

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'
19 JULY 2010

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
18 NOVEMBER 2010

(To be read in conjunction with the Agenda for the Meeting)

- * Cllr Maurice Byham
- * Cllr Mrs Patricia Ellis
- * Cllr Mrs Elizabeth Cable

* Present

1. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Elizabeth Cable was elected Chairman for this meeting of Sub-Committee B.

2. MINUTES (Agenda Item 2)

The Minutes of the meeting held on 21 September 2009 were confirmed and signed.

3. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this heading.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

PART II – Matters reported in detail for the information of the Committee

4. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – HEMINGWAYS, 48 HIGH STREET, HASLEMERE, SURREY GU27 2LA

(Agenda Item 4; Appendix A)

4.1 The Licensing Manager introduced the application and outlined the matter that the Sub-Committee was being asked to decide.

4.2 The applicant outlined the application and explained that the premises was currently used as a coffee bar but that he wished to expand the business into a wine bar with the opportunity to hold Salsa dance and jazz sessions on occasions.

- 4.3 The applicant said that he had sent letters to the local residents at Penfold House letting them know of his intentions and advising them that he was not proposing to have amplified music. He proposed that the dance and jazz sessions would be limited to a couple of times a month each.
- 4.4 Those present making representation then put forward their objections to the application. They said that some residents had made written representations but were unable to attend and they had been asked to put forward the objections on their behalf. The objectors were advised that the Sub-Committee would consider all representations submitted within the consultation period whether or not the objectors were present.
- 4.5 The spokesperson for the objectors said that their main concern was over the potential for noise disturbance caused by music. They were concerned that should the licence be granted and the premises sold in the future it could lead to a different type of establishment with increased noise nuisance from music. The objectors were advised that in the event of any concern of that nature in the future, members of the community could call for a review of the licence.
- 4.6 The objectors were also concerned over the lack of public parking in the immediate vicinity and the possibility of an increase in antisocial behaviour after the premises closed at night.
- 4.7 The Principal Solicitor to the Council said that there was very little that the applicant or the local authority could do regarding parking on a public highway or private property other than the applicant posting notices requesting that patrons respect the neighbours and leave the surrounding area quietly.
- 4.8 Following a question from the Sub-Committee the applicant said he would be happy to distribute advance notification of salsa and jazz events to neighbours in the immediate vicinity.
- 4.9 Following closing statements, the Sub-Committee then withdrew at 11.32 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 1.13 p.m.

During the deliberations the Council's Head of Democratic & Legal Services was asked to confirm the amendments to timings of the application, and the Principal Solicitor was asked to advise the Sub-Committee on suitable wording for a condition.

The Sub-Committee resolved that it did not consider that the application conflicted with the Licensing Objectives relating to Prevention of Crime & Disorder, Public Safety, Prevention of Nuisance and Protection of Children from Harm.

In the light of the amendments made by the applicant in order to alleviate the concerns of the local residents, the Sub-Committee therefore decided to grant the application. However, the concerns raised over Public Nuisance (LO3) had been taken into account. To address those concerns the following amendments and conditions had been added to the licence.

Live Music (Box E)

18.30 – 23.00 Mon – Thurs
18.30 – 23.30 Friday
11.00 – 15.30 & 18.30 – 23.30 Sat
11.00 – 15.30 & 18.30 – 23.00 Sun

Recorded Music (Box F)

08.00 – 22.00 Mon – Friday
09.00 – 22.00 Saturday
10.00 – 22.00 Sunday

Performance of Dance (Box G)

18.30 – 22.00 Monday – Sat
11.00 – 15.30 Sunday

Provision of Facilities for Making Music (Box I)

18.00 – 23.00 Monday – Friday
11.00 – 23.00 Saturday
11.00 – 22.00 Sunday

Provision of Facilities for Dancing (Box J)

18.00 – 23.00 Monday – Friday
11.00 – 15.30 & 18.30 – 23.00 – Saturday
11.00 – 15.30 & 18.30 – 22.00 – Sunday

Late Night Refreshment (Box L)

23.00 – midnight Friday & Saturday

Sale of Alcohol (Box M)

11.00 – 23.00 Sunday – Thursday
11.00 – midnight – Friday & Saturday

Hours Open to the Public (Box O)

08.00 – 23.30 Monday – Thursday
08.00 – 00.30 Friday
09.00 – 00.30 Saturday
10.00 – 23.30 Sunday

Regarding the non-standard timings, in all cases in Boxes F, I, J and M, (New Years Eve) to conclude at 01.30. Box O to conclude at 02.00.

Conditions

Environmental Health conditions as per page 48c of the agenda papers with the following amendments:

2. The licensee or a nominated representative shall be able to receive and respond to complaints throughout the duration of all music events.
3. The rear and front doors and all windows must be kept closed during all music and dance events other than for access and egress.

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6. Staff must be given adequate training to prevent patrons causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where patrons leave the building must instruct patrons to respect the needs of local residents and leave the premises and the area quietly.
7. Drinking glasses or bottles must not be taken to the outside of the premises after 22.00.
9. Any band performing live music shall only perform jazz and not consist of more than 4 people and not cause a nuisance to the neighbouring properties at any time.
10. Combined number of performances of live music or dance shall not exceed 36 per year and the premises licence holder shall give 14 days written notice of these events to residents in the immediate vicinity.
11. Deleted.

Conditions offered by the applicant at P. on page 21 of the agenda papers with the following amendments:

- c. Hemingways should join the local 'Pubwatch' scheme.
- j. Patrons will be instructed to keep noise levels to a minimum when they are in the seating areas outdoors.

The Sub-Committee reminded the objectors that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of premises, leading to a possible review of the licence.

The meeting commenced at 10.00 am and concluded at 1.20 pm.

Chairman