

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
4 November 2013 (2.30 - 6.50 pm)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman) and Melvin Wallace (Vice-Chair)

Residents' Group Linda Van den Hende

The Chairman reminded Members of the action to be taken in an emergency.

Present at the meeting were Mr T Rowlett and Mr S Beaton – applicants and their agents Mr G Hopkins and Ms L Potter.

Mr P Jones represented Havering's Licensing Authority, Inspector M Blackledge represented the Metropolitan Police, Mr V Long represented the Planning Service, Mr M Gasson represented the Environmental Health Service with respect to noise nuisance, Mr J Giles also appeared on behalf of the Environmental Health Service. In addition, Councillor Georgina Galpin was present as an Interested Party.

Mr A Hunt, Licensing Officer presented the application. Also present were the Legal Advisor and the Clerk to the Sub-Committee and Mr K Conway, Licensing Technician.

1 APPLICATION TO VARY A PREMISES LICENCE AT KC'S BAR, 155 BILLET LANE, HORNCHURCH RM11 1 UR

PREMISES

KC's Bar
155 Billet Lane
Hornchurch
RM11 1UR

An application for a variation to a premises licence under section 34 of the Licensing Act 2003 ("the Act").

APPLICANTS

Monty's Bar Ltd
Unit 8, Elm Ind. Estate
Church Road
Harold Wood
RM3 0JU

At the outset, the Applicant's agent – Mr G Hopkins - asked leave to address the Sub-Committee concerning a number of issues which he considered ought to be dealt with in fairness to his client's application. The matters raised were:

- A request for additional time to present the applicant's case.
- A request to exclude evidence referred to and comments made by the Environmental Health Noise specialist as the document referred to had not been seen by any of the parties.
- A request to exclude an item of evidence presented by the Police as it related to an incident which had occurred before the current owners took over the licence.
- A request to exclude a number of photographs submitted by an interested party opposing the application as they related to incidents which occurred before the current management took over the licence.
- A request for clarification about the role Councillor Galpin was assuming as it was unclear whether she was representing herself or another interested party.
- A challenge to whether condition one of annexe two of the current licence was lawful in relation to age discrimination.
- A challenge to the duplication of planning issues – presented in their own right – and also cited by the Licensing Authority.

The Chairman invited each of the parties referred to in the above challenges to respond.

Because there had been a number of issues which required consideration by the Sub-Committee, the Chairman adjourned the hearing in order for it to discuss the points and give a decision on them before proceeding with the application.

Having deliberated carefully on the issues raised, the Sub-Committee gave the following rulings:

The applicant could have thirty minutes in which to present his case, should it be required.

The document referred to in the Environmental Health Officer's report – but not provided in the agenda pack – could not be produced at the hearing by the officer, as all parties would have to consent to its production, and the applicant did not.

With regard to the incident cited by the police which occurred before the 4 March 2013 when the current management took over the licence, and also those photographs provided by an interested party which pre-dated the change of management, the Sub-Committee indicated that the current management would not be held responsible.

The Sub-Committee was content that Councillor Galpin was an "other person" and was only representing herself.

With regard to the lawfulness of condition one, the Sub-Committee was not prepared to consider that as a preliminary issue, but it would consider the applicant's request to remove it generally in light of the arguments presented for both parties.

With regard to ruling on whether it was a fault for one responsible authority (Licensing) to cite evidence from another (Planning), the current Guidance allowed for communication, and an element of integration, between Licensing and Planning. However duplication ought to be avoided and the Sub-Committee asked that the Licensing Officer constrain his submissions to those within his area of responsibility as there was an Officer present representing the Planning Authority and he would present the case relating to Planning issues, but the Sub-Committee recognised that there was likely to be some overlap.

