

**LICENSING SUBCOMMITTEE
(2003 ACT)**1 August 2005
10.20am – 12.27pm

Present: Councillors Downham, Holland and Hymans.

FOR THE INFORMATION OF THE COUNCIL**05/licA/22 ELECTION OF CHAIR**

Councillor Hymans was elected Chair for the meeting.

05/licA/23 APOLOGIES

All members were present.

05/licA/24 DECLARATIONS OF INTEREST

There were no declarations of interest.

05/licA/25 PROCEDURE TO BE FOLLOWED

The procedure for hearings of the subcommittee was noted.

05/licA/26 THE BUN SHOP, KING STREET

Present: Mr Taylor (applicant), Mr Fagg (licensee).

Preliminary matters

The Sub-Committee noted that a resident had arrived to speak but had left the building. He had objected and his objection was listed at Appendix B. Other objections were also listed in the report at Appendix B. The Sub-Committee agreed to continue with the Hearing (para. 26 of the Hearings Procedure refers).

The Sub-Committee noted that no other persons were to appear at the hearing other than the applicant.

Licensing Officer

The Licensing Officer then presented the report to the Sub-Committee. The Solicitor to the Council sought clarification from the applicant regarding which bars the current supper hours certificate related to. The Sub-Committee noted that the balcony/terrace was outside Bar 4 and although not licensed, consumption took place.

Applicant

The applicant presented the case in support of the application. He stated that the premises was a food led operation. Longer hours for the outside terrace was not applied for. Door Staff would be on duty to encourage people to leave in an orderly fashion. Recorded and live music would end at 11.00pm with only background music thereafter, with the outside area being closed at 11.20pm, as now. No rubbish would be disposed of after 11.00pm.

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

Decision

Grant the variation application in part only, as detailed below, subject to conditions translated from the applicant's Operating Schedule, which 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 extend hours for the sale of alcohol and the provision of late night refreshment to promote the prevention of public nuisance. The use of the outdoor area, namely, the first floor terrace has been restricted for the promotion of the prevention of public nuisance.

Sale of alcohol: Mon – Thurs: 10.00 hrs to 23.30 hrs
 Fri & Sat: 10.00 hrs to 00.00 hrs
 Sun: 11.00 hrs to 23.30 hrs

To reflect existing New Year's Eve/Day hrs

To provide regulated entertainment by means of recorded and live music indoors only:
 Mon – Sun: 10.00 hrs to 23.00 hrs

To provide late night refreshment indoors only:

 Mon – Thurs: 23.00 hrs to 23.30 hrs
 Fri & Sat: 23.00 hrs to 00.00 hrs
 Sun: 23.00 hrs to 23.30 hrs

To reflect existing New Year's Eve/Day hrs

For the premises to be open to the public:

 Mon – Thurs: 10.00 hrs to 00.00 hrs
 Fri & Sat: 10.00 hrs to 00.30 hrs
 Sun: 11.00 hrs to 00.00 hrs

To reflect existing New Year's Eve/Day hrs

Outdoor areas: The external terrace on the first floor shall not be used after 23.20 hrs on any day.

With effect from: The variation to have effect from the 24th November 2005.

CHAIR