

LICENSING SUB-COMMITTEE

MINUTES of a meeting held on 6th October, 2006.

Present: Councillors J. Clifford, Mrs. A.J. Preston and Mrs. M. Randall.

Also present:

Responsible Authorities: Environmental Health Officer, Licensing Officer, Police.

Applicant/Interested Party: As indicated below.

(a) Appointment of Chairman -

Councillor J. Clifford was duly elected Chairman for the meeting.

(b) Declarations of Interest -

No declarations were received.

(c) Licensing Act 2003 - Premises Licence - The Albion Hotel, 28 Glebe Street, Penarth -

Also present: Mr. P. White and Mr. A. Evans, representing the Applicant.

Prior to consideration of the application, Mr. A. Evans, on behalf of the Applicant, requested that consideration of the application be deferred.

Having considered the request, it was

AGREED - T H A T consideration of the application be deferred.

(d) Licensing Act 2003 - Premises Licence - Sully Inn, 4 Cog Road, Sully -

Also present: Mr. K. Broad (Applicant), Ms. S. Broad, Mr. J. Broad, Ms. G. Frayling, Ms. R. Gould, Mr. N. Isherwood, Mr. D. Owen, Mr. J. Beach, Mrs. J. Evans, Mr. P. Evans, Mr. M. Morgan (representing Mr. & Mrs. Evans), Mr. D. Sylvester and Mr. P. Duffy (Interested Parties).

Consideration was given to a request for the variation of hours for the sale of alcohol and the inclusion of regulated entertainment and late night refreshment under the Licensing Act 2003.

The Licensing Officer advised of receipt of a letter from the Applicant which stated

“We are revising our variations as follows

Music hours as follows

Monday to Wednesday	10.00am	-	22.30pm
Thursday to Saturday	10.00am	-	23.30pm
Sunday	10.00am	-	23.00pm

Sale of Alcohol

Sunday to Wednesday	10.00am	-	23.30pm
Close Premises at			24.00pm
Thursday to Saturday	10.00am	-	24.00pm
Close Premises at			00.30pm

Beer Garden to be closed by 23.00pm

No children after 21.30pm

with exceptions of private functions and table meals.

Bank holidays as the day of the week hours they fall on.

Sundays preceding bank holidays.

24.00 sale of all 00.30pm close.”

The Police representative stated that the representations as contained in his letter dated 30th August, 2006 had been based on the information contained in the original application form submitted by the Applicant.

Mr. Broad, in support of his application, stated

- the amended hours had been discussed with the Police representative and representative of Environmental Health;
- Mr. Broad had bought the property last November and was endeavouring to make it into a meeting place for the village. He operated a suggestion box within the establishment and many suggestions that he had received were for later opening hours;
- later hours would stagger the patrons leaving times;
- Mr. Broad operated a courtesy bus service;
- Mr. Broad understood the points that had been made by the objectors;
- Mr. Broad lived 100yds from the Sully Inn and up to date was not aware of any reasons for Environmental Health or the Police to complain about the operation of the establishment;
- functions were regularly held at the Sully Inn;
- entertainment was provided at the Sully Inn once a week;
- the Sully Inn would not necessarily open late all the time;
- alterations to the building have been made to try to minimise the noise emanating from the pub;
- there has always been a beer garden at the Sully Inn.

To clarify, the representative from Environmental Health confirmed that she had met with the representative of the Police and Mr. Broad to discuss closing times. It had not been a mediation meeting.

In response to questions from the Police representative, Mr. Broad stated that

- he was trying to increase the consumption of food on the premises;
- the serving of food and holding of some functions were held in the upstairs area;
- Mr. Broad would install CCTV equipment by 1st December, 2006.

The Police representative advised the Sub-Committee that his research had not revealed any reported crime issues involving the Sully Inn. He also stated that he considered the hours applied for (as amended) to be proportionate and balanced.

The representative of Environmental Health confirmed that there had been no record of noise nuisance at the Sully In since Mr. Broad had taken over.

