licensing Authorities (August 2023), the Council's Licensing Policy and the licensing objectives under the Licensing Act 2003.

Following which, it was

RESOLVED

That the licence be granted subject to conditions consistent with the operating schedule accompanying the application, which had been modified to such extent as the Licensing Authority considered appropriate for the promotion of the licensing objectives.

The Meeting closed at 2.55 pm.