

PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'A'

20 AUGUST 2012

Present:- Councillors Colbourne (Chairman), Caines and Pugh.
Standby Member:- Councillor Skeels.
In Attendance:- Streets and Seafronts Manager, Solicitor, Democratic Services Officer (ER), Assistant Licensing Officer, Licensing Assistant, Career Track Apprentice (HG).

(10.00 a.m. – 10.55 a.m.
and following an adjournment
11.15 a.m. – 11.55 a.m.
and following a further adjournment
1.15 p.m. - 1.20 p.m.)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Casey and Powell.

2. SUBSTITUTE MEMBERS

Councillor Caines substituted for Councillor Casey, and Councillor Pugh substituted for Councillor Powell.

3. MINUTES

The minutes of the meeting of the Sub-Committee held on 8 December 2011 were noted by the Sub-Committee and signed by the Chairman.

4. MATTERS ARISING FROM THE ABOVE-MENTIONED MINUTES

There were none.

5. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.3

There were none.

6. LICENSING ACT 2003 – APPLICATION NO. 12/00481/PREMVA - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - HARRY'S BAR, HIGH STREET, THORPE-LE-SOKEN

The Sub-Committee had before it for consideration, an application that had been submitted by Mr Raymond Dowsett, for the variation of the current Premises Licence held in respect of the above premises.

The Chairman welcomed all those persons present to the meeting and outlined the procedure that would be followed during the hearing.

Members were made aware of the details of the variation applied for and the steps that the Applicant proposed to take to promote the Licensing Objectives, as set out in the

application, and as summarised in Sections 4.0 and 5.0, respectively, of item A.1 to the Report of the Head of Public Experience.

It was reported that the Department of Public Experience (Food, Health & Safety) had expressed the opinion that there was the potential for the Licensing Objective in respect of the Prevention of Public Nuisance not being met. Therefore a representation had been received regarding concerns of possible noise nuisance to residents in the vicinity of the licensed premises.

However, following discussions with the Applicant, this representation had been withdrawn, subject to the following conditions being attached to the Licence insofar as these related to the prevention of public nuisance:-

1. The provision of live music as regulated entertainment shall start at 12.00 hours.
2. The provision of recorded music as regulated entertainment shall finish at 01.00 hours.
3. The performance of dance as regulated entertainment shall start at 12.00 hours and finish at 01.00 hours.
4. The provision of late night refreshment shall finish at 01.00 hours.
5. The hours the premises are open to the public shall finish at 01.00 hours.
6. The consumption of alcohol within the rear patio area shall finish at 23.30 hours.
7. There shall be no provision of live music as regulated entertainment outdoors.

Fourteen letters of representation on the grounds of public nuisance had been received from local residents and six letters from local residents had been received in support of the application.

The Applicant's agent, Mr Jonathan Smith, spoke in support of the application

Mr Steve Overy and Mrs Stephanie Durrant spoke on behalf of the objectors with opening remarks, and a number of objectors also raised their concerns and asked questions.

Mr Smith then responded to the questions raised by the objectors.

Witnesses for the Applicant also spoke with regard to the application.

Mr Ian Wilkins, Environmental Health Officer, spoke on behalf of the Council's Public Experience Department.

Mrs Durrant summed up on behalf of the objectors.

Mr Smith summed up on behalf of the Applicant.

EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee:

RESOLVED that the public be excluded from the meeting pursuant to Section 100A(4) of the Local Government Act 1972 during the period when the Sub-Committee would be deliberating and considering its decision on the grounds that such deliberations involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Act.

Members withdrew from the meeting to deliberate and consider their decision. The Solicitor and the Clerk were asked to accompany them to advise on any legal points raised and to record the decision.

Following the deliberations the public were re-admitted to the meeting. The Chairman advised that the Solicitor had given no specific legal advice to Members during their deliberations.

It was moved by Councillor Colbourne, seconded by Councillor Caines and:

RESOLVED that the decision of the Sub-Committee be as follows:-

Having given careful consideration to the application and having had regard to the views expressed on behalf of the Applicant and the representations made, together with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy, the decision of the Sub-Committee was to grant the application in full with the following conditions attached to the Licence:-

1. The provision of live music as regulated entertainment shall start at 12.00 hours, being a condition relating to the prevention of public nuisance.
2. The provision of recorded music as regulated entertainment shall finish at 01.00 hours, being a condition relating to the prevention of public nuisance.
3. The performance of dance as regulated entertainment shall start at 12.00 hours and finish at 01.00 hours, being a condition relating to the prevention of public nuisance.
4. The provision of late night refreshment shall finish at 01.00 hours, being a condition relating to the prevention of public nuisance.
5. The hours the premises are open to the public shall finish at 01.00 hours, being a condition relating to the prevention of public nuisance.
6. The consumption of alcohol within the rear patio area shall finish at 23.30 hours, being a condition relating to the prevention of public nuisance.
7. There shall be no provision of live music as regulated entertainment outdoors, being a condition relating to the prevention of public nuisance.

The Chairman advised that the Sub-Committee appreciated that Condition 7 would no longer be effective from 1 October 2012, following which it was noted that the applicant had agreed to limit such events to no more than 12 per annum.

The decision would be confirmed in writing to all parties and they would also be informed that they had a right of appeal to the Magistrates' Court within a period of 21 days beginning with the date the Applicant was notified of the decision by notice.

7. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

Chairman