



Licensing Sub Committee

Tuesday 29 June 2021

Application for a Premise Licence – The Parlour Summer Garden, 68 Bridgford Road

Report of the Director – Neighbourhoods

1. Purpose of report

- 1.1. To provide background information in respect of an application for a New Premises Licence been made under the Licensing Act 2003 in connection with 68 Bridgford Road, West Bridgford

2. Recommendation to Licensing Sub-Committee:

- 2.1 The Licensing sub- committee take into account all evidence presented before them and make a decision on that basis. The decision must be based on the following options: -
 - a) To grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions
 - b) To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives
 - c) To refuse the application in its entirety

3. Introduction and background

- 3.1. The application is requested by the applicant to accommodate the premises the 68 Bridgford road West Bridgford
- 3.2. The application received on 30 April 2021 from Mr Richard Miller Kalex Café Ltd, seeks a new premises licence under the Licensing Act 2003 effective from 28 May 2021. A copy of the application is attached at appendix A.

The application seeks a premises licence to permit the following activities: -

Recorded music both indoors and outdoors

Sunday to Thursday 12:00 to 00:00

Friday to Saturday 12:00 to 01.00

Late night Refreshment both indoors and outdoors

Monday to Thursday 23.00 to 00.00

Friday to Sunday 23.00 to 01.00

Sale of Alcohol both on and off the premises

Sunday to Thursday 12.00 to 00.00

Friday to Saturday 12.00 to 01.00

The application seeks opening hours to the public of:

Sunday to Thursday 09:00 to 00.30

Friday to Saturday 09.00 to 01.30

- 3.3. Members are requested to determine the application having regard to the operating schedule, representations and testimony received, the Council's Statement of Licensing Policy, revised section 182 guidance and the four Licensing objectives.
- 3.4. The four licensing objectives are:
 - Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm
- 3.5. No objective carries any more weight than any other and these are the only factors in which Licensing can have regard in determining an application.
- 3.6. Any representation must be able to demonstrate that on the balance of probability the application in its current form will fail to adequately promote one or more of the licensing objectives specific to the subject premises.

With regard to both Live and Recorded Music, the Live Music Act 2012 (in the former case) and the Licensing Act 2003 (Descriptions of Entertainment) Amendment Order 2013 (in the latter case) have deregulated both Live and Recorded music to the extent that no authorisation is required between the hours of 8:00 and 23:00. Subject to certain provisions contained within the statutory guidance at paragraph 13 of this report, it is deregulated in between these hours if the entertainment is taking place on a premises where there is a premises licence in force and in operation that authorises the sale of alcohol for consumption on the premises and alcohol is offered on sale at that time.

- 3.7. Subsequently any conditions the committee impose at this stage in relation to live and/or recorded music would be exempt during these hours if the alcohol licence was granted between these hours. Conditions may be imposed however outside of these hours should the applicant have applied for such hours, which they have not. The provision of alcohol on the licence must be

determined on its own merits and not in relation to consideration of the deregulation of such entertainment.

4. Relevant Representations

A location map of the premises is attached at appendix C

There are relevant representations were received in respect of the application (Appendix D)

Representations were received from the following: -

- a. Kayliegh Fisher
- b. Maddy Wong
- c. Philippa Hunt
- d. Annette Symes
- e. Environmental Health
- f. Nottingham Police Licensing

Summary of the representations

Below is a summary of representations received only. Copies of the representations are included for members and other interested parties, to refer to as necessary, at Appendix D.

Party	Grounds of representation	Recommends
Kayliegh Fisher	the prevention of public nuisance	22.30 Weekdays 23.00 Weekends
Maddy Wong	the prevention of public nuisance	23.00 7 days
Philippa Hunt	the prevention of public nuisance	No recommendation
Annette Symes	the prevention of public nuisance	No recommendation
Environmental Health	the prevention of public nuisance	See email
Nottinghamshire Police	Crime & Disorder	See email

5. Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits and a copy is attached at Appendix E

6. Determination of an application

Where an application to vary a premises licence has been made in accordance with section 34 of the Act, and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant,

each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- a) To modify the conditions of the licence
- b) To reject the whole or part of the application

And for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary a premises licence so that it has effect subject to different conditions in respect of:

- 1. different parts of the premises concerned;
- 2. different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."

7. APPEALS

- a) Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence. Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.
- b) Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.
- c) Where a person who made relevant representations in relation to the application contends that:
 - I. that any variation made ought not to have been made,
 - or
 - II. that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section, He may appeal against the decision.

For more information contact:	Geoff Carpenter, Service Manager, Public Protection 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Application as supplied Objections Refused Objections = 3
List of appendices:	Appendix A - Application Appendix B – Floor Plans Appendix C – Area Map Appendix D – Representations Appendix E- Statement of Licensing Policy Appendix F- Section 182 guidance