

LICENSING COMMITTEE

Meeting – 12 September 2001

Present: Mr Adams, Mrs Barton, Mr Dunlop, Mr Jones, Mr Somers and Mrs Woolveridge
Apologies for absence: Mr Greer

1. APPOINTMENT OF CHAIRMAN

- **RESOLVED** that Mr Dunlop be appointed Chairman.

2. APPOINTMENT OF VICE-CHAIRMAN

- **RESOLVED** that Mr Somers be appointed Vice-Chairman.

3. APPOINTMENT OF CONSULTATIVE BODY

- **RESOLVED** that Mr Dunlop, Mr Somers, Mr Adams, Mr Greer be appointed as Members of the Consultative Body.

4. APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE - TIGER CUBS RESTAURANT, 74 OXFORD ROAD, NEW DENHAM

The Committee considered a report from the Director of Services on the contested application for the renewal of the Public Entertainment Licence at the above premises.

This application was originally to be heard by the Committee on 18 July 2001 but the applicant's agent had asked for it to be adjourned in order to give time to make a further submission to refute the allegations made in the objections. This further submission was also attached to the report.

The renewal was for the hours of

Thursday - Sunday 8.30 p.m. until 11.00 p.m.

The submission from the Applicant's Agent's Gill and Associates amended the application to read Wednesday -Saturday 8.30 p.m. until 11.00 p.m.

The premises were a former public house situated on the Northern side of Oxford Road, New Denham that now operated as an Indian Restaurant with residential properties adjacent and opposite to it.

The usual consultations had been carried out with Thames Valley Police and Denham Parish Council. In addition a public notice was displayed outside the premises for 28 days. Thames Valley Police had not objected to the renewal but the Parish Council and two local residents had made objections and copies were attached to the report.

The agent, Mr Gill, submitted photographs to the Committee showing housing in the vicinity - opposite and adjacent and the present layout of the premises. He also gave a résumé of the reasons for the application, compared the previous use of the premises with the present, stating that it was now a place where local people, family and friends met for a meal with light jazz music in the background and detailed his aspirations for the future. Mr Gill then answered questions raised by the objectors and the Committee. No objectors attended the hearing.

The Committee noted that:-

- (a) Mr Uddin took over an existing licence from a Mr Jaffa in August 2000. The premises were then known as Turpins Public House.
- (b) The premises had a history of complaints concerning noise and a previous licence application from Mr Jaffa was subject to objections and was heard by the previous Licensing Sub-Committee in November 1998. Resulting in special conditions being attached to the licence concerning the fitting of a noise limiter and the keeping of doors and windows closed.
- (c) There had been continuing problems with noise and these had carried on after Mr Uddin took over the premises despite the noise limiter being fitted. Resulting in a Statutory Noise Nuisance Notice being served in August 2000. Although the premises had been subject to complaints the actual breach of notice had not been witnessed. The premises were also the subject of an ongoing enforcement action.
- (d) An event had been held over the recent Bank Holiday weekend and although officers witnessed some noise, no complaints were received.
- (e) Unless the premises were very well managed there was a strong likelihood of noise problems occurring from amplified music played on the premises. With the applicant not demonstrating the he was capable of exercising the necessary controls to achieve the outcome required, it was considered that a temporary licence for a period of 6 months should be granted during which time the situation could be closely monitored.

The report noted the decision of the Committee would have implications for the human rights of both the applicant and the local residents. If the hours of the licence were restricted/refused this would be a breach of the rights of the applicant unless it could be justified, on balance, by being outweighed by the rights of the local residents to the peaceful enjoyment of their possessions.

After consideration it was

- **RESOLVED** that the renewal of the Public Entertainment Licence for the Tiger Cubs Restaurant, 74 Oxford Road, New Denham
 - (a) be granted for the following hours:-Wednesday - Saturday 8.30 p.m. until 11.00 p.m.
on a temporary licence for a period of six months from 12 September 2001, the date of this meeting, subject to the Standard Terms and Conditions.
 - (b) be closely monitored for noise problems by the Director of Services during this trial period of six months

5.

APPLICATION FOR EXTENSION OF HOURS OF PUBLIC ENTERTAINMENT LICENCE - BAR MED, MAXWELL ROAD, BEACONSFIELD

The Committee considered a report from the Director of Services on the contested application for an extension of the hours of the Public Entertainment Licence at the above premises. The application was for the hours of:-

Sunday - Wednesday 11.00 a.m. until 01.00 a.m.
Thursday - Saturday 11.00 a.m. until 02.00 a.m.