It was also stated that in view of the reduction in hours applied for, there was no need for the proposed Condition 28 as contained in the bundle of papers circulated for the meeting to be imposed.

Ms. Frayling spoke in support of the application and stated that her house abuts the Sully Inn. Since Mr. Broad had taken over, the character of the Sully Inn had improved for the better. Ms. Frayling stated that, whilst some noise could be heard, she had never lost a night's sleep as a result of noise emanating from the establishment. Furthermore, Ms. Frayling stated that amplified sounds did cease when they were supposed to, that the Sully Inn was an asset to the village and that she found the staff to be friendly but firm.

Mr. Sylvester, in support of the application, stated that the Sully Inn was a good asset to the village and that he had no problems with the hours as applied for by the Applicant.

Mr. Duffy stated that, whilst he wanted a "community pub", he objected to the application not on account of yobishness/noise of cars but on account of the amplified music. Mr. Duffy referred to loud noise emanating from the premises past 01:00 hours on 5th September, 2006.

At this point, the Chairman responded by reminding all present that the Police and Environmental Health representatives had stated earlier that there had been no complaints of noise nuisance received, and this was confirmed by both representatives.

Mr. Duffy replied by stating that he had personally made representations as had his neighbour.

Mr. Morgan, representing Mr. & Mrs. Evans, stated that whilst his clients did not object to the provisions of the existing Licence, they had lived near to the Sully Inn for 25 years and were concerned that the application would

fundamentally change the character of the pub. Likewise, his clients had no objection to the existence of the beer garden. Their concerns lay with the increased size of the beer garden which attracted greater numbers of patrons and which resulted in noise nuisance late in the evening. Mr. Morgan requested that the future use of the beer garden be restricted and that its use be managed.

Furthermore, Mr. Morgan stated that his clients supported the pub but wished that it be managed in a way that did not affect its neighbours.

Finally, in referring to the petition signed in support of the application, Mr. Morgan pointed out that only some 13% of the signatories lived in the immediate vicinity of the Sully Inn.

Ms. Gould stated that since vegetation had been removed from around the beer garden, noise seemed to travel further. Whilst she had not complained about noise levels to either the Police or Environmental Health, she had telephoned the pub on a number of occasions.

Ms. Gould requested that the Applicant try to confine noise within the beer garden and prevent its usage after 9.00pm or 10.00pm.

Mr. Broad, in response to the comments of the Interested Parties, advised that he had amended his application to take account of residents' comments. However, it would not be realistic to expect the beer garden to close at 21:00 hours. In Mr. Broad's view, 23:00 hours would be more appropriate.

With respect to comments made by Mr. Duffy earlier in the meeting regarding noise emanating from the Sully Inn late on the night of 5th September, 2006, Mr. Broad stated that he had made use of a Temporary Event Notice on that night and that the music had ceased at the required time. Whatever happened to his current application, Mr. Broad stated that he would continue to have the use of such Notices.

Finally, Mr. Broad stated that he lived as far away from the Sully Inn as did some of the Interested Parties and that he was unaware of any problems.

Members of the Sub-Committee then considered the matter in private.

Sub-Committee Decision -

The Chairman informed the meeting that having considered the amended application and the representations of the Interested Parties and having considered DCMS Guidance, the Objectives of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Sub-Committee had

RESOLVED -

(1) T H A T the amended application be granted as set out below:

Supply of alcohol:
Sunday - Wednesday 10:00 hours - 23:30 hours
Close at 12 midnight
Thursday - Saturday 10:00 hours - 12:00 midnight
close at 00:30 hours

Regulated Entertainment:
Monday - Wednesday 10:00 hours - 22:30 hours
Thursday - Saturday 10:00 hours - 23:30 hours
Sunday 10:00 hours - 23:00 hours

New Year's Eve/New Year's Day: To cease at 01:00 hours

Bank holidays: As the date of the week on which they fall.
Sundays preceding bank holidays as normal
Thursday - Saturday hours

Beer garden to be closed at 22:30 hours

No children on the premises after 21:30 hours unless partaking of a table meal or attending a private function

and the following conditions:

Prevention of Crime and Disorder:

1. CCTV is to operate at all times when the premises are open to the public. The equipment should be to an agreed standard covering all areas to which the public had access. Coverage should include all entrances and exits. Images should be retained for 31 days and produced on request of the police as soon as practicable.
2. The premises will not engage in any irresponsible drink promotions that encourage binge drinking.
3. The premises will operate robust anti-drink spiking procedures.
4. The premises will operate a challenge 21 scheme to combat underage drink sales, and accept only photographic ID, such as passports, drivers licences or any other agreed and recognised scheme.

