

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Monday, 8th August, 2011

Present:- Councillors:- Gerry Curran (Chair), Gabriel Batt and Bryan Chalker (In place of Douglas Nicol)

Also in attendance: Terrill Wolyn (Senior Licensing Officer) and Shaine Lewis (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Bryan Chalker substituted for Councillor Douglas Nicol.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 14 JULY 2011

These were approved as a correct record and signed by the Chair.

7 LICENSING PROCEDURE

The Chair drew attention to the licensing procedure, copies of which had been made available to those attending the meeting.

8 APPLICATION TO VARY A PREMISES LICENCE FOR THE TYNING INN, WALNUT BUILDINGS, RADSTOCK BA3 3JL

Applicant: Admiral Taverns, represented by Martin Pincombe and Kathryn Morris (DPS)

Responsible Authorities: Avon and Somerset Police, represented by Martin Purchase (Police Liquor Licensing Officer) and Environmental Health represented by John Harvey (Environmental Health Officer)

The parties confirmed that they had received and understood the licensing procedure.

The Licensing Officer summarised the application, which sought to vary the existing licence by the extension of the hours for the sale of alcohol, to add the provision of regulated entertainment and the provision of late-night refreshment and to add non-standard timings in respect of licensable activity, as detailed in paragraph 4.3 of the report. Representations had been received from the Police and Environmental Health. The Police had proposed that the following two conditions be attached to the licence:

1. All licensable activity will cease at 11pm from outside areas.
2. There will be no new entry to the premises after 11pm.

Environmental Health had proposed that the following conditions be attached to the licence:

1. No amplified music allowed outdoors.
2. No more than 4 outdoor events in any 12 month period.
3. Regulated entertainment outdoors shall be no more than 4 hours in duration unless agreed in writing with the Licensing Authority.
4. Regulated entertainment outdoors shall terminate no later than 2300.
5. The Applicant to submit a Noise Management Plan to the Licensing Authority. This plan will stipulate the number and type of events (indoor and outdoor) planned to take place. The terminal hour and the controls in place e.g. windows and doors to be kept closed, any improvements to the premises to prevent noise breakout, use of noise limiter.

The applicant had confirmed in writing to the Police and to Environmental Health its willingness to accept these conditions. The Sub-Committee was invited to determine the application.

Mr Pincombe read a prepared statement on behalf of the applicant. This said that the application was intended to give the premises and a good tenant, who had invested her own money in the business, an opportunity to prosper. There was a real possibility that without the variation the business would not be able to survive. The extension of hours would allow existing customers to remain in the premises for a longer time and for the business to increase its revenue. Neighbouring premises had longer hours, and customers went to them after the Tynning Inn had closed. The character of the premises would not change; there was no intention that it should become a nightclub. Conditions had been agreed with Environmental Health to control noise. Notices had been put up advising customers to leave the premises quietly and a condition had been put in the operating schedule requiring doors and windows to be closed when regulated entertainment was taking place. The community would suffer if the premises closed. It would be unfair to predict that there would be an increase in disorder at premises which had no history of disorder. There had been no representation against the longer hours.

Kathryn Morris stated that the premises would only remain open to 01.30 on Fridays or Saturdays about once every three weeks. The longer hours would give flexibility and obviate the necessity of applying for Temporary Event Notices. They would also

allow the premises to serve morning coffee for mothers who had dropped children off at the centre next door. She did not live at the premises and would only want to open them if there was a demand. In response to a question from a Member, she said that a live band would cost £300 for an evening, so one would only be hired every 2-3 weeks; recorded music would be played most of the time. There had been no complaints about noise from the premises. In response to a question from the Chair about the premises becoming a magnet for late-night drinkers, she referred to the condition agreed with the Police that there would be no new entry after 23.00. She did not want drunken people coming to the premises late at night.

Mr Purchase stated that the two conditions suggested by the Police had been accepted by the applicant. The Police felt that they were necessary and proportionate, given that the premises was situated in a mainly residential area.

Mr Harvey said that he believed that the conditions he had proposed were necessary to control noise in a residential area.

Following an adjournment, it was **RESOLVED** to grant the application as applied for, subject to conditions consistent with the operating schedule and to the following conditions proposed by the Police and Environmental Health and accepted by the applicant:

1. All licensable activity will cease at 11pm from outside areas.
2. There will be no new entry to the premises after 11pm.
3. No amplified music allowed outdoors.
4. No more than 4 outdoor events in any 12 month period.
5. Regulated entertainment outdoors shall be no more than 4 hours in duration unless agreed in writing with the Licensing Authority.
6. Regulated entertainment outdoors shall terminate no later than 2300.

Authority was delegated to the licensing officer to issue the licence accordingly.

REASONS

Members have determined an application to vary a Premises Licence at the Tynning Inn Radstock. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act 2003 is to be reluctant to regulate and must only do what is necessary and proportionate to promote the licensing objectives based on the information before them.

Members considered the application and took account of the representations from the Responsible Authorities and noted the application was happy for the suggested conditions to be attached to the licence.

In all the circumstances Members find the premises a well run community pub and grant the application as applied for with conditions consistent with the operating schedule and the attachment of the conditions as agreed between the parties as being necessary and proportionate to promote the licensing objectives. However, the

condition requiring a noise management plan is not to be attached as this is a separate unenforceable document and a matter properly falling to be dealt with by other statutory regimes.

The meeting ended at 11.00 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services