The Sub-Committee returned to the application

1. Details of the application:

Supply of Alcohol, Films, Recorded Music		
Day	Start	Finish
Sunday - Wednesday	11:00hrs	23:00hrs
Thursday	11:00hrs	00:00hrs
Friday - Saturday	11:00hrs	01:00hrs

Live Music, Provision of facilities for Dance		
Day	Start	Finish
Friday - Saturday	20:00hrs	01:00hrs

Late Night Refreshment		
Day	Start	Finish
Friday - Saturday	23:00hrs	01:00hrs

Opening Hours		
Day	Start	Finish
Sunday - Wednesday	11:00hrs	23:00hrs
Thursday	11:00hrs	00:00hrs
Friday - Saturday	11:00hrs	01:00hrs

Variation applied for:

Supply of Alcohol, Films, Recorded Music		
Day	Start	Finish
Sunday - Wednesday	09:00hrs	00:00hrs
Thursday	09:00hrs	01:00hrs
Friday - Saturday	09:00hrs	02:00hrs

Live Music		
Day	Start	Finish
Thursday	19:00hrs	00:00hrs
Friday - Saturday	19:00hrs	01:00hrs

Late Night Refreshment		
Day	Start	Finish
Sunday - Wednesday	23:00hrs	00:00hrs
Thursday	23:00hrs	01:00hrs
Friday - Saturday	23:00hrs	02:00hrs

Opening Hours		
Day	Start	Finish
Sunday - Wednesday	09:00hrs	00:30hrs
Thursday	09:00hrs	01:30hrs
Friday - Saturday	09:00hrs	02:30hrs

The application also sought to remove the following conditions in Annex 2 of the current premises licence:-

1,2,3,7,8,9,10,13,23,24,25,32,34,39,40

and amend the following conditions in Annex 2:-

5,17,19,33.

In addition: application had been made to cover both on- and off-sales as only on-sales were currently allowed.

2. Seasonal variations & Non-standard timings

There were no seasonal variations. From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day for authorised licensed activities. On Christmas Eve, Boxing Day, St George's Day and Sundays preceding a Bank Holiday until 0200 for authorised licensed activities.

3. Comments and observations on the application

The applicant acted in accordance with premises licence regulations 25 and 26 relating to the advertising of the application. The required newspaper advertisement had been installed in the 11 September 2013 edition of the Yellow Advertiser.

4. Summary

There were 4 valid representations against this application from 5 interested parties.

There were 20 valid representations which supported the application. Most of which were in the form of a duplicated letter containing the supporter's name and address.

There were 5 representations against this application from Responsible Authorities.

5. Details of representations

Valid representations could only address the following licensing objectives:

The prevention of crime and disorder
The prevention of public nuisance
The protection of children from harm
Public safety

Interested parties' representations

The first representation from an interested party detailed several concerns/incidents that fell under all of the licensing objectives.

The second representation was received from Councillor Galpin, and made mention of the first objector. It was pointed out to Councillor Galpin that a representation had been received from the named individual and she responded that she would be submitting her own representation. However, there had been no further correspondence from Councillor Galpin. After having sought managerial advice, Councillor Galpin's original representation had been submitted.

The third representation was made on behalf of two interested parties; their representation seeking to address issues concerning all of the licensing objectives.

The last representation from an interested party was a verbatim copy of the objection submitted by another individual.

The Licensing Authority was also in receipt of 20 representations that supported the application. It appeared that 19 of these were on a pre-formatted letter and the parties just added their personal details. These parties came from as far afield as Havering, Dagenham, North Finchley, Ingatestone and Billericay and would all appear to have some connection to the premises.

Responsible Authorities' representations

Environmental Health (Noise)

The representation detailed on-going noise issues with the premises, thus addressing the prevention of public nuisance licensing objective.

Planning Enforcement

This representation sought to address all of the licensing objectives. It also pointed out that the premises was operating outside its current planning permission with regards to hours and use of the premises.

Licensing Authority

The submitted representation was based on concerns over the prevention of crime and disorder, prevention of public nuisance and the public safety licensing objectives.

The Metropolitan Police

The representation detailed issues at the premises which would undermine the crime and disorder and prevention of public nuisance licensing objectives.

The Health & Safety Enforcing Authority

The representation addressed concerns over the public safety licensing objective.

