

**LICENSING SUBCOMMITTEE
(2003 ACT)**21 January 2008
10am – 10.20am**Present:** Councillors Benstead, Dixon and Stuart**08/lic/04 Declarations of Interest**

No declarations of interest were made

08/lic/05 Procedure to be Followed

The procedure for hearings of the subcommittee set out on the agenda was noted

08/lic/06 Application to Vary Premises Licence: The Hopbine, Fair Street**Present for this application:****For the Applicant:** Peter Smith (Business Development Manager: Admiral Taverns), Amanda Langley (Applicant)**The hearing:** The Licensing Officer presented her report and outlined the application being made. The Environmental Protection Manager had made a representation relating to the proposals having an adverse effect on the prevention of public nuisance licensing objective. Eleven additional conditions had previously been suggested, of which nine had been accepted by the applicant. It was subsequently agreed at the meeting that eight be adoptedThe following three condition were *not* applicable as they related to outside areas:*5) When any regulated entertainment is held the external/outside drinking areas shall not be used by patrons for any licensable activity**6) When any regulated entertainment is held any external tables and seats shall be removed from the external/outside drinking areas or stacked and secured so that they cannot be used by patrons. If chairs and tables are stacked and secured the management shall ensure that patrons do not use them during regulated entertainment**9) On all days when the premises are open after 2330hrs for any licensable activity any external tables and seats shall be removed from the external/outside licensed areas or stacked and secured so that they cannot be used by patrons, after this time. If chairs and tables are stacked and secured the management shall ensure that patrons do not use them*

No representations had been made by the other Responsible Authorities.

One representation, attached at Appendix C of the agenda, had been received from the Chair of the Brunswick and North Kite Residents' Association (no representatives of the Residents' Association was present). Concerns were expressed about the largely residential nature of the area and the additional nuisance and noise disturbance as patrons left the premises.

The Licensing Officer said that the additional protections offered by the conditions suggested by the Environmental Protection Officer might alleviate residents' concerns.

The Applicant's representative presented the Applicant's case. He highlighted to the Committee that there was no intention to extend the opening hours of the premises but simply to apply for the addition of 'performance of regulated music'. It was intended for musical entertainment to take place no more than once per week and not after 2330hrs. Regular customers had requested this type of entertainment and it was felt necessary in order to stay competitive with other premises in the area.

It was also noted that the entertainment would be at the back of the premises, which backs away from residents and onto a car park, and the applicant had agreed with the Officers' recommendation of a full acoustic assessment survey. No music would be permitted until this had taken place. A half way house located opposite had in the past caused disturbances with the public's complaints wrongly aimed at the applicant's premises.

Members put a number of questions to the applicant - these included:

- Whether the yard area noted on the plans was used by the premises. The Applicants representative replied that this was not used
- Whether areas such as Summers Lane, to the rear of the premises, would be affected by the noise. The Applicant's representative replied that the acoustic assessment survey would highlight and address any issues
- Have the objectors had an opportunity to amend/withdraw their concerns in light of the new conditions. The Licensing Officer stated that this was not the normal procedure

The Decision: In reaching the decision on the application the Subcommittee considered the material presented, the written representations made, the Council's Statement of Licensing Policy and the Statutory Guidance under the Licensing Act 2003

Accordingly, it was decided:

1. To grant the application, subject to the conditions recommended by the Environmental Protection Manager as agreed by the Applicant

Sale/supply of alcohol (on and off the premises) update

Mon – Thur & Sun 10:00 to 00:30
Fri & Sat 10:00 to 01:30

Non-standard timings and seasonal variations

An additional hour on the day when British summertime commences.

From the standard start timing on 31st December to the standard start timing on 1st January. An additional hour on the Friday, Saturday, Sunday and Monday of all bank holiday weekends

Hours premises are open

Mon – Thur & Sun 10:00 to 01:00
Fri & Sat 10:00 to 02:00

Non-standard timings and seasonal variations

An additional 30 minutes after non-standard finish timings for the provision of licensable activities

Films, live music, recorded music, performance of dance, anything of similar description, provision of facilities for making music, provision of facilities for dancing (indoors) indoor sporting events

Mon – Sun 10.00 to 00.00

Non-standard timings and seasonal variations

An additional hour on the day when British summertime commences.

From the standard start timing on 31st December to the standard start timing on 1st January. An additional hour on the Friday, Saturday, Sunday and Monday of all bank holiday weekends.

Late night refreshment

Mon – Thur & Sun 23.00 to 00.30

Fri & Sat 23.00 to 01.30

Non-standard timings and seasonal variations

An additional hour on the day when British summertime commences.

From the standard start timing on 31st December to the standard start timing on 1st January. An additional hour on the Friday, Saturday, Sunday and Monday of all bank holiday weekends.

Removal of terms, conditions or restrictions

The removal of all conditions contained in Annex 2 of the existing premises licence.

The meeting concluded at 10.20am.

Chair