

**LICENSING SUBCOMMITTEE
(2003 ACT)**24 August 2005
10.20am – 10.45am

Present: Councillors Dixon (Chair) Blencowe and Stuart.

FOR THE INFORMATION OF THE COUNCIL**05/licA/22 Election Of Chair**

Councillor Dixon 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 Graduate, 16 Chesterton Road

Present: Poppleston Allen (solicitor for the applicant), Mitchells and Butler Leisure Retail Ltd (applicant).

Preliminary matters

The Sub-Committee noted the representations by the Environmental Protection Manager and the Planning Enforcement Officer as responsible authorities which were included in the report. The Environmental Protection Manager and the Planning Enforcement Officer were present.

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

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee. The Solicitor to the sub-committee advised that the licensing and planning regimes were separate and that this application for a licence should be considered under the Licensing legislation taking into account the representations of the Planning authority. Any variation of the Licence conditions would continue to be subject to existing planning conditions.

Applicant

The applicant representative presented the case in support of the application. She told the subcommittee that the applicants were aware of the planning condition and intended to apply for a variation.

Responsible Authorities

The Environmental Protection Manager spoke to his representation and recommended the Subcommittee add text to Condition 7 which brought it into line with Condition 6,

The Planning Enforcement Officer drew attention to his representation which referred to the grant of planning permission for a change of use to Class A3 subject to condition relating to hours of opening.

Decision

To grant the variation application in part only, details of which are given below, subject to conditions translated from the applicant's Operating Schedule as detailed in the report to the Sub-Committee at paragraph 3.1 as modified, namely, to remove the condition requiring that drinks must only be available for consumption from plastic vessels or toughened glass as this was not a requirement for existing licensing hours; and as per the suggested conditions contained in the representations of the Environmental Protection Manager as modified namely, to include in Condition 2 recorded music provided by DJ and jukebox and to add to Condition 7 after 'Percussion instruments such as drums and cymbals' the words 'or electronic amplification that cannot be played through the Formula Sound AVC2 noise limiter'.

The conditions imposed were considered to be necessary for the promotion of the four licensing objectives.

The Sub-Committee did not grant the variation application sought by the applicant in its original application in its entirety. The Sub-Committee felt it necessary to reject parts of the application and impose conditions to promote the prevention of public nuisance.

The sale or supply of alcohol on and off the premises:

Mon - Sat: 10.00 to 00.00 hrs

Sun: 11.00 to 00.00 hrs

1st January, 14 February (Valentines night), 26 January (Burns night), Easter Sunday, Easter Monday, May (1st) Bank Holiday Monday, Spring (2nd in May) Bank Holiday Monday, August Bank Holiday and 31st October (Halloween) – until 1.00am.

17th March (St Patrick's Day), Sunday before May Bank Holiday, Sunday before (May) Spring Bank Holiday, Sunday before August Bank Holiday, Christmas Eve, Boxing Day, 27th December, 28th December, 30th December – until 2.00am.

In the event of any recognised international event, which falls outside the current permitted hours on the premises licence, to permit the sale of alcohol one hour before the start of the event and one hour after the end of the event. Details to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor.

The provision of regulated entertainment (indoors only), namely, live music, performance of dance, provision of facilities for dancing, provision of facilities for making music and recorded music to include DJ

Only two events per week at the following times:

Mon – Sat: 10.00 to 00.00 hrs

Sun 11.00-00 hrs

1st January, 14 February (Valentines night), 26 January (Burns night), Easter Sunday, Easter Monday, May (1st) Bank Holiday Monday, Spring (2nd in May) Bank Holiday Monday, August Bank Holiday and 31st October (Halloween, 17th March (St Patrick's Day), Sunday before May Bank Holiday, Sunday before (May) Spring Bank Holiday, Sunday before August Bank Holiday, Christmas Eve, Boxing Day, 27th December, 28th December, 30th December – until 1.00am.

Films, indoors only:

Mon - Sat: 10.00 to 00.00 hrs
Sun: 11.00 to 00.00 hrs

1st January, 14 February (Valentines night), 26 January (Burns night), Easter Sunday, Easter Monday, May (1st) Bank Holiday Monday, Spring (2nd in May) Bank Holiday Monday, August Bank Holiday and 31st October (Halloween) – until 1.00am.

17th March (St Patrick's Day), Sunday before May Bank Holiday, Sunday before (May) Spring Bank Holiday, Sunday before August Bank Holiday, Christmas Eve, Boxing Day, 27th December, 28th December, 30th December – until 2.00am.

Indoor sporting events:

Mon - Sat: 10.00 to 00.00 hrs
Sun: 11.00 to 00.00 hrs

1st January, 14 February (Valentines night), 26 January (Burns night), Easter Sunday, Easter Monday, May (1st) Bank Holiday Monday, Spring (2nd in May) Bank Holiday Monday, August Bank Holiday and 31st October (Halloween) – until 1.00am.

17th March (St Patrick's Day), Sunday before May Bank Holiday, Sunday before (May) Spring Bank Holiday, Sunday before August Bank Holiday, Christmas Eve, Boxing Day, 27th December, 28th December, 30th December – until 2.00am.

Late Night Refreshment (indoors and outdoors):

Mon - Sat: 10.00 to 00.00 hrs
Sun: 11.00 to 00.00 hrs

1st January, 14 February (Valentines night), 26 January (Burns night), Easter Sunday, Easter Monday, May (1st) Bank Holiday Monday, Spring (2nd in May) Bank Holiday Monday, August Bank Holiday and 31st October (Halloween) – until 1.00am.

17th March (St Patrick's Day), Sunday before May Bank Holiday, Sunday before (May) Spring Bank Holiday, Sunday before August Bank Holiday, Christmas Eve, Boxing Day, 27th December, 28th December, 30th December – until 2.00am.

For the premises to be open to the public:

Mon – Sat 10.00 to 00.30 hrs
Sundays 11.00 to 00.30 hrs

Statutory Bank Holidays and special days (as detailed above) – 30 minutes after end of licensed activity.

In the event of any recognised international event, which falls outside the current permitted hours on the premises licence, to permit the premises to open one hour before the start of the event and close one hour after the end of the event. Details to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor.

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

05/licA/27 The Sino Tap, Pound Hill

Present: Punch Taverns Plc (applicant), TLT (Solicitors for applicant).

Preliminary matters

The Sub-Committee noted the representation by the Environmental Protection Manager as a responsible authority, which had been the subject of a pre-hearing discussion and had been agreed between the parties. The Fire Officer's representation was also noted.

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

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee. The Solicitor to the Sub-Committee clarified that the remaining issue for the Subcommittee to determine was installation of an emergency lighting system. The Fire Officer was satisfied that other issues raised in his representation could be resolved with the applicant under the Workplace Regulations with the co-operation of the applicants.

Applicant

The applicant's representative presented the case in support of the application. They were willing to accept the Fire Officer's recommendations.

Responsible Authorities

The Fire Officer spoke to the representation and pointed out that he had been unable to gain access to the premises to inspect. He said that the conditions he proposed, including the requirement for emergency lighting, could be achieved under the Workplace Regulations with the co-operation of the applicants.

The Sub-Committee noted the undertaking by the applicants.

Decision

To grant the variation application in whole, subject to conditions translated from the applicant's Operating Schedule, which are considered to be necessary for the promotion of one or more of the licensing objectives as identified.

The variation to have effect from the 24th November 2005

CHAIR