There were no representations from the following responsible authorities:

The London Fire and Emergency Planning Authority
The Trading Standards Service
Children & Families Service
Practice Improvement Lead

6. Representations

Metropolitan Police:

Inspector Blackledge presented the representation on behalf of the Police informing the Sub-Committee about an incident involving grievous bodily harm which took place on 9 August 2013. She added that although the police were called to the venue where the attack was seen (on CCTV footage) to have taken place in the car park, the victim refused to make a complaint or provide a statement. She added that the Noise Team had opposed a late submitted temporary event request for the following day on the grounds of possible noise nuisance as it appeared a noise enforcement notice remained in operation and concerns about noise were on-going.

In addition, Inspector Blackledge informed the Sub-Committee about a drugs test carried out at the venue on 13 September in which swab tests in both the men's and women's toilets had proved positive (with significant levels in both). This was also a concern to the Police.

Furthermore, the Police opposed the increase in hours because of the known history of the venue for causing public nuisance as well as violence and it objected to the premises having the facility for off-sales as the Police considered this was only likely to fuel any difficult situation which might impact on public safety.

Inspector Blackledge reminded the Sub-Committee that the Police had worked very hard with licensees in the St. Andrews Ward, and that all venues in the area now operated an over 21 policy, whether by condition or voluntary agreement and, as a result, crime and disorder had decreased in the area and there were fewer incidents of public nuisance than previously. The Police were concerned that allowing KC'S Bar to sell to anyone over 18, as was proposed, and to stay open longer and sell alcohol for taking off the premises would encourage problems to reappear.

She questioned the intention of the owners of the venue as they were asking for the controls it had already in place (including having door supervisors in place on Thursdays, Fridays and Saturdays) to be reduced. From the Police perspective, this was not acceptable.

She added that police had been called to a recent incident (notified to all parties on 22 October) involving a resident living near the premises who had been verbally abused by two men at the premises. She was an interested party and the abuse was focused on her submission. This had been in the presence of her young child and had made her fearful of attending the hearing because of possible repercussions. She added that Mr Beaton (the applicant) had apologised for the matter and had informed Police that the two men were not employees of the bar, but customers. It remained the Police view that such behaviour – even by association – was not reassuring.

In summary, Inspector Blackledge said that the applicant was asking for more hours, less responsibility, less security along with opening to a younger clientele (18 year olds) and that the Police were of the opinion that this ran counter to the borough's promotion of the licensing objectives.

Licensing Authority

Mr Paul Jones made representation on behalf of the Licensing Authority against this application. His contention was similar to that provided by the Police noting that an increase in hours would mean that the venue would be open for some 110 hours a week, considerably more than the current 89 – an effective increase of around 23% - and that the premises lay within in one of Havering's two Special Policy Areas (SPAs) in which more stringent controls were in place (licensing policies 17 and 12).

He reminded the Sub-Committee that currently the premises had a condition which restricted entry to those 25 years or older. The applicant sought to have this removed and, in light of recent incidents around and involving the premises, the LA was concerned that the removal of the annex 2 condition 1 would remove the over-25 behavioural control measure the condition imposed and allow 18 year olds entry, which was of particular concern within the Hornchurch SPA where other premises were subject to a 21 and over policy (whether by condition or agreement) to address the issues of anti-social behaviour in the area. Should this premises be able to allow 18 year olds in, other premises would expect the same permission.

Mr Jones raised a number of other objections and concerns from his written representation in respect of the conditions the applicant wanted to either be removed entirely from the licence or significantly modified arguing that, in each case, the removal of the condition would weaken the applicant's control of preventing any potential trouble from escalating. In particular he cited changes to the days door supervisors were employed and even whether they were necessary arguing that proposing this indicated an intention to avoid responsibility and this was clearly a major concern for the LA.

