

**LICENSING SUBCOMMITTEE
(2003 ACT)**23 January 2006
10.00am – 11.45am**Present:** Councillors Benstead, Stuart (Chair) and Slatter.**FOR THE INFORMATION OF THE COUNCIL****06/licA/ APOLOGIES**

An apology was received from Councillor Boyce; Councillor Stuart was present as a substitute.

06/licA/ DECLARATIONS OF INTEREST

There were no declarations of interest.

06/licA/ PROCEDURE TO BE FOLLOWED

The procedure for hearings of the subcommittee was noted.

06/licA/ MINUTES

The minutes of the meetings held on 7 December 2005 were confirmed and signed as a correct record.

06/licA/ THE HOPBINE, FAIR STREET

Present: Ms Amanda Langley (applicant), Mr Chris Reed and Mr John Harris (Admiral Taverns' landlords), Mr John Lee, Cllr J. Rosenstiel, representing Mr and Mrs Smith and Ms Beatson (interested parties) and Selwyn Anderson, Environmental Protection Manager

Preliminaries

There were no additional items to circulate. The persons listed above spoke during the proceedings.

Licensing Officer

The Licensing Officer introduced the report. The Sub-Committee noted that the applicant had already agreed to conditions three to eleven proposed by the Environmental Protection Manager in paragraph 4.1 of the report. The applicant also agreed to limit live music events to once per week.

The Environmental Protection Manager

The Environmental Protection Manager raised the following points with the Sub-Committee:

- Applicant has accepted a condition that live entertainment will only be permitted until 11.00pm
- The premises has single-glazed sash windows, and there were a number of ventilation openings which were effectively holes in the wall.
- The premises were surrounded by residential premises on three sides.
- Noise insulation was poor and there would be noise breakout during amplified events.
- Regulated entertainment should only be permitted at the rear of the premises.

Applicant

The Sub-Committee noted the following points during the applicant's presentation and answers to questions:

- The Hopbine is a detached one-bar public house in a residential area.
- It is a well-run premises.
- There had been amplified music on one occasion while windows were open in summer.
- Any possible disturbance would be corrected by the conditions agreed with the Environmental Protection Manager.
- There were no plans to modify the single glazing.
- There had never been a drinking area outside.

Interested Parties

The Sub-Committee noted the following points during the interested parties' presentation and answers to questions:

- There was not enough space for parking by visitors to the pub in the road nearby.
- Concerned about excessive noise in a residential area as a consequence of the premises' activities, especially in summer.
- Nuisance caused by a guard dog barking at all times. If the applicant cannot control her dog they have no confidence she will control other noise.
- That repeated actions to contact the landlord of the premises to reach an agreement prior to the hearing by the Sub-Committee had been ignored.
- Proximity to the hostel for the homeless in Willow Walk. Concerned that hostel residents would be able to obtain alcohol late at night and cause nuisance.
- Acts of violence in the area but none related to the pub
- Objections to the increases in opening hours for the above reasons.
- No representation by the police due to acts of violence, although an ambulance was called to collect a person who collapsed in the street after heavy drinking.

The applicant addressed these concerns:

- The person who collapsed in the street had not been drinking in the pub and it was the applicant who called the ambulance.
- Hostel residents are not allowed into the pub and take-outs are not sold.
- There had been no complaints about the noise of amplified music until 11.00pm (apart from one occasion last summer when the windows had been left open).
- There had never been an outside drinking area by the side of the pub, as it was just an alleyway. There had been a bench outside under the applicant's daughter's window but this had been removed.

At this point the application plan was modified to delete the 'outside drinking area' to reflect this statement.

The Environmental Manager advised the following points:

- Live amplified music and recorded music should be tested to limit the noise.
- Live music events should be limited to one per week and the use of amplification limited to reinforce voices only.
- He had sent an e-mail proposing alternate conditions to numbers 1 and 2 listed in the report but the applicant had not accepted these, in particular, the condition that only vocals could be amplified.

The Sub-Committee withdrew, taking a copy of the conditions proposed in the e-mail to consider the application, with advice from the solicitor.

Decision

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee, the written and oral representations made, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community. The decision was reached on its individual merits, bearing in mind that the premises are next to residential premises in an area with low ambient noise at night.

The applicant withdrew the application in respect of the outside drinking area marked on the application plan.

It was decided:

To grant the variation application in part only, as detailed in the Schedule below, subject to conditions translated from the applicant's Operating Schedule and the conditions recommended by the Environmental Protection Manager (detailed below), which are considered necessary for the promotion of the licensing objectives particularly the prevention of public nuisance.

1. Regulated entertainment shall only be permitted once a week between the hours of 19.00 and 23.00 hours Monday to Sunday in the form of:

Live music comprised of unamplified music only provided by no more than two live persons/performers at any time during the course of each day with the exception that amplification can be used only to reinforce live singing/voice vocals or recorded background music only (no combination of live music with recorded music).

2. Karaoke, amplified instruments or percussion instruments shall not be permitted.
3. Regulated entertainment shall only be provided and performers shall only be located in the rear half of the premises as viewed from Fair Street.
4. When regulated entertainment is held all external doors and windows shall be kept shut at all times apart from the main entrance door to Fair Street (that allows general ingress and egress), which shall be kept closed as far as reasonably practicable.
5. On all days when the premises are open after 23.30 hrs for any licensable activity all external doors and windows shall be kept shut at all times, apart from the main entrance door to Fair Street (that allows general ingress and egress), which shall be kept closed as far as reasonably practicable.
6. Prominent clear and legible notices shall be displayed at the exit, requesting patrons departing to respect the needs of local residents and to leave the premises and the area quietly.
7. The placing of waste, including bottles, into receptacles outside the premises and the emptying of premises waste receptacles by waste contractors shall only be permitted to take place between the hours of 07.00 hrs and 23.00 hrs to minimise disturbance to nearby properties.
8. There be no admission to the premises after midnight.

Condition 8 is specifically to promote the prevention of public nuisance which may be caused by footfall and passers by as raised in the representations of nearby residents.

SCHEDULE

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

Sun to Thurs:	10.00 to 00.30 hrs
Fri & Sat and days before Bank Holidays:	10.00 to 01.30 hrs

New Year's Eve – 36 hours as existing.

Films, Indoor sporting events (indoors)

Sun to Thurs:	10.00 to 00.30 hrs
Fri & Sat and days before Bank Holidays:	10.00 to 01.30 hrs

The provision of regulated entertainment (indoors only), live and recorded music, the performance of dance and anything of a similar description to live and recorded music and dance; the provision of facilities for making music and the provision of facilities for dancing (indoors):

Sun to Sat: 19.00 to 23.00 hrs

Late Night Refreshment (indoors):

Sun to Thurs: 23.00 to 00.30

Fri & Sat and days
before Bank Holidays: 23.00 to 01.30

Hours premises open to the public

Sun to Thurs: 10.00 to 01.00 hrs

Fri & Sat and days
before Bank Holidays: 10.00 to 02.00 hrs

New Year's Eve – 36 hours as existing.

Removal of embedded restrictions

Removal of restrictions under s.168 Licensing Act 1964 and Cinematograph (Safety) Regulations 1955.

The meeting ended at 11.45am

CHAIR