

LICENSING PANEL

24 MAY 2005

Chair: * Councillor Knowles

Councillors: * Branch * O'Dell

* Denotes Member present

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**30. **Appointment of Chair:**

RESOLVED: That Councillor Knowles be appointed Chair of the Panel for the purposes of this meeting.

31. **Declarations of Interest:**

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.

32. **Arrangement of Agenda:**

RESOLVED: That all items be considered with the press and public present.

33. **Minutes:**

RESOLVED: That the minutes of the meeting held on 2 March 2005, having been circulated, be taken as read and signed as a correct record.

[Note: The 2 March 2005 minutes had originally been deferred at a Licensing Panel meeting held on 11 May 2005, then adjourned. The minutes of the 11 May meeting, due to be reconvened on 22 June 2005, would be presented for signing following that date].

34. **Public Questions, Petitions or Deputations:**

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 18, 15 and 16 (Part 4B of the Constitution) respectively.

35. **Application for Variation of Hours during Transitional Period:**

The Panel received a report of the Chief Environmental Health Officer which detailed an application made by TLT Solicitors on behalf of Punch Taverns Plc, for the premises licence for Oddfellows Arms Public House, 2 Waxwell Lane, Pinner.

The Chief Environmental Health Officer tabled 2 papers, for ease of reference. One detailed the existing conditions on the premises' licence (embedded conditions), and the other detailed the conditions consistent with a converted licence.

The application sought a variation to the existing Justices' Licence during the transitional period and was before the Panel as a representation had been received from an interested party, whose garden backed onto the rear garden of Oddfellows. The interested party had cited public nuisance, the prevention of which was one of the four Licensing objectives. The objector did not attend the meeting.

Mr Phipps, solicitor representing the applicants, informed the Panel that they had written to the objector inviting him to meet in order to reconcile his objections, but the objector had not responded. Mr Phipps also reminded Members that during the 13 years that the licensee had held the licence, no complaints had been made against the premises in terms of its hours of trade or noise pollution. His clients were happy to negotiate, however, by way of a compromise. Responding to queries concerning noise escape from live and recorded music, Mr Phipps informed the Panel that the music was controlled by the Manager, who could adjust noise levels when required. Further, the Panel was told that live music was not a regular occurrence and that background music was usually played in the garden.

RESOLVED: That the variation to the licence as per the application be granted with the existing conditions and the amended conditions set out in the operating schedule, as detailed below:

EXISTING CONDITIONS (to appear on the converted licence)

PERMITTED HOURS

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 am to 11pm.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 pm.
- c. On Good Friday, 12 noon to 10.30 pm.
- d. On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm.
- e. On New Year's Eve, except on a Sunday, 10 am to 11 pm.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 pm.
- g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applied:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

The premises will be closed to public after the expiration of 30 minutes from the last permitted hour for the sale of alcohol.

The Prevention of Crime and Disorder

The external areas of the premises will be illuminated during all times the premises is open to the public.

There shall be no obstructions or partitions between the bar and the trading areas, a clear view of the trading area could be maintained from the bar.

Staff members to monitor the garden area during the times it is open to the public.

The DPS and/or the representative of the premises licence holder to be members of the local pub watch scheme, where one is in operation.

The premises to promote and encourage the use of premises by local people.

Public Safety

All fire, electrical and gas appliances to be tested annually and records kept on site.

All staff to be trained in fire and emergency evacuation including disabled access and egress.

The Prevention of Public Nuisance

The music volume to be kept at a level so that it does not cause a noise nuisance to neighbouring residential properties.

Live music shall be played outdoors on no more than 10 occasions each year and not beyond 11pm on those occasions. (Additional Condition)

The kitchen extractor will be kept in good order so that extractor will not cause nuisance by smell, noise or vibrations.

The Protection of Children from Harm

Children are not permitted in the bar areas. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

[REASONS: Further to the 4 licensing objectives set out in the Council's Licensing Policy].

(Note: The meeting having commenced at 7.35 pm, closed at 8.25 pm)

(Signed) COUNCILLOR ADRIAN KNOWLES
Chair