

LICENSING, ENVIRONMENT & SAFETY SUB-COMMITTEE B

Meeting: 21 December 2020

At: 6.00 pm

PRESENT

Councillor David Sedgwick (Chair) in the chair; Councillors Stuart Corris and Adrian Nottingham.

1. MINUTES

The Minutes (copies of which had been circulated) of the meeting held on 30 November 2020 were approved as a correct record and signed by the Chair.

2. DECLARATIONS OF INTEREST

Councillors and officers were invited to declare any interests which they had in any of the items on the agenda for the meeting.

No declarations were made.

3. PUBLIC QUESTION TIME

No public questions were submitted.

4. EXCLUSION OF THE PUBLIC AND THE PUBLIC INTEREST TEST

RESOLVED – That notwithstanding the submission of information as part of Agenda Item 5 – ‘Licensing Act 2003: Application for a New Premises Licence to be granted at 33 Kendal Drive, Gatley’ which had been classified as ‘Not for Publication’ by virtue of it containing material which related to an individual, the Sub-Committee was satisfied that in the circumstances it was not necessary for the public to be excluded from the meeting.

5. LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE TO BE GRANTED AT 33 KENDAL DRIVE, GATLEY

A representative of the Corporate Director (Place) and Deputy Chief Executive submitted a report (copies of which had been circulated) detailing an application from Nicole Bradley and Kias Jajeh for a new premises licence to be granted under the Licensing Act 2003 at 33 Kendal Drive, Gatley to permit the supply of alcohol off the premises Tuesday to Thursday between 16:00 and 01:00 hours and Friday to Sunday, between 12:00 and 01:00 hours.

The applicant attended the meeting and answered Councillors’ questions in relation to the application.

Two objectors to the proposal, having previously submitted written representations in relation to the application, also attended the meeting, explained their objections and answered Councillors’ questions in relation to the application. The Sub-Committee also

considered and were mindful of the further written representations that had been submitted in relation to this application.

There were no representations made by any responsible authority.

The Sub-Committee, having heard the interested parties, proceeded to consider the licensing objectives in respect of the application, together with the relevant parts of the Council's Licensing Policy and the guidance from the Department for Digital, Culture, Media and Sport. However, the decision was reached on consideration of all the arguments given in relation to this specific application.

The Sub-Committee found the following:-

(i) Crime and Disorder

It was noted that an element of the representations that had been made related to the prevention of crime and disorder licensing objective that the licensing authority had deemed to be not relevant in advance of the hearing and which were accordingly discounted as part of this determination.

The Sub-Committee was therefore satisfied that no relevant representations had been raised in respect of this licensing objective.

(ii) Protection of Children

It was noted that an element of the representations that had been made related to the protection of children from harm licensing objective that the licensing authority had deemed to be not relevant in advance of the hearing and which were accordingly discounted as part of this determination.

The Sub-Committee was therefore satisfied that no relevant representations had been raised in respect of this licensing objective.

(iii) Public Safety

It was noted that an element of the representations that had been made related to the public safety licensing objective that the licensing authority had deemed to be not relevant in advance of the hearing and which were accordingly discounted as part of this determination.

The Sub-Committee was therefore satisfied that no relevant representations had been raised in respect of this licensing objective.

(iv) Public Nuisance

The Sub-Committee was satisfied that relevant representations had been raised in respect of this licensing objective, specifically the representations asserted that the granting of the licence would result in nuisance by way of noise and light caused by vehicles arriving and leaving the premises during the day and late into the night.

The Sub-Committee noted the content of the applicant's operating schedule with regard to the prevention of public nuisance licensing objective, however it was of the view that notwithstanding the measures contained within the applicant's operating schedule, these would not serve to suitably mitigate against the issues of public nuisance that had been raised by the objectors as part of their representations. Specifically, that the operation of the premises on the basis proposed by the applicant in what was an exclusively residential setting would necessarily result in a sustained and overbearing public nuisance throughout the hours of operation.

Further the Sub-Committee determined that there were no additional conditions that could be imposed on the licence that would satisfactorily ameliorate the concerns that had been expressed by the objectors during the hearing.

It was then

RESOLVED – That in the light of the findings of the Sub-Committee, the application be rejected on the grounds that the granting of the application would fail to promote the prevention of public nuisance licensing objective.

The meeting closed at 7.25 pm