

LICENSING SUB-COMMITTEE
4th January 2012

PRESENT – The Mayor; Councillors C. Hughes and B. Jones.

(3)

LS1. ELECTION OF CHAIR – RESOLVED – The Mayor.

LS2. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS3. APPLICATION FOR A PREMISES LICENCE – The Director of Place submitted a report (previously circulated) to consider an application to vary a Premises Licence in the light of a representation from a Responsible Authority (Environmental Health) and from four Interested Parties, namely persons living in the vicinity of the premises and/or having business in the vicinity of the premise on the grounds of public nuisance. The representations were in respect of Victoria Social Club.

The Licensing Manager introduced the application in detail, and advised Members that the original application was considered by a Licensing Sub-Committee on 27th May 2011 and was granted with nine conditions additional to the mandatory conditions. An application to vary the Premises Licence was made in November 2011 to include regulated entertainment (live and recorded music and activities similar to both) and to extend the hours for sale of alcohol.

A document was tabled providing details of a map of the area identifying the proximity of the local residents to the premises and also identifying nearby licensed premises.

Four representations were received from Interested Parties and considered written evidence from one and oral evidence from the others. Mr Garthwaite, Ms Heard and Mrs Osborne were present at the meeting and explained why they had made representations against the applications based on the prevention of public nuisance. Mr Todd, Principal Environmental Health Officer (Responsible Authority) explained the representation based on the prevention of public nuisance. The applicant, Ms Smith addressed the meeting and responded to representors and Members questions.

Members listened carefully to the representations made by the Interested Parties and Responsible Authority and the information provided by the applicant. Members also considered the four Licensing Objectives, the Council's Licensing Policy and the Guidance from the Secretary of State in respect of the Licensing Act 2003.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, Guidance issued under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 (Revised 2007) and in accordance with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received'.

In making their decision Members considered the all representations to be relevant and of the Interested Parties, gave greater weight to the representation from Mr Garthwaite due to his close proximity to the licensed premises.

RESOLVED –

- (a) That the application be rejected, on the grounds of the Licensing Objectives in relation to the Prevention of Public Nuisance, Prevention of Crime and Disorder and potentially Public Safety; for the following reasons:-

Members heard evidence of problems, occurring in the surrounding area of the premises in relation to public nuisance, for example littering and barracking from the fire escape. In the absence of evidence from the licence holder, Members did not feel assured that the problems currently on-going have been addressed, nor that future activities of this nature would be prevented or minimised, should the licence be varied. Members also believed that any extension or variations to the licence would merely exacerbate the current situation;

The noise nuisance was of particular concern to Members, specifically as the noise relates and impacts on local residents and most notably Mr Garthwaite, and it was noted that the applicant had not offered to mitigate the sound, should the variation be granted, but offered merely to monitor it;

While it was recognised that not all litter emanates from the premises, Members believed that it is the responsibility of the licensee, to remove litter within the reasonable vicinity of the premises. It was noted that the premises had a specific problem with cigarette butts being discarded by patrons, which in turn is leading to a public nuisance and believed that to extend the licence would only compound the issue, although, Members did note that wall mounted cigarette disposals, have been provided;

Members heard that patrons were taking bottle and glasses onto the fire escape and that this is in contravention of the current licence conditions. Members were gravely concerned that Public Safety is being compromised with the promoted use of the fire escape as a balcony for patrons to engage in drinking and smoking.

- (b) As a result of final reason above, the Sub-Committee decided to impose a further condition to the existing licence; as follows:

That clear and legible signage should be displayed at every fire escape advising patrons that such exits must only be used in the case of a fire emergency.

Members also suggested that it would be of benefit to the licensee and the residents to work together to mitigate any problems.