

Time commenced : 10.16am
Time adjourned : 11.45am
Time reconvened : 12.37pm
Time finished : 12.41pm

**GENERAL LICENSING SUB COMMITTEE
13 MARCH 2008**

Present: Councillors Baxter, Hird and Poulter

68/07 Appointment of Chair

Resolved to appoint Councillor Baxter as Chair of the Sub-Committee.

69/07 Apologies

There were no apologies received.

70/07 Late Items Introduced by the Chair

It was noted that the Police had withdrawn their objections, due to an amendment of the application.

71/07 Declarations of Interest

There were no declarations of interest.

**72/07 Application for a Variation of Premises Licence at
The Brackens Hotel, Brackens Lane, Alvaston,
Derby, DE24 0AQ**

The Sub Committee considered a report from the Corporate Director of Environmental Services that detailed an application for a variation of premises licence at The Brackens Hotel, Brackens Lane, Alvaston, Derby DE24 0AQ.

The application was received on 21 January 2007 from Mrs Barbara Braithwaite. Mr & Mrs Braithwaite attended and addressed the Sub Committee.

It was reported that representations had been received from an interested party. Councillor Banwait and Mr Bielby attended and addressed the Sub Committee. Mr Russo was called as a witness by Councillor Banwait.

It was reported that representations had also been received from Pollution Control in Environmental Health. Mr Mike Kay attended and addressed the Sub Committee.

The application was to:

Extend the hours for all licensable activities. Include boxing events in non-standard timings.

The proposed hours of licensable activities were:

06:00 – 00:00 Sundays, Tuesdays, Wednesdays and Fridays

06:00 – 01:00 Mondays, Thursdays and Saturdays for all activities except late night refreshments, which is Sunday 23:00 – 00:00 Monday – Saturday 23:00 – 01:00.

Findings

1. There was a relevant representation from the Police which was withdrawn after the application was amended.
2. There was a relevant representation from Pollution Control in relation to noise which had resulted in the service of an abatement notice in October 2006.
3. The noise issues complained of related to noise generated within the physical premises themselves as well as noise generated in the outside areas of the premises such as the car park.
4. There had been no formal complaints to Pollution Control since the service of the abatement notice although the problem of noise did continue.
5. The condition offered by the applicant to deal with potential increased noise issues was not considered to be workable.

Decision

3. In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and has carefully considered all the evidence presented to it.

4. The Sub-Committee has made this decision to promote the 4 Licensing Objectives:

- (a) Prevention of crime and disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from harm.

5. The Sub-Committee has RESOLVED to reject part of the application for a variation of the Premises Licence for The Brackens Hotel, Brackens Lane, Alvaston, Derby, DE24 0AQ.

5.1 That part of the application relating to the inclusion of boxing events in non-standard timings is granted.

5.2 The part of the application relating to extending the hours at the premises is rejected.

6. The reasons for this decision are as follows:

- 7.1 Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the council's licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the applicant and the representations made by the interested parties.

- 6.2 The Sub-Committee could not be satisfied that the public nuisance objective would not be undermined by allowing the premises to remain open as set out in the amended application, and accordingly dismissed that part of the application.

MINUTES END