

LICENSING SUB-COMMITTEE

Thursday, 25th October, 2012

Present:- Cllr Hambleton in the Chair

Councillors Mrs Heames and White

2. APPLICATION FOR A VARIATION TO A PREMISE LICENCE THE VICTORIA, 62 KING STREET.

Having taken into account the Licensing Act 2003 and the guidance issued under Section 182 of the Act, the councils statement of Licensing policy and also the fact that a number of residents in the vicinity of the premises had objected to the application on the basis that to grant the application would undermine the objective relating to the Prevention of Public Nuisance.

The Committee considered that Licensing objective in the light of what had been said and listened to the arguments and were persuaded that to grant the application applied for would offend the Licensing objectives.

The interested parties had given evidence that noise nuisance was being experienced from the premises albeit it was accepted that the premises had been closed for a considerable period of time and that there was now new management who had a new policy and wished to work with the residents.

Again evidence was given that the premises were situated in a mainly residential area and that taxi noise and parking was a major concern. The applicant in response to this had offered to use a dedicated taxi service with a no horn ring back policy.

The Committee did in fact take into consideration that neither the Police nor the Environmental Health Department had objected to the application and also took into account the High Court decision in the Thwaites case that made it clear that all determinations of Licensing applications should be made on empirical evidence and should take no account of speculative evidence. The Committee were also aware of the content of the Live Music Act 2012.

The Committee were impressed by the nature and number of steps that the applicant intended to take to promote the Licensing objectives as a result of the proposed variation.

On the basis of the above and subject to the conditions that will be referred to the Committee felt it appropriate to grant the following variation of the Licence Monday to Sunday and a notice will be issued to that effect.

Firstly:

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| The sale of Alcohol | 10am to 11.30pm |
| Opening hours of the premises | 10am till 12.00pm |
| Recorded Music | 10am to 11:30pm |
| Live Music being covered by the Live Music Act but Licensed | 10am to 11:30pm |
| Late Night Refreshment | 11pm to 11:30pm |
| The application for the Provision of Dancing being withdrawn | |

The conditions which the Committee were disposed to impose in addition to any relevant Mandatory Conditions were those consistent with the conditions listed by the applicant on pages 19 – 21 of the application together with the following:

1. There shall be a last admission policy to the premises of 11pm.
2. The applicant to ensure that none of their customers utilise the front of the premises for smoking and that any such smoking is confined to the rear area provided.
3. That no alcohol is taken out of the rear smoking area after 11pm and that anyone drinking in that area at that time is required to take their alcohol out.
4. That any Entertainment provided in the premises is limited to a Solo Artist or a Duo.

Chair