

LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination



RE: Lizarran
Application for Variation of a Premises Licence
(5 October 2011)

Constitution of the Sub-Committee: Councillors Box, Bradburn and Clarke
Chair Councillor Box

Others Present: -

Legal Advisor: James Setchell

Committee Manager: -

Licensing Officer: James Sloan

Applicant: Lizarran -
represented by: J Conlon
(DPS), A McGrath (agent)

Relevant Authority Officers: Gillian Clarke – MK Council
Environmental Health

Interested Parties

Objectors: CMK Town
Council (represented by R
Kurth)

Members of the Public: -

Documentation: Report of Licensing Officer

Apologies: -

Disclosures of interest: -

Prior to the commencement of the hearing the Chair read an opening statement, which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

At the close of the hearing the Chair informed all parties of their rights of appeal to the decision which had been made by the Sub-Committee.

Milton Keynes Council

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Signature:

Chairman:

Date of Hearing: 5 October 2011

Cllr Amanda Box
Councillor Box

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1. Findings of Fact

The Sub-Committee made no additional findings of fact from the evidence available, over and above what was already contained in the agenda:

2. Full text of unanimous decision on the application

Taking into account the application and representations received together with the relevant law, guidance, and Council policy, the Sub-Committee:

RESOLVED –

The application is GRANTED and for the following licensable activities:

Provision of films, live music indoors, recorded music indoors, performance of dance, late night refreshment, supply of alcohol: Monday to Sunday 9.00am to 1.30am

The opening hours are Monday to Sunday 9.00am to 2.00am.

Terminal hour for licensable activities and opening hours extended to 4am on New Year's Eve.

SUBJECT TO the following conditions:

1. There shall be no consumption of alcohol or food in outside areas after 23.00 hours.
2. The premises outside areas shall be supervised at all times by the Designated Premises Supervisor (or an appropriate designated person), to ensure that noise and anti-social behaviour from persons using these areas is kept to a minimum.
3. After 22.30 hours, amplified, recorded or otherwise live music, shall not exceed the pre-existing background noise level by more than 5 dB (LAeq 5 mins), as measured at the front boundary of the premises.

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3. Reasons for decision

An explanation of why:

- (1) Legal advice was not given in closed session
- (2) The Sub-Committee took into account the report placed before it and all valid representations made
- (3) The Sub-Committee considered law, Council policy and DCMS guidance under 182
- (4) The Sub-Committee decided that those conditions added to the licence would address the concerns raised by representations and are a proportionate response to the representations

4. Right of Appeal

An appeal against the decision of the Sub-Committee may be made by:

- (a) the applicant.
- (b) any person who made relevant representations.

Applications to appeal the decision of the Sub-Committee must be made to Magistrates' Court within 21 days from the receipt of this notice.

Milton Keynes Council

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Signature:

Chairman:

Date of Hearing: 5 October 2011


Councillor Box