This represented an extension of one hour from 01.00 a.m. until 02.00 a.m. in the closing time on Thursday -Saturday.

The premises were a large public house/restaurant/night club situated on the northern side of Maxwell Road, Beaconsfield with residential properties immediately adjacent to the east on Maxwell Road (The Hollies) and a parade of shops with flats above to the west.

The usual consultations had been carried out with Thames Valley Police and Beaconsfield Town Council. In addition a public notice was displayed outside the premises for 28 days. Neither the Thames Valley Police nor the Town Council had objected but ten letters of objection had been received from the local residents.

The applicant Mr Collins, the Operations Manager Mr Gray and their Solicitor, Mrs Palmer, from Fynn and Partners of Bournemouth attended the meeting and gave a résumé of the reasons for the application, how the business operated and what was being done to alleviate the problems.

These consisted of the following measures:-

- Ease down music and fading of lights to be extended to the last hour plus distribution of lollipops on departure.
- Closely monitoring of their car park by door staff.
- On-going discussions with Sainsbury on the monitoring of their car park.
- Letters to local residents inviting them to an evening at the Club, with a buffet, to discuss on-going difficulties, their solutions and the best way forward, with the intention of holding them every two months. The take-up rate so far had been 8.
- The painting, weeding and cleaning of the alley way between the Hollies Residential Home and Bar Med.
- Sunday morning rubbish patrol – 100 – 150 yards either side of the Club.

The Standing Instructions to Door Staff Policy was distributed to Members. It was reported discussions had commenced on obtaining a taxi rank either outside or near the premises. Also the toilets were checked at regular intervals to make sure that they were not being abused with CCTV viewing all corridors.

Mrs Palmer also answered question posed by Mr Light, the only objector to attend, and the Committee.

The Committee noted that:-

- (a) Bar Med had operated on the existing site for a considerable number of years. It operated as a conventional public house during the early part of the week and as a night club at weekends. It was currently licensed until 01.00 a.m. every night which would expire in April 2002.
- (b) The applicant was now seeking to extend the opening until 02.00 a.m. on Thursday to Saturday which would bring the premises into line with most night clubs in the area, although some clubs in Wycombe were later and one club in South Bucks was licensed until 03.00 a.m.
- (c) All the letters of objection related to possible disturbance from patrons after they had vacated the premises. Although the Management had taken great steps to control the patrons when they leave, there was nothing they could do once they were beyond the boundary of their premises.
- (d) Over the years the Council had received sporadic complaints about the noise from patrons leaving Bar Med. These had been discussed with both the Management and Police and procedures put in place to minimise the problems. The Management had worked closely with both the Council and local Police and it had been some time since any complaints of this nature had been raised.
- (e) There would inevitably be occasional problems with a venue of this nature and it would possibly be seen as a restriction on trade to refuse an extension to hours, which had become the norm in this sector of the leisure industry. It was impossible to predict if this extension would cause major disturbances without at least a trial period.

The report noted the decision of the Committee would have implications for the human rights of both the applicant and the local residents. If the hours of the licence were restricted/refused this would be a breach of the rights of the applicant unless it could be justified, on balance, by being outweighed by the rights of the local residents to the peaceful enjoyment of their possessions.

After consideration it was

- **RESOLVED** that the application for Extension of Hours of Public Entertainment Licence for the Bar Med, Maxwell Road, Beaconsfield be granted for the following hours:-

Sunday - Thursday 11.00 a.m. until 01.00 a.m.

Friday - Saturday 11.00 a.m. until 02.00 a.m.

for a trial period until the expiry of the current licence (April 2002) at which time it would be reviewed, subject to the Standard Terms and Conditions with the following additional measures

1. that the offer to play ease down music for the last hour be accepted.
2. the Director of Services closely monitor the premises for noise problems during this trial period of six months.
3. local residents be canvassed by letter during this period by the Director of Services.
4. any liaison with the Police over public order offence be recorded by the Director of Services during the trial period.

(Note: Mrs Barton asked that her vote against the decision be recorded).

6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee received and noted the report from the Director of Resources with details of licences that had been issued from 15 May 2001 to the present time.

7. PUBLIC ENTERTAINMENT / THEATRE LICENCES ISSUED AND PENDING

The Committee received and noted the report from the Director of Services showing the Public Entertainment/Theatre Licenses issued and pending during the period 3 May 2001 until 23 August 2001.

8. DATE OF NEXT MEETING

The next scheduled meeting of the Committee is to be held on Wednesday 21 November 2001.

9. TERMINATION OF MEETING

The meeting having commenced at 10.30 a.m. terminated at 12.35 p.m.