

LICENSING SUB-COMMITTEE4 January 2010
(10.04am – 12:30pm)**PRESENT:** Councillors Blencowe, Dixon and Smith**10/Licsub/01 Appointment of Chair**

Cllr Smith was appointed Chair.

**10/Licsub/02 APPLICATION FOR A NEW PREMISES LICENCE:
CO-OP ALISA COURT, 179-185 CHESTERTON
ROAD****Present for this application:**

For the Applicant	Responsible Authority	Interested Parties
Richard Arnott	Robert Osbourne – Environmental Protection	Janet Lees
Mark Walker		

The Hearing: The Licensing Manager presented her report and outlined the application being made. She stated that the Council, as the licensing authority, had received an application for a new premises license for Alisa Court, 179-185 Chesterton Road.

The Hearing was to consider the representations received from a responsible authority (Environmental Protection) and an interested party. The Licensing Manager advised the Panel of the decision-making options and reasons available to them.

Cllr Dixon sought clarification on the status of the associated planning application. The Licensing Manager emphasised the separation between the two regulatory systems. The committee noted that the application was due to be determined by the North Area Committee in the near future.

The applicant addressed the committee and explained that the application was for a new premises licence due to the relocation of the Co-op store on Chesterton Road. The applicant emphasised corporate

values of the Co-op brand, drawing particular attention to the mechanisms designed to prevent under age sales. The applicant also explained the training system operated by the Co-op, and stated that the store aspired to having three personal license holders per store plus the Designated Premises Supervisor (DPS). The applicant also responded to the points raised in the submission from the interested parties.

Cllr Smith sought legal advice on a potential conflict of conflict due to the current Folk Festival Co-op sponsorship. The Legal Advisor confirmed that this did not affect her ability to continue hearing the application. Clarification was also sought on the existing open hours of the current shop on Chesterton Road. The applicant confirmed that the Monday-Saturday the hours were unchanged, but the current shop opened at 10am on Sunday morning.

Cllr Dixon questioned whether the proximity to a number of hostels would create additional risks for the premises. The applicant re-iterated that the Co-op had been operating for a significant number of years without problems but that mechanisms were in place to manage the potential issues. Cllr Dixon also raised concerns about the proximity to Strawberry Fair. The applicant explained that in previous years the store had voluntarily restricted alcohol sales during the fair. The applicant also confirmed that in the event of a problem there would be automatic assistance from senior member of staff.

Robert Osbourne explained that the representation from Environmental Protection had initially been submitted due to the timings of the “no deliveries” period. The Sub-Committee was advised that the representation had been withdrawn following a “gentlemen’s” agreement with the application, however it was noted that this could be formalised through the planning system.

Miss Lees addressed the committee as an interested party. The representation focused on the residential nature of Chesterton Road and problems currently experience. Further concerns were raised about the length of the proposed opening hours.

The representative of the applicant reiterated the long standing nature of the store; responsible attitude of the company and the lack of reported problems evidenced by the lack of a police representation.

Cllr Smith asked the Environmental Protection and Licensing Manager whether that had been any reports of anti-social behaviour in the vicinity of the store. The Sub-Committee were advised that it was primarily a Police matter, but that no reports had been received by either Environmental Protection or Licensing.

All parties were given the opportunity to sum up.

Resolved: To approve the new premises license subject to the imposition of the agreed conditions in the committee report with the exception of new condition being imposed in respect of delivery times.

Reason: The application met the Licensing Objectives

**10/Licsub/03 APPLICATION TO VARY PREMISES LICENCE:
ALMA, 26 RUSSELL COURT**

Present for this application:

For the Applicant	Responsible Authority	Interested Parties
Phil Arnold	Robert Osbourne – Environmental Protection	Mike Smith
Steven Davies		
Laura Page		

The Hearing: The Licensing Manager presented her report and outlined the application being made. She stated that the Council, as the licensing authority, had received an application to vary the premises licence for Alma, 26 Russell Court.

The Hearing was to consider the representations received from a responsible authority (Environmental Protection) and an interested party. The Licensing Manager advised the Panel of the decision-making options and reasons available to them.