In further support of his arguments, Mr Jones reminded the Sub-Committee of Havering's Licensing Policy, which raised impediments to extending the hours the premises was open for licensable activities. He stated that it would be inconsistent with licensing policy 007 which dealt with development and planning and which was designed to ensure that different responsible authorities within the Council displayed a coherent and single approach to the practical application of policies. In this instance the current planning consent for the premises was that it could operate between Monday and Saturday from 12.00 noon until 23.00 hours and from 12.00 noon until 22.30 hours on Sunday. As the Sub-Committee would appreciate, the current hours for licensable activities already exceeded these times and until the applicant sought an amendment to the current planning consent, any further extension to those hours – which already exceeded those for a mixed use environment – would send a discordant and contradictory message to residents in the area about the sincerity of the Council's policy statements.

He also referred to licensing policy 17, and to policy 12, which dealt with the special policy in the area, and hours. Mr Jones submitted that this ought not be seen as an exception to the policy and that the premises already operated in excess of the recommended hours for a mixed use area.

Mr Jones concluded by confirming that for all the reasons presented and in his written submission, the Licensing Authority objected to the application on the grounds that it ran counter to the licensing objectives.

Environmental Health – Noise Specialist

Mr Gasson informed the Sub-Committee that there had been issues surrounding the premises for some considerable time – certainly pre-dating the arrival of the present owners – and although he accepted that since the change of licensee in April this year he had not had occasion to take any further enforcement action, it remained the case that the venue had a history of noise nuisance and this needed to be considered in any decision in which an existing condition relating to the siting and appropriateness of the venue's speakers was being asked to be removed.

He reminded the Sub-Committee that this was a mixed use area and that residential properties were not only in close proximity to it, but a flat above the venue was occupied by a private resident and because of the designation of the area in which the bar was situated, there were guidelines for establishments providing for licensable activities to cease those activities at a reasonable hour. KC's Bar already exceeded those times.

Mr Gasson also raised concerns about the removal of door supervisors arguing that it had been noted that despite the premises having double doors, noise still emanated from the establishment whenever the external doors were opened (this happened more frequently during summer) and appeared to indicate that the inner doors were being kept open. It was the service's view that this was not a responsible attitude for the management to adopt and one which it opposed.

In conclusion, he asked whether it would advance the licensing objectives if the premises was allowed to continue selling alcohol for longer, selling alcohol to those as young as 18 or allowing alcohol to be sold to those who were then taking it off site and who, by so doing could widen the area of nuisance.

When questioned by the Sub-Committee as to whether a noise abatement notice was in force at the present time – as suggested by the Police statement - Mr Gasson answered that he was not certain on that point, but thought it was.

Planning Authority

Mr Long, on behalf of the Planning Service informed the Sub-Committee of the circumstances surrounding the present timing restrictions in force on the premises. He said that the original permission had been granted for a restaurant/wine bar and this was granted to former owners of the property. He advised that the premises were in a residential area and that any increase in hours would lead to disturbance to residents.

He argued that Planning had concerns that if the applicant were allowed to operate an off-sales facility, alcohol could be consumed in the premises car park and if that happened, it would breach its planning permission because the car park would effectively become a “terrace” and there were restrictions covering that.

In summary, Mr Long said that the Planning Service urged the applicant to submit a new planning application requesting a variation of hours. As matters currently stood, if the applicant applied the hours he currently had under his premises licence, he would be liable to enforcement action against him by Planning.

Environmental Health

Mr Giles presented the representation in respect of his colleague, Mr Watts’ submission opposing the granting of permission to sell alcohol off the premises on the grounds that the premises was in a predominantly residential area, next to a busy main road and there was a possibility that young people might congregate around the venue which could trigger public nuisance, possibly raise the risk of road traffic incidents as well as increasing the risk of violence and associated injury to staff and/or the public.

Interested Party

Councillor Galpin, the only interested party present at the hearing, argued that any extension to the hours would be detrimental to local residents and once known about could very well become a magnet to attract drinkers from other establishments to continue at the bar. She stated that she had personally witnessed poor behaviour outside the bar (during early evening) and it had made her feel intimidated – so she could understand why others living in the vicinity felt that way.

She was uneasy about the removal of the under 25 ban on drinkers, arguing that to open the bar to 18 year-olds would only encourage an escalation of bad behaviour, public nuisance and possible disorder. The situation would be exacerbated if the premises was permitted to make off sales as this would allow a drink-fuelled problem to be spread more widely round the local area – very much to the harm of those living near-by.