Capacity and Safe Condition of Premises

5. The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupant capacity as specified by the Fire Authority from time to time (such number to be inclusive of public, staff and performers working at the premises), and overcrowding in any part of the premises which would interfere with the safety of the public shall not be permitted.

Safety measures taken and capacity figures set should take into account those persons that may move in and out of external areas such as beer gardens, weather permitting, those that use exterior areas must not be allowed to exceed the total figure for the interior of the premises to ensure public safety.

6. A certificate of inspection for portable fire fighting equipment shall be held for inspection by the Licensing and Responsible Authorities. The inspection shall be carried out annually. A new certificate shall be provided each year unless written confirmation is held for inspection by the Licensing and Responsible Authorities stating that an inspection is required less frequently based on risk factors and/or any relevant British Standard.
7. Hangings, soft furnishings, curtains, and temporary decorations are to be maintained in a flame-retardant condition.
8. Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.
9. Provision for the storage of coats, hats or bags shall not be made in corridors, passageways or gangways or any exist way used by the public.

Compressed Gases and Liquids

10. Mobile appliances utilising cylinders or containers of flammable gas, such as Calor gas heaters, shall not be used on the premises.
11. The certificates listed below shall, where appropriate, be held for inspection by the Licensing Authority:
 - (a) any emergency lighting battery or system
 - (b) any electrical installation
 - (c) any boiler or calorifier
 - (d) any fire alarm system
 - (e) any lift or hoist
 - (f) any fire appliances.

Sanitary Conveniences

12. A suitable number of toilets shall be provided and all toilets shall be free and kept in good order and repair and be properly and effectively cleaned, lit, ventilated and supplied with hot and cold running water, soap and adequate hand-drying facilities and in the case of female toilets adequate provision shall be made for the disposal of sanitary dressings.

Cleansing

13. The pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, shall be kept clean and free from litter to the satisfaction of the Licensing Authority.

Bottles and Glasses

14. Patrons shall be advised not to remove bottles and glasses from the premises. If bottles and glasses are taken outside they shall be removed from exterior areas when no longer in use or on closure of the beer garden whichever is the sooner.
15. All glasses used on the premises shall be of toughened glass or of the plastic type where possible.

Emergency Lighting

16. A system of emergency lighting, independent of the normal lighting of the premises shall be provided and shall illuminate all escape routes. The system shall operate automatically on failure of the normal lighting or be on at all times, and shall be maintained in efficient working order and tested at specified intervals to the satisfaction of the Licensing Authority and Fire Authority, with details of tests recorded in the fire logbook.

Electrical Safety

17. The complete electrical installations in or affecting the Licensed Area at the premises shall be inspected and tested by a 'Qualified Electrical Engineer' once every year unless written confirmation is held by the Premises Licence Holder stating that an electrical report is required less frequently, the period based on risk factors and/or any relevant British Standard. The Periodic Inspection Report and any subsequent certificates, shall be held at the premises for inspection by the Licensing and Responsible Authorities in the form which complies with current British Standard and associated guidance.

Temporary Electrical Installations

18. Temporary electrical installations shall comply with recommendations of British Standard 7671 (The I.E.E. Wiring Regulations) or where applicable British Standard 7909: (Code of Practice for Temporary Distribution Systems for AC Electrical Supplies for Entertainment Lighting, Technical Services and Related Purposes).
19. Temporary electrical installations shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be held for inspection by the Licensing and Responsible Authorities.

