

APPENDIX 4

On behalf of the licensing authority, I wish to object to this application.

This premises falls within the sensitive licensing area for Whippendell Road. These areas are identified within our policy as areas which require special attention due to historic issues in these areas, and to prevent these issues from becoming reality again. They were consulted upon and received support from residents in these areas as well as the approval of the Licensing Committee.

In our policy, we state that we will seek to make representations to negotiate additional conditions or to seek a reduction in the potential impact of applications in sensitive licensing areas. We are not satisfied that the application in its current form contains sufficient measures to mitigate the impact of this operation. We feel that extra measures are required, and are appropriate for the promotion of the licensing objectives. I am aware that residents have also raised concerns over this application along the lines of late night nuisance and the operation of the premises, and there have been recent complaints submitted to the council about the current operation of this premises.

The licensing authority would wish to see the following conditions form part of any licence granted for this application

1. Maximum terminal hour of 11pm for all licensable activities (10:30pm for on-sales of alcohol). This will not affect the proposed off-sale hours of 10:00 to 22:30
2. That there shall be a clearly defined barrier placed around the outside area at this premises at all times that the premises are open to the public, clearly demarking this area as separate from the public highway. This boundary marking must be removed when the premises are closed to the public.
3. All windows and doors shall remain closed after 20:00hrs, except for access and egress.
4. The outside area immediately in front of the premises shall not be used after 20:00hrs, with the exception of persons who wish to smoke.
5. No more than 4 customers shall be permitted to smoke in the outside area 20:00hrs on any day.
6. Customers using the outside area after 20:00hrs on any given day shall not be permitted to take any food or drink with them whilst doing so.
7. No customers shall be permitted to use the outside area after 22:00hrs
8. There will be no self-service of spirits at the premises (amendment to existing condition)
9. No beers, lagers, or ciders shall be sold for consumption off of the premises which are above 5.5% ABV (amendment to existing condition)
10. No single bottles or cans of beer, lager, or cider, shall be sold at the premises for consumption off of the premises
11. Alcohol which is to sold for consumption off of the premises will be kept behind roller blinds/shutters during the hours when the premises are not permitted to sell alcohol for consumption off of the premises.

12. Alcohol which is sold for consumption on the premises shall only be supplied to customers who are partaking of a meal
13. Alcohol which is sold for consumption on the premises shall only be supplied to customers who are seated
14. Late night refreshment shall only be supplied for consumption on the premises

The licensing authority object to the request for non-standard timings. The premises can rely on TENs to gain extended hours for any such tournaments or sporting events. TENs are already an established part of the licensing system, established by law, and they allow each event to be scrutinised in consultation with the Police and Environmental Health. Currently, there is no evidence that the premises are able to trade beyond their licensed hours and promote the licensing objectives, as they have not utilised any TENs or extended hours. Without this evidence, the licensing authority can't exercise any confidence in their ability to trade longer hours without incident. As the premises can use TENs, they will not be disadvantaged by not being granted these non-standard timings. When the premises first opened in 2014, there were issues with the management of the premises which I investigated. We would not wish to see these issues again or for the management to lose control over the premises.

The conditions above are intended to implement controls on this premises. The current application is an open application that will allow the premises to run as a bar and a vertical drinking establishment. To allow this operation in such a compact residential area raises the potential for complaints from residents and the potential to undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. There are also controls sought on the off-sales of alcohol, which are similar to the controls in place on the existing off-licences in this area. The aim of these controls is to prevent this area becoming attractive to street drinkers, who seek out premises selling cheap, strong, alcohol. Street drinkers are a known source of anti-social behaviour and will impact upon the local residents if they move into the area.

We also state that we will look to make representations against applications in sensitive licensing areas where hours are significantly different from other premises in the area. There are no premises within this vicinity which sell alcohol for consumption on the premises, and the extension to the existing hours are significant, requesting an extension until midnight. With no other premises being open for this type of operation in this area at this time, we are concerned that this will become a source of nuisance by being the sole operation of this kind. The nearby restaurant does have a latest terminal hour of midnight on Friday and Saturday, but this licence contains a condition that alcohol shall only be sold with food, restricting the operation of the premises and the type of business. By reducing the terminal hour, we wish to reduce the impact this premises will have by opening late into the night, and the aim of the reduced hours and proposed conditions are to bring this premises in line with the restaurant licence. The 30 minutes of drink up time are proposed to encourage gradual dispersal of patrons.

Jamie Mackenzie
Business Compliance Officer
26 October 2016