She reminded the Sub-Committee that the bar was within the Special Policy Area for Hornchurch and that the Police (and other agencies) working with pubs, bars and restaurants in that area had made excellent progress in putting in place measures which kept alcohol related incidents to a minimum and part of that hard won success was due to the rigid application of Challenge 25. Allowing 18 year-olds to drink in what was effectively a vertical-drinking bar watching sporting activities which, though entertaining in themselves) when coupled with an excess of alcohol were often the root cause of violent behaviour, was a recipe for disaster.

In conclusion, she urged the Sub-Committee to think of the implications of what was being requested in this instance and at least apply the SPA restrictions for a mixed environment and apply those guidelines.

The Applicant

In response, Mr Hopkins, on behalf of the applicant argued that whilst his client accepted that his premises fell within Hornchurch's SPA, it only did so by the matter of some 50 metres. As such, its location placed the premises in a locality where it would not benefit from the passing trade available in the town centre, but was being penalised in competing against other venues which operated only a few metres on the other side of the boundary and so were not under the same restrictions which the SPA introduced.

Mr Hopkins stated that his client was only seeking a level playing-field by asking for later hours and that the age restriction currently on the licence be removed as the nature of the venue had changed from when that condition was first requested by the previous owner. His client – who had interests in Hornchurch town centre – was conscious of the value to his business that the age group (18 – 25) would bring to it and if secured, would guarantee the continued employment of local members of staff whilst providing a sport and bar facility to local residents.

He rejected the idea that the bar was a centre of – or magnet for – public nuisance, disorder, crime or was a threat to public safety. He set out the case for the removal of the condition which required the venue to have door staff (of both sexes) on duty from 7.00pm Thursdays, Fridays and Saturdays saying that it was very difficult to find female door staff and that they were not necessary from 7.00pm (a time when patrons would be coming into the bar) and neither was there a need for them on Thursdays.

With regard to the incident described by the Police, he sought to distance the venue from the events – though the Police pointed out that they had been called to the venue and CCTV evidence had shown the violence occurring in the premises car park. He also argued that whilst his client accepted the results of the drugs testing, he had worked closely with them to change procedures, modify the lay-out of the toilets (including inspections) to minimise the risk of anything like it recurring.

In addition, he sought to assure the Sub-Committee that apart from the responsible authorities and a few interested parties, there had been no objections from residents close to the venue – in fact the resident living above the premises had written in support of the application. He stated that this said a great deal about the truth behind the allegations as residents from the near-by flats or next door

to the premises would have been expected to have raised objections if there had been widespread public nuisance emanating from the premises.

He asked leave for his client to address the Sub-Committee and on being allowed to speak, Mr Beaton explained that since he and his partner had taken over the bar, they had worked hard to ensure that it was an asset to the locality, providing employment and an entertainment facility primarily for those living near-by. He rejected the idea that the management was acting irresponsibly in asking for a number of conditions to be removed from the licence (there were forty) because several were covered by other legislation and some either did not make sense or were inconsistent with the running of a viable business.

He informed the Sub-Committee that since he and his partner had taken over the bar, there had been very little trouble – and some of that, whilst it had occurred on the premises, had been dealt with swiftly and effectively by his door staff. He said that he appreciated the special restrictions applied to premises in Hornchurch (he owned two there). He could not see that the location of KC's Bar fell within a town centre environment and so he questioned whether the SPA ought to be applied as rigidly as if it were in the town centre. He referred to the recent incident of the verbal abuse of a resident and sought to disassociate the bar and management from it. Mr Jones challenged this assertion by reminding Mr Hopkins that the incident had been initiated within the bar and had continued and escalated into physical violence in the car park which was also part of the premises. Mr Hopkins countered by asserting that the management could not be held liable for an incident between customers, had acted appropriately in ejecting the parties and door staff had only intervened to break-up the fight. It was also not the fault of the applicant if the injured party refused to bring charges against his assailant.

