

**LICENSING SUBCOMMITTEE
(2003 ACT)**5 September 2005
10.00am – 12.21pm**Present:** Councillors Dryden, C. Rosenstiel (Chair) and Slatter.**FOR THE INFORMATION OF THE COUNCIL****05/licA/28 APOLOGIES**

All members were present.

05/licA/29 DECLARATIONS OF INTEREST

Councillor C Rosenstiel – 05/licA/32. He declared a personal interest in that he knew the resident attending and making representations as they were both on a School Governing Body in the past.

05/licA/30 PROCEDURE TO BE FOLLOWED

The procedure for hearings of the subcommittee was noted.

05/licA/31 SAUCE BAR, STATION ROAD

Present: Mr Peters (Punch Taverns) Mr Rainey (licensee); Mr Keir (interested party).

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee.

The Licensing Officer advised that the interested parties had been advised of the proposed conditions for the licence. It was noted that Highsett Residents Society had advised it would not be represented at the hearing.

Applicant

Mr Peters had nothing to add to the report before members. He suggested that he would respond to questions following the representations received.

Interested Parties

Mr Keir stated that the noise in the street was unacceptable as was internal disturbance as he lived above the property. He said that after midnight the background noises of the immediate area dropped off and if the licence was permitted this would obviously cause disturbance. He was concerned that the premises would become more like a nightclub. He suggested that the premises cease entertainment at 11.30pm and close at midnight. He advised the Sub-Committee that when it was refurbished rather than soundproofing it properly, a noise limiter was installed. However he had reported noise disturbance to Environmental Health despite a noise abatement order on the property.

The Sub-Committee clarified the location of the properties above the licensed premises, the backyard and noted that the licensee also lived there. The Environmental Protection Manager had been asked by the Sub-Committee to be present, despite not

objecting to the application, confirmed that the noise from the licensed premises was not audible in the accommodation above (tests were carried out with windows and doors shut).

Mr Peters suggested that if there needed to be a review of the decibel level there would be. He confirmed that most of the business at the premises was at lunchtime. The Friday/Saturday entertainment was geared toward the older age group. The premises had been a public house for many years before the conversion into its present use.

Decision

To grant the variation application as applied for, subject to conditions translated from the applicant's Operating Schedule, and the conditions recommended by the Environmental Protection Manager. The conditions are considered to be necessary for the promotion of the four licensing objectives.

The Sub-Committee also agreed to the removal of the condition from the Supper Hours Certificate, which only allows alcohol to be served as ancillary to table meals for one hour after 11.00pm Monday to Saturday and one hour after 10.30pm on Sundays.

Details of the application:

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

Mon – Thurs:	11.00 to 00.00 hrs
Fri & Sat:	11.00 to 01.00 hrs
Sun:	12.00 to 23.30 hrs

Christmas Eve – a further additional hour
Boxing Day – a further additional hour
New Year's Eve/Day – to reflect existing hours

The provision of regulated entertainment (indoors only), Recorded Music and performance by a Disc Jockey

Recorded Music:

Mon – Thurs:	11.00 to 00.00 hrs
Fri & Sat:	11.00 to 01.00 hrs
Sun:	12.00 to 23.00 hrs

Christmas Eve – a further additional hour
Boxing Day – a further additional hour
New Year's Eve/Day – to reflect existing hours

Performance by DJ:

Mon – Thurs:	11.00 to 00.00 hrs
Fri & Sat:	11.00 to 01.00 hrs
Sun:	12.00 to 23.00 hrs

Christmas Eve – a further additional hour
Boxing Day – a further additional hour

New Year's Eve/Day – to reflect existing hours

Hours premises open to the public

As above plus 30 minutes after the last permitted sale of alcohol.

05/licA/32 COUNTY ARMS, CASTLE STREET

Present: Mr Bradley (Everards Brewery), Mr Bridges (licensee); Mr Stuart (interested party)

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee.

The Licensing Officer advised that one interested party (Mr Stuart) had referred to the licensing Objective of protecting children from harm. This Objective relates to the entertainment provided in a licensed premises rather than the impact on children who live in the area of any disturbance from the premises. Mr Stuart also commented on the use of the tables to 11.30pm at the front of the pub, but this was an existing permission which the Sub-Committee could not alter. The interested parties had been written to with the proposed conditions from the Environmental Protection Manager, and apart from Mr Stuart, no one had replied to the Licensing Officer.

The Sub-Committee noted that entertainment would be provided in the area marked E1 on the plan in the report.

Applicant

The Sub-Committee was advised that the licensee had been in place since March 2005 and the pub was considered a community local. There had been no violence or crime at The County Arms during Mr Bridges time and had only been one contact with a neighbour about noise. Mr Bradley confirmed that the live entertainment proposed would take the form of jazz up to twice a week. Windows and doors were closed when entertainment took place. They had accepted the conditions proposed by the Environmental Protection Manager.

