

PETERBOROUGH

Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on Friday, 17 October 2014

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7JT.
3.1 Application Reference	070020
3.2 Sub-Committee Members	Councillor Hiller (Chairman) Councillor Davidson Councillor Lane
3.3 Officers	Darren Dolby, Licensing Regulatory Officer Nigel Joseph, Lawyer Karen S Dunleavy, Clerk
3.4 Applicant	Mr. George Sakkalli
3.5 Nature of Application	<p><u>Application Type</u></p> <p>New Premises Licence.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises <p>Sunday to Thursday 8:00am to Midnight; and Friday and Saturday 8:00am to 2:00am.</p> <p>Alcohol sales will cease in the barn at 11:00pm; Christmas Eve and New Year's Eve 8:00am to 3:00am; and Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, the Sunday prior to Spring and Autumn Bank Holiday's until 2:00am.</p> • Plays, Films, Indoors and Outdoors <p>Sunday to Thursday 8:00am to Midnight; and Friday and Saturday 8:00am to 1:00am.</p> <p>Outdoor activities to cease at 9:00pm; Activities in the Barn will cease at 11:00am; Christmas Eve and New Year's Eve 8:00am to 2:00am; and Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, Spring and Autumn Bank Holiday to 1:00am.</p> • Performance of Dance – Indoors and Outdoors

Sunday to Thursday 8:00am to Midnight; and
Friday and Saturday 8:00am to 1:00am;

Outdoor activity to cease at 9:00pm;
Activity in the Barn will cease at 11:00pm;
Christmas Eve and New Year's Eve 8:00am to 2:00am; and
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St
David's Day, the Sunday prior to Spring and Autumn Bank Holiday to
1:00am.

- **Recorded Music – Indoors and Outdoors**

Sunday to Thursday 8:00am to Midnight; and
Friday and Saturday 8:00am to 2:00am.

Recorded Music in the Barn will cease at 11:00pm;
Recorded Music will cease outdoors at 9:00pm;
Christmas Eve and New Year's Eve 8:00am to 3:00am; and
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St
David's Day, Spring and Autumn Bank Holiday to 2:00am.

- **Indoor Sporting Events**

Sunday to Thursday 8:00am to midnight; and
Friday and Saturday 8:00am to 2:00am.

Christmas Eve and New Year's Eve 8:00am to 2:00am; and
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St
David's Day, Spring and Autumn Bank Holiday to 1:00am.

- **Live Music – Indoors Only**

Sunday to Thursday 11:00pm to Midnight; and
Friday and Saturday 11:00pm to 1:00am.

Live Music in the Barn will cease at 23.00;
Christmas Eve and New Year's Eve 11:00pm to 2:00am; and
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St
David's Day, Spring and Autumn Bank Holiday to 1:00am.

- **Late Night Refreshment – Indoors Only**

Sunday to Thursday 11:00pm to Midnight; and
Friday and Saturday 11:00pm to 2.00am.

Late Night Refreshment in the Barn will cease at 11:00am;
Christmas Eve and New Year's Eve 11:00pm to 3:00am; and
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St
David's Day, the Sunday prior to Spring and Autumn Bank Holiday to
1:00am.

- **Hours premises are open to the public**

Sunday to Thursday 8:00am to 0:30am; and
Friday and Saturday 8:00am to 2:30am.

	<p>Christmas Eve and New Years Eve 8:00am to 3:00am; and Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, the Sunday prior to Spring and Autumn Bank Holiday to 2:00am.</p> <p><u>Summary of the New Premises Licence Application</u></p> <p>The Committee was asked to consider and determine the application for a new premises licence for The Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7DT, taking into account the representations received from local residents in objection, a petition signed by 34 residents in support and one local Councillor who were all, under the Licensing Act 2003, defined as 'other persons.'</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • If the licence applied for was granted, it could lead to a rise in anti-social behaviour; • If the licence applied for was granted, it would lead to an increase in noise and disturbance in the area, including from customers leaving the premises late at night, causing sleep deprivation affecting the health and wellbeing of residents, resulting in emotional and physical detriment; and • Excessive and inappropriate hours and activities for a village pub in residential area, more acceptable hours would be 11:00pm – 11:30pm.
<p>3.6 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> 1. Prevention of Crime and Disorder 2. Prevention of Public Nuisance 3. Protection of children from harm 4. Public Safety
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>Applicant / Responsible Authority</u></p> <p>Darren Dolby, the Licensing Regulatory Officer, who presented the case on behalf of the Council.</p> <p><u>Licensee / Representative</u></p> <p>Mr. George Sakkalli.</p>
<p>3.8 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Other Persons and attached to the report at Appendix C and D.</p>
<p>3.9 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p>

Applicant

Mr George Sakkalli addressed the Sub-Committee and responded to comments and questions raised by Members. The key points raised during the address and responses to comments included:

- There had been a clear demonstration within the application of how the four licensing objectives would be upheld;
- A letter had been sent to local residents explaining the position in order to clarify the concerns residents raised and to allay any fears;
- Most of the residents in the village were in support of the reopening of The Exeter Arms;
- The renovations and public house re-opening was strongly supported by the John Clare Trust;
- One aim was to generate funds and become involved in fund raising for local children's causes, the Liam Pridmore charity, up keep of the John Clare Cottage, St Botolph's Church Helpston, Scouts and Hockey clubs;
- A business plan had been sent to local residents which outlined the type of public house establishment that would be in operation;
- There had been many unfounded comments raised by some residents within their objections;
- It was not intended to operate The Exeter Arms as a night club or to hold live music events;
- The application sought permission to operate for longer hours on the weekends;
- The applicant currently managed The Golden Pheasant in Etton and on quite evenings, the premises would close between 10:00pm and 10:30pm;
- The late licence was required to accommodate clientele that worked late shifts mid-week due to their profession;
- It was envisaged that The Exeter Arms would not attract clientele that sought bargain alcohol sale offers or a nightclub environment;
- The public house was a significant part of the John Clare History;
- The applicant was keen to keep investment within Helpston Village and to employ staff locally
- The application sought operating hours not too dissimilar than that of another local public house in the area;
- The applicant offered adjusted operating hours, which included:
 - i. The sale of alcohol Sunday to Thursday 8:00am until 11:30pm and Friday to Saturday 8:00 am until 1:00am;
 - ii. Regulated entertainment (music): Friday and Saturday – 11:00pm until 12:30am (midnight);
 - iii. No authorisation was required between the hours of 8:00am to 11:00pm; and
 - iv. Reduction of the sale of alcohol on New Year's Eve from 3:00am to 2:00am.
- The applicant was the Lease Holder of The Golden Pheasant, Etton, Peterborough. The building was currently owned by Milton Estates;
- Assurances were given that drinks would not be discounted to City Centre prices or 'Happy Hour' promotions in order to attract additional business;
- Christmas and New Year's Evening parties held at The Golden Pheasant in Etton, generally finished at a reasonable hours and were

usually by invite only. These events were usually organised by companies or local residents booking the marquee; and

- It was anticipated that The Exeter Arms would not open until 10:00am unless a walking, cycling club or charity event required it to be.

Other Persons

Mr Ivan Cumberpatch, Mrs Eileen Cumberpatch, Mr Valentine, Mr Dunford and Patricia Jackson addressed the Sub-Committee and responded to comments and questions raised. The key points raised during the address and responses to comments included:

- Intrusive noise had been experienced in the past by previous Landlords;
- Christmas operating times seemed too excessive and it was felt that a 3:00am close was unnecessary;
- Concerns regarding alfresco entertainment;
- Most representatives were in support of the building restoration;
- Opening hours proposed were reasonable;
- It had not been made clear of what times alcohol would be on sale from;
- The Exeter Arms was within a conservation area with 100 plus houses that neighboured the property;
- Concerns were raised with regards to the valuation of residents properties that neighboured The Exeter Arms if it was to reopen;
- It would be difficult to control the noise arising from the access and egress of The Exeter Arms building once in operation;
- The Exeter Arms building was not too dilapidated in some representatives opinion; and
- The residents neighbouring The Exeter Arms would need to keep their windows closed throughout the summer, due to events held by the previous licence holders.

Summing up

All parties were given the opportunity to summarise their submissions.

Applicant

The Exeter Arms renovation and operation was to be designed in line with local residents' wishes. The application had been supported by a number of local residents by way of a petition. The front of the building was disgraceful, had been vandalised and was in desperate need of restoration. The applicant reassured residents that The Exeter Arms would operate as a well-managed establishment with very little or no noise disturbance to residents.

Other Persons

It was felt by local residents in opposition that the proposed operating hours for Christmas Eve and New Year's Eve were too excessive.

3.10 Facts/Issues in Dispute

Issue 1

Whether the application of the premises license conditions would further support the 'Prevention of Crime and Disorder' Licensing Objective.

	<p><u>Issue 2</u></p> <p>Whether the application of the premises license conditions would further support the 'Public Safety' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the application of the premises license conditions would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the application of the premises license conditions would further support the 'Protection of Children from Harm' Licensing Objective.</p>
4 Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>In their deliberations, the Sub-Committee considered the various options available, these being:</p> <ul style="list-style-type: none"> • Decide to grant the licence in the same terms as it was applied for; • Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives); • Exclude from the scope of the licence a licensable activity; or • Decide to refuse to grant the licence. <p>During deliberation, Sub-Committee also considered the following:</p> <ul style="list-style-type: none"> • The applicant had voluntarily amended the hours for the sale of alcohol and the facilitation of entertainment; • It was noted by the Committee that there had been no objections from the Responsible Authorities to the application, in particular, the Pollution Team; • The hours requested were not significantly inconsistent with the other public house, which operated nearby; • The Licensing Authority was keen to ensure that local residents were not inconvenienced, and therefore felt that the applicant has listened to the residents and sought to address their concerns to a reasonable degree; and • It should be of comfort to the residents that there was a mechanism for review available, should the need arise. <p>Therefore the Sub-Committee agreed to GRANT the licence for the premises, known as The Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7DT as per the application subject to the reduction in hours for the sale of alcohol and operation of entertainment as follows:</p> <ul style="list-style-type: none"> • The sale of alcohol Sunday to Thursday 8:00am until 11:30pm and Friday to Saturday 8:00am until 1:00am; • Regulated entertainment (music): Friday and Saturday – 11:00pm until 12:30am; • No authorisation was required between the hours of 8:00am to

11:00pm; and

- Reduction of the sale of alcohol on New Year's Eve from 3:00am to 2:00am.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED.

Chairman
1:30pm – 3:00pm