He said that he and his business supported local charities (such as St Francis Hospice) and apart from providing employment, ensured that a property which would otherwise be locked-up and derelict, was contributing to the local economy. He rejected the accusation that the bar was a magnet for trouble and concerning the issue about noise nuisance, he assured the Sub-Committee that self-closers were being fitted to the two sets of doors to ensure that when one set was open, the other would be closed. Until then, door staff had been told to ensure the inner doors were not held open.

Mr Hopkins added that door staff would be more proactive, there would be notices to customers reminding them to moderate their voices when leaving the premises late at night. He concluded by saying that although the Licensing Officer had alleged that the previous owner was still involved in the running of the bar, this was not the case. Mr Jones asked leave to challenge this assertion and

informed the Sub-Committee that he had been dealing with the previous owner until quite recently and it appeared that he still operated out of an office at the venue.

In reply Mr Beaton declared that any present association was refuted and the Sub-Committee was informed that the “office” referred to was a container located in the car park. The previous owner could still be found, from time to time on the premises – but in the capacity of a customer. He was neither a director nor employee of the company and so any communication between himself and Licensing had no connection with KC’s Bar, its management or organisation.

With regard to noise nuisance, Mr Hopkins stated that his client had no need for a condition requiring him to consult with Environmental Health about the placing of speakers. This had already been done and the venue had sound limiters already in place – which it was intending to continue to use. In reply, Mr Gasson argued that without the condition, the management could reposition speakers wherever they wished and this could lead to noise nuisance if the orientation was wrong. In response, Mr Hopkins argued that this was purely speculative and his client had no need to reposition the speakers which, he added, were already appropriately placed – in accordance with advice provided by Environmental Health.

7. Determination of Application

Decision:

Consequent upon the hearing held on 4 November 2013, the Sub-Committee’s decision regarding the application for a variation to a Premises Licence for KC’s Bar is as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering’s Licensing Policy.

In addition, the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Agreed Facts
Facts/Issues

Whether the granting of a variation to the premises licence would undermine the licensing objectives.

The prevention of crime & disorder; the prevention of public nuisance; public safety and the prevention of children from harm The salient points presented by the responsible authorities and Councillor Galpin were that the application would be contrary to the licensing objectives as set out within the Council's licensing policy including:

- Policy 012 - Hours
- Policy 017 – Location, cumulative impact and saturation.
- Policy 007 – Development planning
- Policy 009 – Operating Schedule and
- Policy 010 - Safer clubbing and drugs

The Sub-Committee had heard that policy 012 and 017 supported the argument that as the venue was located within the Hornchurch SPA and already had a licence which allowed it to continue half an hour beyond the recommended cessation times for a mixed use area, allowing the applicant's request for additional hours would be detrimental to the intention of the policy, would create additional noise nuisance, and no substantial reasons had been given to the Sub-Committee to persuade it that it was an exceptional case.

The Sub-Committee acknowledged that the applicant had withdrawn his request for off-sales and so that issue was no longer a matter for consideration. It did, however, note that there were a lot of conditions on the current licence, which the applicant wished to have removed – some of which the Sub-Committee could see made sense, but the removal of some others might lead to a lessening of accountability and responsibility on the part of the premises management.

The Sub-Committee considered each of the representations, noting that the Planning Authority – whilst it correctly identified that the hours already granted for licensable activities exceeded the hours it had deemed appropriate for the premises, had not - to date – sought to take enforcement action against it (but could do so if it so considered).

The Sub-Committee noted that the present owners had only taken responsibility for the premises since 20 March 2013 and whilst it accepted the Police statement that previous incidents at the premises indicated that

there might be issues within the locality, it accepted the applicant's representation that any responsibility for those actions could not be attributed to them

With regard to objections to having the age restriction removed, the Sub-Committee saw nothing inconsistent with opening the bar to 18 year olds providing it applied a Challenge 25 policy (as did all other venues in the area). To do otherwise would be discriminatory in this instance as it was the responsibility of the applicant to ensure good practice and if he failed to do so, the law allowed for a review.