Cllr Dixon sought clarification on the licence conversion process, and was advised that the standard conditions from the Public Entertainment and Justices licence had been transferred to the new licence.

The applicant addressed the committee and explained the nature of the

business, the background of the landlord, and the steps taken to improve the business over the last 12 months. Cllr Dixon declared a personal interest due to having previously listened to music in the Elm Tree.

The Sub-Committee asked the applicant the following questions;

1. Have you agreed to the condition only allowing regulated activity on two nights per week from Wednesday, Friday and Saturday? *The applicant confirmed that the condition had been agreed with Environmental Protection. The applicant also advised that an additional set of doors would be installed to provide an additional sound barrier at the entrance, as well as installing a new noise limiter.*
2. Can you clarify the proposed opening/hours of regulated activity on New Year and other seasonal variations? *The applicant advised that the application form had been incorrectly completed and that the hours of regulated activity were unchanged. It was confirmed that the only change requested was to permit regulated activities on 2 nights from Wednesday, Friday and Saturday, and the removal of the summer exclusion condition.*

Robert Osbourne explained that the responsible authority representation from Environmental Protection had been withdrawal in light of a meeting with the applicant. The representative of Environmental Protection explained that in the past under previous management that there had been problems with noise and anti social behaviour.

Cllr Dixon queried whether the pub had a garden or other outside drinking area. The applicant explained that at present the pub was developing an outside area to the rear of the premises for smoking. The applicant explained that the area was not designed to be attractive and to encourage outdoor drinking.

Mr Smith addressed the committee as an interested party raising objections to the variation application. The following points were raised;

- Anti-social behaviour and patrons congregating in the vicinity of the objector's property.

- The proximity of the property to the pub entrance, and associated noise issue associated with patron “leaving” the pub to use mobile phones or smoke.
- A large group of patrons waiting for taxis after the pub closes and associated noise issues.
- Failures of the pub to effectively steward events
- Noise escaping from functions.

The Sub Committee questioned the interested party and following questions were asked;

1. Are you suggesting patrons are leaving the premises after 12:30? *Mr Smith replied “no” but that people were often waiting for taxis for long periods of times after the pub had closed.*
2. When you refer to we/our who are you referring to? *Mr Smith explained that this referred to other objectors who were unable to attend.*
3. Cllr Blencowe explained that the committee could only consider the variation application and not the general licence arrangements, and sought clarification from Mr Smith that he understood this? *Mr Smith assured the Sub-Committee that he understood this, and that the general information was provided for context.*
4. Do you believe that the conditions proposed will mitigate the problems? *Mr Smith acknowledged that in principle the conditions would mitigate the problems but expressed reservations that they would be correctly implemented and monitored.*
5. Is it true that even if the door staff can’t see people congregating around your property, they would be able to hear due to the proximity? *Mr Smith acknowledged the point, but explained that little if anything was ever done.*

Cllr Smith asked the applicant to clarify the stewarding arrangements and training provided. The applicant advised that he personally managed the door, and adopted a proactive approach to managing the

proximity of the pub.

In response to a comment made by Mr Smith, Cllr Smith confirmed that there was no condition on the current licence restricting packing up times. The Sub-Committee sought advice from the officer as to whether a similar condition could be imposed. The Licensing Manager advised that any condition must be necessary and proportionate to meet the licensing objectives, and enforceable. It was also questioned to what extent it was in the direct control of the applicant to control this issue.

In summing up Mr Smith expressed concern about the difficulty of challenging a licence once it was approved, and the length of time it took to remove a previous licence holder.

The applicant summarised their position, explaining that the company was keen to ensure that the business was effectively managed and worked closely with the local community. The landlord re-iterated the steps that had been taken to improved the pub and its clientele.

Resolved;

The Sub-Committee approved the variation of the licence to

- a) Extend the permitted hours of opening on Sundays
- b) Removed the seasonal restriction
- c) Permit regulated activity on two nights from Wednesday, Friday and Saturday

Reason : The application met the Licensing Objectives

CHAIR