

**LICENSING SUB-COMMITTEE DECISION**

Decision taken by the Licensing Sub-Committee at their meeting held on 2nd September 2005 on an application for a Premises Licence with variation by Young and Co's Brewery Plc. in respect of the premises known as The Pig and Whistle, 481 Merton Road, SW18 (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 extension of hours for the sale of alcohol (on/off sales); further extensions on 12 unspecified occasions; the provision of regulated entertainment (films, live music, recorded music, performance of dance and anything of a similar description); the provision of entertainment facilities (making music and dancing); the provision of late night refreshment and to remove all embedded conditions in the Licensing Act 1964 and the Cinematography (Safety) Regulations 1955.

The Sub-Committee were informed that there was an error in the condition concerning door supervisors listed in paragraph 10(a) to Paper No. 05-719 and that this should state that two door supervisors were to be employed on any occasion when the premises were open beyond 00.00. The Sub-Committee were also informed that the proposed condition concerning the use of the external areas of the premises listed in paragraph 10 (b) (ii) to Paper No. 05-719 should be amended to reflect the hours currently permitted by the applicant's Supper Hours Certificate.

The applicant confirmed that they were amending the requested hours for the supply of alcohol, the provision of Regulated Entertainment (films, live and recorded music, performance of dance and anything similar), and the provision of facilities for making music and dancing so that this would start at 10.00 rather than 09.00. The applicant informed the Sub-Committee that he was prepared to reduce the proposed "drinking up" time to 30 minutes.

The Sub-Committee were informed that the applicant had agreed to conditions suggested by the Police concerning door supervisors; the notice period in the event of any request for an extension of hours; and requiring evidence of age to be requested from any person appearing to be under the age of 18 who is attempting to buy alcohol. As a result, the representations raised by the Police had been satisfied.

Before making their decision, the Sub-Committee listened to submissions made by the applicant and to representations by interested parties and the Environmental Services Officer. The Sub-Committee also read all the material supplied by the parties.

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 decided, on the balance of probability and in all the circumstances, to grant the application for variation of the licence, subject to the agreed amendment to the permitted hours for the sale of alcohol, the provision of Regulated Entertainment (films, live and recorded music, performance of dance and anything similar), and the provision of facilities for making music and dancing; the agreed amendment to "drinking up" time; the agreed conditions concerning door supervisors (as amended), the notice period in the event of

any request for an extension of hours and evidence of age for any person under the age of 18 who is attempting to buy alcohol; conditions consistent with the applicants' operating schedule; and additional conditions concerning the closure of windows and doors, the hours for the use of external areas, the installation of a sound limiting device, the disposal of refuse including bottles, an arrangement with a mini-cab company, requirements for patrons to wait inside the premises while waiting for a mini-cab, requiring staff to ensure that glasses, bottles and refuse are cleared regularly from the outside areas of the premises, and concerning the behaviour of customer using the external areas of the premises.

**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) relating to the extension of hours for the sale of alcohol (on/off sales); further extensions on 12 unspecified occasions; the provision of regulated entertainment (films, live music, recorded music, performance of dance and anything of a similar description); the provision of entertainment facilities (making music and dancing); the provision of late night refreshment; and the removal all embedded conditions in the Licensing Act 1964 and the Cinematography (Safety) Regulations 1955 as follows:-**

**(a) Hours**

<u>Sale of Alcohol:</u> (on/off sales)	Sunday	- 11.00 – 23.30
	Monday to Thursday	- 10.00 – 00.00
	Friday and Saturday	- 10.00 – 01.00

“Drinking up” time: - + 30 minutes

<u>Provision of regulated entertainment (film):</u>	Sunday	- 11.00 – 23.30
	Monday to Thursday	- 10.00 – 00.00
	Friday and Saturday	- 10.00 – 01.00

<u>Provision of regulated entertainment (live music, recorded music, performance of dance and anything of a similar description) and provision of facilities for making music and dancing:</u>	Sunday	- 11.00 – 23.30
	Monday to Thursday	- 10.00 – 23.30
	Friday and Saturday	- 10.00 – 00.30

<u>Provision of late night refreshment:</u>	Sunday	- 23.00 – 23.30
	Monday to Thursday	- 23.00 – 00.00
	Friday and Saturday	- 23.00 – 01.00

Non-Standard Timings: In the event of a recognised event (not exceeding 12 annually) which falls outside the current permitted hours on the premises to permit licensable activities, the - Granted

details of the event to be notified in writing to the Licensing Authority and the Police ten days beforehand with the Police having an absolute Power of Veto in every case.

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 will close to the public 30 minutes after licensable activities cease.

(ii) The Prevention of Crime and Disorder

(a) That two Security Industry Authority registered Door Supervisors be employed on the premises from 21.00 on any day there is an organised event and the premises are open beyond midnight until all members of the public have left the premises

(b) The Police and licensing authority shall be given a minimum of ten days notice in writing when any unspecified special occasions (maximum of 12 per calendar year) are planned, the details of the event to be notified beforehand with the Police having an absolute Power of Veto in every case.

(c) Evidence of age should 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

(iii) The prevention of public nuisance

(a) No drinks to be taken off the premises except for off-sales.

(b) Clear legible notices are to be displayed at the exit from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

**(c) Conditions arising from relevant representations**

(i) 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.
- (b) The external areas shall not be used after 00.30 hours Monday to Saturday and 00.00 hours on Sundays and shall be cleared of customers by that time when the premises is trading for business.
- (c) All amplified music at the premises shall be played through the same amplification system which shall be fitted with an appropriate sound limiting device set at a level to the satisfaction of the Head of Environmental Services.
- (d) No refuse including bottles shall be put out from the premises between the hours of 23.00 and 07.00.
- (e) The licensee shall put in place an arrangement with a suitably licenced mini-cab firm to provide a service to patrons.
- (f) That patrons waiting for mini-cabs shall be advised to wait inside the premises and that the mini-cab driver shall call at the premises to pick up a named passenger.
- (g) Staff at the premises shall routinely and regularly ensure that glasses, bottles and litter associated with the premises are cleared from the external areas of the premises.
- (h) Staff shall ensure, as far as is reasonably practicable, that patrons in external areas behave in an orderly and neighbourly fashion.

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Signature: .....

Dated: .....