Having heard the arguments from both the responsible authorities, interested party and applicant and asked each questions to ensure all points were clarified, the Sub-Committee considered that it had sufficient information pertinent to the application upon which to come to a decision.

The Sub-Committee stated that in arriving at this decision, it took into account the licensing objectives as contained in the Licensing Act 2003, the Licensing Guidelines as well as Havering Council's Licensing Policy.

After careful consideration of all the issues presented to it, the Sub-Committee was prepared to grant a variation to the premises licence from that requested:

Supply of Alcohol, Films, Recorded Music		
Day	Start	Finish
Sunday - Wednesday	09:00hrs	23:00hrs
Thursday	09:00hrs	00:00hrs
Friday - Saturday	09:00hrs	01:00hrs

Live Music		
Day	Start	Finish
Thursday	19:00hrs	00:00hrs
Friday - Saturday	19:00hrs	01:00hrs

Late Night Refreshment		
Day	Start	Finish
Thursday	23:00hrs	00:00hrs
Friday - Saturday	23:00hrs	01:00hrs

Opening Hours		
Day	Start	Finish
Sunday - Wednesday	09:00hrs	23:30hrs
Thursday	09:00hrs	00:30hrs
Friday - Saturday	09:00hrs	01:30hrs

Non-standard timings

From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day for authorised licensed activities. On Christmas Eve, Boxing Day, St George's Day and Sundays preceding a Bank Holiday until 01.00 hours for authorised licensed activities.

The Chairman stated that the reason for the decision was that having listened to the representations of the responsible authorities and having taken the comments of each of the parties into consideration, after careful deliberation, the Sub-Committee found that the premises already possessed a licence which exceeded the borough's hours policy for mixed use areas, i.e. 00.30 hours.

The Chairman added that the Sub-Committee was aware that each application needed to be evaluated on its own merits and this it had done in this instance and its decision was informed by the nature, number and range of concerns expressed by the responsible authorities and other interested parties— relating to crime and disorder and public nuisance - which had persuaded it that an extension of hours in this instance would not be appropriate.

The Sub-Committee did, however, accept that several of the conditions on the current licence could be removed or amended as follows:

The following conditions are to be removed from the premises licence for the following reasons:

Condition one: removed as requested. A condition already exists (33) which includes measures for applying Challenge 25 and the Sub-Committee did not consider that a condition restricting the venue to those aged 25 or older could be justified.

Conditions two and three removed as requested: unnecessary conditions and/or removal not objected to.

Conditions eight, nine, 13 and 34 removed as requested – either because they were unreasonable, unnecessary, or unenforceable and/or removal not objected to.

The following conditions were amended:

Condition five – amended to read: Two door supervisors shall be on duty at the front entrance of the venue from 20.00 hours to 15 minutes after closing time Thursdays, Fridays and Saturdays and during non-standard timings.

Condition 17 amended to read: No deliveries to the premises or removals of glass shall take place between 20:00 and 08:00.

Condition 19 amended to read: All staff shall be trained for their role on induction and receive refresher training at six monthly intervals. Written training records will be kept for all staff and retained for six

months after they cease employment and will be produced to Police or authorised officers on request. Training will include the operation of Challenge 25, responsible alcohol retailing and the policies of the venue.

Condition 33 amended to read: Challenge 25 will be operated as the proof of age policy. Signs will be prominently displayed advising that Challenge 25 is in operation at the entry door and the bar. Only a photo driving licence, passport or proof of age card with the 'PASS' logo/hologram will be accepted as proof of age. A hard bound written refusals record will be kept and made available to the Police or authorised officers on request.

Condition 39 amended to read: Staff shall be given adequate training to enable them to prevent customers causing unnecessary noise when they leave the premises and prominent, clear notices shall be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.

The wording in Annex 3 condition 1 was clarified and would now read: "No drinks shall be taken outside after 23:00".

The remaining conditions were to remain on the licence.

With regard to the request to allow off-sales, this is had been withdrawn by the applicant.

Chairman