

LICENSING SUB-COMMITTEE**24 February 2014****Attendance:**

Councillors:

Johnston (Chairman) (P)

Lipscomb (P)

Mason (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs A Taylor (Licensing Officer)

Mrs C Tetstall (Property and Licensing Solicitor)

Others in Attendance:

Councillors Achwal and Newman-McKie

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1. **APPLICATION FOR A NEW PREMISES LICENCE – COAST TO COAST, WHITELEY SHOPPING CENTRE**
(Report LR431 and Addendum 1 & 2 refer)

The Sub-Committee met to consider an application for a new premises licence for a Coast to Coast restaurant at Unit 4, Block F, Whiteley Shopping Centre.

The Chairman welcomed to the meeting Mr H Thomas and Mr A Dempster (on behalf of the Applicant) and Councillors Achwal and Newman-McKie who had made relevant representations regarding the application.

The Sub-Committee noted additional information giving further details of the location of the premises, as supplied by both Councillor Newman-McKie (as set out in an Addendum 1 to the Report) and the Applicant (as set out in Addendum 2 to the Report). The documents had been received after the publication of the Report, but were still within the statutory timescale and therefore were eligible to be considered by the Sub-Committee.

Mrs A Taylor presented the application as set out in the Report and drew Members' attention to the fact that no representations had been received from any of the responsible authorities. Representations had been received from Councillors Achwal and Newman-McKie (Whiteley Ward Councillors) to the prevention of public nuisance licensing objectives, as contained in Appendix 2. However, Councillor Achwal had withdrawn her objection following the Applicant agreeing to a condition prohibiting the use of the outside terrace area for licensable activities after 2300 Sunday to Thursday and 2330 on Friday to Saturday.

On behalf of the Applicant, Mr Thomas introduced the application and explained that Coast to Coast restaurants were a chain of American themed food restaurants and bars operated by The Restaurant Group (which also operated other restaurant chains such as “Frankie and Bennies”). The restaurant’s primary focus would be table seated food and alcohol sales, rather than “vertical drinking” sales. The location of the new premises was one of several units situated beneath a new cinema multiplex and a plan was included in Appendix 2 of the Report, with additional plans and location photographs provided in Addendum 2. Mr Thomas highlighted that the plans indicated that the premises was situated 120 to 130 metres from the nearest residential premises.

Mr Thomas emphasised to Members’ that no representations had been received from either the Police or Environmental Health and the Sub-Committee were required to have regard to this. He reminded the Sub-Committee that the Licensing Act stated that unless there was evidence that public nuisance would be generated, there was no reason for an application to be refused. In addition to the additional condition restricting the timings of the use of the terrace, detailed in the Report, the Applicant were also prepared to display notices requesting that customers leave the premises quietly.

In response to questions, Mr Dempster confirmed that the restaurant would not offer a takeaway food service. Mr Thomas stated that the terrace would comprise of an outside table dining area with waiter/waitress service. Although the applicant was offering a condition to operate the Challenge 21 policy, in fact The Restaurant Group operated a Challenge 25 Policy.

Councillor Newman-McKie addressed the Sub-Committee as a person making representations and her comments are summarised below. She stated that she was concerned for the potential for the premises to generate noise nuisance to nearby residents and she believed the nearest house was situated approximately 100 metres away. As a Ward Councillor for Whiteley she wanted to prevent the area becoming a hub for late night entertainment to the detriment of local residents. Consequentially, she requested that conditions be imposed which restricted the operating hours to 2330.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee agreed to grant the licence as set out on Page 9 to 11 of the Report, with an additional Condition Number (2) under Public Nuisance as set out below:

“That the Applicant will prominently display at the exit to the premises a sign seeking the cooperation of patrons to respect the peace and quiet of local residents.”

The reasons for the decision was that the Sub-Committee considered that there was no evidence that the licensed activities would create a public nuisance and that the Applicant had taken steps to address any potential detrimental effects, in accordance with Paragraph 2.23 of the Council's Licensing Policy. The Sub-Committee noted that the responsible authorities had not raised any objections and were mindful of the requirement to have regard to any concerns of the Police, in accordance with the Guidance issued under Section 182 of the Licensing Act. The Sub-Committee had exercised its duties under Section 17 of the Crime and Disorder Act 1998 and could see no reason for not granting the application. The correct course of action would be to call for a Review, should there be evidence of public nuisance in the future.

RESOLVED:

That the application (as amended) be granted subject to the following Conditions:

Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
8. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served

alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Crime and Disorder

- 1. CCTV shall be installed in the premises and recordings shall be retained for 28 days and shall be made available to the Licensing Authority or Police on request.

Public Safety

None

Public Nuisance

- 1. The outside terrace area shall not be used for licensable activities after 2300 Sunday to Thursday and 2330 Friday and Saturday.
- 2. Prominent signs shall be displayed at the exit to the premises seeking the cooperation of patrons to respect the peace and quiet of local residents.

Protection of Children

- 1. The premises shall adopt and implement a Challenge 21 Scheme.
- 2. Staff shall be trained in their responsibility under the Licensing Act 2003. Records of staff training shall be available for inspection upon request.

The meeting commenced at 10.00am and concluded at 11.45am.

Chairman