Heating and Ventilation

20. The premises shall be adequately ventilated in all areas to which the staff and public have access so as to enable doors and windows to remain closed thereby enabling the premises to reduce the likelihood of a public nuisance to nearby residents caused by the breakout of noise due to entertainment.
21. All stoves, open fires and other heating appliances, which form an integral part of the structure, shall be efficiently and effectively fixed and guarded.
22. A CORGI certificate of inspection shall be provided in respect of any gas boiler, calorifier or appliance. It shall be held at the premises for inspection by the Licensing Authority. The inspection will be carried out annually and a new report shall be provided each year.

Light Pollution

23. Flashing or bright lights on or outside the licensed premises shall not cause a nuisance to nearby properties.
24. Areas both indoor and outdoor shall not be over-lit and beams shall not be aimed at sensitive properties. The correct setting and use of sensors and the physical turning off of lights should assist in the prevention of nuisance.
25. Where flashing lights or particularly bright lights are used, curtains and blinds shall be used to prevent the escape of the light outside the premises boundary.

Noise and Vibration

26. Noise shall not be permitted to emanate from the premises so as to cause a public nuisance to the occupiers of nearby properties.
27. All reasonably practicable steps shall be taken to prevent a nuisance at any neighbouring properties, during and outside the hours of operation. Non essential extraction systems, heating and refrigeration systems shall be turned off when not required.
28. All reasonably practicable steps shall be taken to prevent a noise nuisance at any neighbouring properties as public and staff leave and use the premises.
29. Clearly legible notices shall be displayed at all exits from the premises requesting public and staff to respect the needs of local residents and to leave the premises and area quietly.
30. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass

bottles outside between 22:00 hours and 08:00 hours nor any movement of waste, equipment or materials between these hours.

31. Doors and windows shall be kept closed as far as reasonably practicable to reduce the noise impact from the licensed premises at neighbouring properties. Windows and doors shall be closed whilst regulated entertainment is being carried on and from 23:00 onwards regardless if Regulated Entertainment takes place or not.
32. Half an hour before the premises is due to close, music shall be played at a lower volume and tempo.
33. The Designated Premises Supervisor shall request that deliveries, collections and operational servicing are carried out in reasonable hours such as after 8:00 and not after 19:00, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
34. Guidance shall be given to drivers to switch off engines during deliveries, collections and servicing and to minimise other noise caused by their activities.
35. The Designated Premises Supervisor shall use a designated taxi firm for customers and staff where possible and discourage taxi drivers from using their vehicle horn to attract attention when collecting passengers.
36. Such steps as may be practicable shall be taken to ensure that coaches, taxis and other vehicles attending the premises do not allow engines to run unnecessarily or sound horns whilst such vehicles are stationary so as to cause unnecessary noise or inconvenience to neighbouring residents or cause obstructions to the public highway.
37. Entertainment shall be held within the envelope of the building only and no music or speech shall be relayed externally. No loudspeakers / amplifiers for regulated entertainment shall be provided to external areas, such as beer gardens or the forecourt of the premises.
38. Coolers for cellars and any other compressors for refrigeration equipment sited externally shall be acoustically attenuated.
39. The noise level from the premises whilst being used for regulated entertainment purposes shall be inaudible at the curtilage of the nearest sensitive premises.

Odour/Noxious Smells

40. The premises shall be properly ventilated and noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.

41. Odour shall not emanate from waste and bottle store areas. Bins shall be sealed and be of sufficient size to hold all waste generated by the business. Bins shall also be cleanable and be emptied and cleaned on a regular basis.

Beer Garden

42. Public and staff will not be permitted to use external areas of the licensed premises after 22:30 hours other than for the purposes of arrival and departure. This includes the beer garden and forecourt of the building.
43. All bottles and glasses shall be removed from exterior drinking areas by 23.00 hours and periodically prior to 23:00 hours.
44. The beer garden and forecourt seating area shall be closed at 22.30.

Reason for decision

The Sub-Committee, having taken into account the representations of the Applicant and Interested Parties, considered that the Licensing Objectives were adequately addressed by its decision.