

LICENSING SUB-COMMITTEE DECISION

Decision taken by the Licensing Sub-Committee at their meeting held on 23rd September 2005 on an application for a Premises Licence with variation by Greene King Brewing and Retailing Ltd. in respect of the premises known as the Old Garage, 20 Replingham Road, SW18 5LS (Southfields).

The Sub-Committee had before them two applications. One was for conversion of the existing licence, which raised no issues. The second was for variation of the licence to allow the provision of regulated entertainment (live music, recorded music and anything of a similar description); to allow the provision of entertainment facilities (dancing); to allow the provision of late night refreshment; to extend the hours for the supply of alcohol (on/off sales) to between the hours of 10.00 and 23.00 on Sunday to Wednesday and to between the hours of 10.00 and 00.00 on Thursday and Saturday; to allow licensable activities to be extended by one additional hour for a number of named festive occasions; to remove the embedded conditions imposed by the Licensing Act 1964; and to extend "drinking up" time to 30 minutes on each day.

The Sub-Committee were informed that the applicants' application form was in the prescribed format but was incomplete, as it did not include the proposed variations for the provision of regulated entertainment, etc. and the provision of facilities for dancing between the hours of 11.00 and 23.00 on Friday and Saturday. The applicants explained that this had been an oversight, in the belief that the music and dancing licence (PEL), which the Licensing Authority had granted in March 2005, had converted automatically. It was agreed by the Licensing Officer that the public notice of the application had included all the detail of the applicants' intended hours of operation (including for the provision of regulated entertainment and facilities for dancing). The Sub-Committee's legal adviser consequently advised: that it was within the discretion of the Sub-Committee to allow the application to be amended so as to correct the clerical oversight and to accord with the applicants' intentions; that it was common ground between the applicant and the Licensing Authority, and not disputed by any of the interested parties, that the public notice had accurately reflected the applicants' intentions; that all the responsible authorities had been made aware of the position and had stated that they did not wish to change their reported views as a result; that the Sub-Committee were entitled to consider, amongst other things, whether or not there had been any prejudice to any third party; that he considered that the Sub-Committee had reasonable grounds for concluding that there had been no prejudice to any third party; and that the Sub-Committee would be entitled to consider the application and treat it as though it contained the proposed variations for the provision of regulated entertainment and facilities for dancing referred to above.

In the light of this advice, the Sub-Committee decided to allow the application to be amended and to consider the amended application.

Before making their decision, the Sub-Committee listened to submissions made by the applicant and to representations by interested parties. The Sub-Committee noted that no representations had been raised by the Police or the Environmental Services Officer and also read all the material supplied by the parties.

The applicants informed the Sub-Committee that in the light of the representations made by interested parties and questions put to them by the Sub-Committee, they would be prepared to accept conditions not permitting the staging of karaoke entertainment, and requiring the keeping of a log of complaints.

In making their decision, the Sub-Committee considered the merits of the case before them while having regard to the Council’s Statement of Licensing Policy and to National Guidance. They considered the steps necessary to promote the licensing objectives and after taking account of all relevant issues, including the consideration that the premises did not appear to be suitable as a venue for weekday entertainment and the need not to exacerbate existing public disturbance problems, decided, on the balance of probability and in all the circumstances, to grant the application for variation of the licence as amended, subject to (a) conditions consistent with the applicants’ operating schedule; and (b) conditions arising from representations submitted by the responsible authorities and interested parties.

DECISION – The Sub-Committee decided to (a) grant the application for conversion of the licence; and (b) grant the application for variation (with effect from the second appointed date and as amended) relating the provision of regulated entertainment (live music, recorded music and anything of a similar description); the provision of entertainment facilities (dancing); the provision of late night refreshment; the extension of hours for the supply of alcohol (on/off sales); the extension of licensable activities by one additional hour for a number of named festive occasions; the removal of the embedded conditions imposed by the Licensing Act 1964; and the extension of "drinking up" time, as follows:-

(a) Hours

<u>Sale of Alcohol: (on/off sales)</u>	Sunday to Thursday	-	10.00 – 23.00
	Friday and Saturday	-	10.00 – 00.00
<u>“Drinking up” time:</u>		-	+ 30 minutes
<u>Provision of regulated entertainment (recorded and live music and anything of a similar description)</u>	Sunday	-	18.00 – 22.00
		-	18.00 – 22.30 (live music only)
	Friday and Saturday		11.00 – 23.00
<u>Provision of late night refreshment</u>	Saturday and Sunday	-	23.00 – 00.00
<u>Provision for facilities for dancing</u>	Friday and Saturday	-	11.00 – 23.00

Non-standard timings

- | | |
|---|---|
| Good Friday, Easter Saturday, Easter Sunday, St. Patrick's Day, St. George's Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Sundays preceding a Monday Bank Holiday, any other publicly declared holiday. | - One additional hour. |
| New Year's Eve | - From the end of authorised hours on New Year's Eve to the start of authorised hours on the following day. |

(b) Conditions consistent with the applicants' operating schedule

(i) General

- (a) The premises shall close to the public 30 minutes after licensable activities cease.
- (b) The maximum number of persons to be accommodated on the premises at any one time shall not exceed 150.
- (c) The front windows and doors to the venue shall be kept closed (except during access and egress) whilst the entertainment licence is in use.
- (d) That a suitable sound limiting device, given the nature of the entertainment provided, be installed at the premises and be set and maintained at a level as agreed with the Head of Environmental Services.
- (e) The Licensee shall display a clear and legible notice visible from the exterior of the premises giving the name(s) and contact details of the duty manager(s) and shall include details of a landline telephone number for the premises.
- (f) The rear doors to the premises shall remain closed when licensable activities are taking place.
- (g) That the licensee shall display a clear and legible notice close to the exit reminding patrons to leave in a neighbourly fashion.
- (h) No glasses or opened bottles shall be permitted to be removed from the premises by patrons.

- (ii) The prevention of public nuisance
 - (a) That all windows remain closed at all times and that all doors remain closed (except during access and egress) whenever the premises are used for regulated entertainment (live music and anything of a similar description).
 - (b) The external parts of the premises shall not be used for licensable activities.
- (iii) The prevention of crime and disorder
 - (a) That the approved CCTV system installed at the premises be maintained in effective working order and that all tapes/ recordings be kept for a minimum of 31 days.
- (iv) The protection of children from harm
 - (a) Evidence of age shall be requested from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.
 - (b) Access of children under the age of 16 shall not be permitted to any part of the premises.

(c) Conditions arising from relevant representations

- (i) General
 - (a) That a logbook of all complaints made to staff concerning, or arising from, the operation of the premises be maintained and be made available for inspection by the Licensing Authority or the Police at all reasonable times.
 - (ii) The prevention of public nuisance
 - (a) That karaoke entertainment shall not be permitted at any time at the premises.
-