

The Licensing Officer presented to the Sub-Committee details of the reason for the Hearing which sought Members' consideration for a variation to a premises licence to remove condition six of the licence, and to extend the opening hours. The report before the Sub-Committee presented Members with the background information in relation to the licensing history, including complaints received concerning excessive noise and rowdy behaviour of customers. Representations had been received in relation to the application, and were contained within the report.

The report set out the legislation in relation to the powers that licensing authorities had to vary the premises licence, the options available to the Sub Committee, and the relevant Policies and Guidance. The Legal Advisor highlighted the licencing objectives and informed those present that the decision of the Panel would be sent out by letter on 8 March 2019.

Presentation by Personal Licence Holder

Paul McCarroll was in attendance to address the Committee. He explained that the main reason he had applied to vary the licence was as he was unaware that his licence did not include 'drinking up time'. He had assumed that he could serve until 9pm, and then customers would be allowed to finish their drinks. He also felt confused around the required to serve only 2 drinks to paying clients, which he felt was an ambiguous term.

Questions to Personal Licence Holder

A Member of the Sub Committee raised concern regarding underage children attending the barbers alone, whilst people may be consuming alcohol on the premises. Mr McCarroll explained that the Challenge 25 was in operation, and they did have a refusals book. He explained that he did not have many unaccompanied children in the barbers, that he knew most to the clients personally and there was a good atmosphere within the establishment. Most children would attend with a parent, but he felt his barbers was more for older clients. He confirmed that he had never had the Police attend the premises. Mr McCarroll was also happy to retain the existing Sunday opening hours as he did not open on Sunday.

In response to a question regarding the complaints received, Mr McCarroll explained that for the period the complaints had been received, he had applied for, and been granted Temporary Events Licences. He did acknowledge that on one occasion, he had heard music from the premises when the door had been opened, and had ensured that the door was kept shut. The bar had not been open during January. He had been in contact with one the objectors and offered to test noise levels from her property with a decibel monitor.

Objectors/ Representations

Councillor Mrs P Rainbow was in attendance to address the Sub-Committee. She explained that she had received numerous emails regarding the application, none of which had been in support of the variation. Many concerns were regarding the noise disturbance from the property, and she also felt that it was inappropriate for clients to smoke outside of the premises on the pavements, which was very narrow.

In response to the concerns raised, Mr McCarroll explained that he had a small area outside the rear of the premises where he could request clients to smoke. He was not willing to have

a condition in relation to this attached to the licence, as he felt he would not be able to enforce it. He did remove any cigarette ends from outside the premises each day.

Summaries

Mr McCarroll explained that the Temporary Event Notices had been a steep learning curve, particularly in regard to the music and keeping the door closed. The premises was open as a bar for 6 hours a week, and 55 hours a week as a barbers. He was looking at a change of use application with the planning department.

The Sub-Committee's Legal Advisor stated that it was not unusual for there to be no agreement between the applicant and objectors. It was confirmed that no objections had been received from Environmental Health.

Decision

Panel's Decision:

Having considered all of the above in detail and based on the findings set out below; the Panel's decision was that:

1. The hours where licenced sale of alcohol would be permitted on the premises were varied as follows:

Current hours	Amended hours
Monday 08:00-21:00	09:00- 21:30
Tuesday 08:00-21:00	09:00- 21:30
Wednesday 08:00-21:00	09:00- 21:30
Thursday 08:00-21:00	09:00- 21:30
Friday 08:00-21:00	09:00- 21:30
Saturday 08:00-21:00	09:00- 21:30
Sunday 00:12-00:16	12:00 – 16:00

This is modified from the application in respect of Sunday hours.

2. Condition 6 on the existing licence which states "Alcohol sales will be restricted to paying clients and will be limited to two beverages per visit" will be removed.
3. The Panel determined that based on the evidence from the objectors and the assurances and evidence from the applicant that varying the conditions as above would not adversely impact on the Licensing Objectives and that should there be any issues relating to the licensing objectives in future, there were satisfactory methods (including legislation outside of the Licensing Act 2003) to deal with any serious or prolonged issues.

The Panel spent a considerable amount of time, listening to and reading the information provided on behalf of the Applicant and of the several objectors.

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They then gave detailed consideration in private to what they had learnt and the Licensing Act, Council Policy and legal advice before making their decision.

They were assured by the Applicant that he:

- Never opened on Sundays and did not intend to in future.
- Only intended to allow people to purchase alcohol up to 9pm to allow “drinking up” time so as to close by 9.30pm
- That prior to closing the premises each night they swept up any litter or cigarette ends from outside their premises.
- That there was an area at the rear of the property where clientele could smoke and that they would advise customers to use that area rather than the front of the premises.
- On the whole the clientele in the bar were somewhat older (on average 30-40+ years) and were often couples rather than single people out for the night.
- That the barbers did not have much trade from younger people entering the premises alone (this was raised as it is not permissible for anyone under the age of 14 to enter a public house alone and unaccompanied by an adult when alcohol was being served.)
- That they would continue to implement a challenge 25 policy and maintain a refusal book.
- The bar was always supervised/staffed by Mr McCarroll and/or his wife and they could view anyone within the premises at the time to ensure no underage drinking or inappropriate behaviour.
- That the majority of alcohol was served between 6pm-9pm rather than in earlier daytime hours.

The panel considered this information and the objectors representations as set out in the table above. They applied all the information to the 4 Licensing Act 2003 Objectives namely:

The prevention of crime and disorder, Public safety, Prevention of public nuisance and The protection of children from harm.

The Panel concluded that on the balance of probabilities the decision they made supported the Licensing Objectives and was also compliant with the Human Rights Act.

The hearing closed at 15:44 hours

Duration of the meeting: Times Not Specified

Chairman at the meeting on
Thursday, 7 March 2019