The Chair asked why the premises were open until 1.30am when the licensed activities finished earlier. The applicant wanted extra time to allow customers to leave.

Interested Parties

Mr Stuart made the following points:

- Drinking at tables to 11.30pm at the front of the premises was on a main thoroughfare and was a crime and disorder risk.
- Last year the premises did not comply with the conditions of its public entertainment licence and Environmental Health stopped performances.
- Windows should remain closed, customers open them. Ventilation should be improved to avoid this happening. Daughter was disturbed by noise because windows were open; this was harm to a child.
- The condition suggested by the Environmental Protection Manager should read doors and windows shut during regulated entertainment (not just performances)

During discussion, the applicant advised that the only people who could open the windows were staff. The applicant accepted that the front doors even when it was hot must remain closed except for access and egress. Councillor Slatter believed that it would be far better to install proper ventilation rather than rely on the opening of the front door. The applicant would not object to closing 30 minutes after the terminal hour for sale of alcohol.

The Sub-Committee adjourned to consider the application and the solicitor to the Sub-Committee advised.

Decision

To grant the variation application, subject to conditions translated from the applicant's Operating Schedule and the conditions recommended by the Environmental Protection Manager, as amended, namely that the condition in relation to Door and Windows be amended to read as follows: -

'Doors and windows shall be kept shut during regulated entertainment with the exception of the front door, which may be used for access and egress and shall be kept shut at all other times'

which conditions are considered to be necessary for the promotion of the four licensing objectives.

Details of application: -

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

Mon – Thurs & Sun:	11.00 to 00.00 hrs
Fri & Sat:	11.00 to 01.00 hrs

Christmas Eve: a further additional hour
New Year's Eve/Day: existing hours

The provision of regulated entertainment (indoors only), namely, live music, recorded music and facilities for making music (amplified and or unamplified) and the provision of facilities for dancing:

Live Music: Mon – Sun: 12.00 to 11.00

Christmas Eve, New Year's Eve and Day – until 11.00pm

Recorded Music: Mon – Sun: 09.00 to 11.00

Christmas Eve, New Year's Eve and Day – until 11.00pm

Provision of facilities for making music (amplified and unamplified):

Mon to Sun: 12.00 to 11.00

Christmas Eve, New Year's Eve and Day – until 11.00pm

Late Night Refreshment (indoors only):

Mon – Sun: 22.00 – 23.30

Hours premises open to the public

Mon – Sun: 08.00 – 01.30

Christmas Eve: a further additional hour

New Year's Eve/Day: existing hours

05/licA/33 SIR ISAAC NEWTON, CASTLE STREET

Present: Mr Griffin (legal representative for Greene King), Mr Holmes and Mr Giles (licensees)

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee.

The Licensing Officer advised that the interested parties had been written to with the proposed conditions and no one had replied.

Applicant

The Sub-Committee was advised that the licensees had been in place since November 2004 and since that time no incidents had required Police involvement. This was a limited variation. It was confirmed that there were three benches to the front of the premises. As far as the immediate neighbours are concerned, notices reminding patrons to leave quietly were in place, the parking at the rear was for staff only (2 spaces). It was a local pub with the majority of the trade early evening.

The Sub-Committee suggested the disposal of rubbish should not take place between 11pm and 7am. The applicant agreed.

Following questions on the proximity of the residential units to the application premises, as described in the written representations, members were satisfied that there were sufficient safeguards in place.

Decision

To grant the variation application as detailed below, subject to conditions translated from the applicant's Operating Schedule, the conditions recommended by the Environmental Protection Manager and additional conditions to promote the prevention of public nuisance namely,

Bottles and Refuse shall not be disposed of outside the premises between 11.00pm and 7.00am.

Following the termination of a licensable activity and at the discretion of the licence holder, patrons shall be encouraged to remain on the premises for a period of up to 30

minutes to enable 'drinking up', a cooling down period and access to the toilet facilities prior to leaving.

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

Details of the application:

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

Mon – Sun: 11.00 to 00.00 hrs

Seasonal variations: -

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring and August Bank Holidays, Sundays before Bank Holiday Mondays, Maundy Thursday, Good Friday, Easter Saturday, Sunday and Monday and any other Bank Holidays: 11.00 to 00.30

Non-standard timings:

Sporting and other national/international events shown live and special occasions e.g. weddings (times as required). 21 days notice of non-standard timings to be given to the police. The police have the power of veto on 7 days notice.

Hours premises open to the public

Mon to Sun: – 11.00 to 00.30

Seasonal variations: - 11.00 to 01.00

Non-standard timings: - plus 30 minutes

CHAIR