

**LICENSING SUBCOMMITTEE
(2003 ACT)**6 July 2005
10.05am – 1.30pm**Present:** Councillors Boyce, Liddle and R Smith.**FOR THE INFORMATION OF THE COUNCIL****05/licA/11 ELECTION OF CHAIR**

Councillor R Smith was elected Chair for the meeting.

05/licA/12 APOLOGIES

All members were present.

05/licA/13 DECLARATIONS OF INTEREST

There were no declarations of interest.

05/licA/14 PROCEDURE TO BE FOLLOWED

The procedure for hearings of the subcommittee was noted.

05/licA/15 SLUG & LETTUCE, GREEN STREET

This application was withdrawn from consideration by the Licensing Officer.

05/licA/16 THE KING STREET RUN, 86 KING STREET

Present: Mr Walsh (applicant's representative), Mr Ashley-Clarke (applicant), Mr Early (licensee). Mr Anderson, Environmental Protection Manager. Other interested parties – residents of King Street.

Preliminary matters

The Sub-Committee noted that no other persons were to appear at the hearing other than the parties present and that no other material was to be circulated.

Licensing Officer

The Licensing Officer then presented the report to the Sub-Committee. It was noted that the Police representations had been withdrawn as the applicant had undertaken to accept all the requests made by the Police as referred to in para. 6.4 of the covering report.

Applicant

The applicant's solicitor presented the case in support of the application. Amendments to the application were proposed voluntarily and during the Sub-Committee's questioning of the application (page 47):

To delete 'and other important competitions' after rugby, cricket, football (World and European Cups).

Delete application for live music.

Sale of alcohol – Sunday until 11.30pm

Karaoke – until 23.00hrs (not 02.00am)

Acceptance of conditions requested by the Environmental Protection Manager (para 6.5 1)-5) if amended as follows:

- 2) remove reference to live bands
- 3) remove reference to live music
- 4) remove requirement for licensed door supervision. Replace with designated member of staff.

Following questions from the Council's Solicitor, the applicant's representative confirmed:

Remove request for dancing (page 19 of application)

That New Years Eve/Day is 24 hours of opening.

That the exhibition of films is for the showing of pre-recorded sports events (page 11 of application)

That food which was to be made off-site would be delivered on foot.

That the premises would not be open beyond 03.00, with no licensed activity beyond 02.00.

Other Responsible Authority/ies

The Environmental Protection Manager accepted the amendments to the suggested conditions 1) to 5) at Appendix C. Condition 4 should state a 'dedicated member of staff'. This was agreed by the applicant.

Other Interested Party/ies

Four separate representations were made. The Clerk advised those present that Cllr J Rosenstiel who had hoped to attend was unable to. The objections were summarised:

Noise. Disturbed sleep. Anti-Social Behaviour. A lack of neighbourhood role by the management/lack of management control. Insufficient double-glazing at front and rear of premises. Drinking on the street.

Sum up

All relevant parties present summed up the points made.

The Sub-Committee adjourned to consider its decision. The Legal Advisor to the Sub-Committee was asked to advise members during deliberations.

Decision

To grant the variation application in part only as detailed below, subject to conditions translated from the applicant's Operating Schedule, the conditions recommended by the Police, the conditions recommended by the Environmental Protection Manager (as amended) and a condition that the flat roof to the rear of the premises shall only be used for the purpose of emergency means of escape. The conditions are considered to be necessary for the promotion of the four licensing objectives.

The Sub-Committee has not granted the variation application sought by the applicants in its entirety. The Sub-Committee felt it necessary to reject parts of the application to promote the prevention of public nuisance.

Sale of alcohol:

Monday to Thursday from 11.00 until 23.00 hrs

Fridays & Saturdays 11.00 until midnight

Sunday: 11.00 until 23.00 hrs

An extra hour on the day that BST begins – is rejected because it has become irrelevant

On the occasion of the rugby, cricket or football world cup and European Cup, operation from 30 minutes prior to designated television screened match until 1 hour after the match has finished

To reflect existing New Year's Eve/Day hours

To provide karaoke: 11.00 until 23.00 hrs on any day of the week for a maximum of 6 times a year

To provide recorded music:

Mon – Thurs 11.00 to 23.00 hrs

Fri & Sat from 11.00 until midnight

Sundays: 23.00 hrs

To provide late night refreshment:

Fri & Sat: 23.00 until midnight and between 23.00 hrs and 05.00 on New Year's Eve/Day

To provide exhibition of films, namely, any sporting event shown on TV that is not live, and indoor sporting events, namely, pool and darts:

Mon – Thurs 11.00 until 23.00 hrs

Fri & Sat 11.00 until midnight

Sundays: 11.00 until 23.00 hrs

To provide facilities for making music and entertainment of a similar description:

Mon - Thurs 11.00 until 23.00 hrs

Fri & Sat 11.00 until midnight

Sundays: 11.00 until 23.00 hrs

For the premises to be open to the public:

Mon – Thursday 11.00 until 23.30 hrs

Fri & Sat 11.00 until 00.30 hrs

Sundays: 11.00 until 23.30 hrs

With effect from: The variation to have effect from the 24th November 2005 except for regulated entertainment whereby the variation shall be of no effect until the works required by the Environmental Protection Manager at 1(a) – (c) in his representations dated the 7th June 2005 have been completed to his satisfaction.

CHAIR