

DECISION NOTICE

RUNNYMEDE BOROUGH COUNCIL

THE LICENSING ACT 2003

LICENSING SUB-COMMITTEE

Applicant: Bar 163 Limited

Premises: Bar 163, The Old Town Hall, 9 London Street, Chertsey, Surrey KT16 8AP

Hearing Date: 3 October 2005

Licensing Sub-Committee: Councillors Mrs. P.I. Broadhead, Mrs. E. Gill and Mr. C. Knight

Application:

1. For conversion of the existing Justices on Licence
2. To vary the Licence under the terms of Schedule 8 and Section 34 of the Licensing Act 2003 to extend hours, to provide live and recorded music and late night refreshment.

Appearances:

The Applicant was represented by Richard John Gordon, the Licensee.

Representations:

A representation was received from the Local Authority Environmental Protection Department and from a Mrs. J. Ilic of 42 Heriot Road, Chertsey, Surrey. The concerns expressed by both the Environmental Protection Department and Mrs. Ilic were as to the potential for noise disturbance arising out of the performance of music, the suitability of the building for the provision of music and the potential for noise disturbance from persons seated in the outside sitting area until late at night and into the early hours of the morning.

The Licensing Sub-Committee noted that the premises had the benefit of a Local Government (Miscellaneous Provisions) Act 1982 - Annual Music, Singing and Dancing Licence(MSD) and a Supper Hours Certificate. It was also noted that in 2002 a Noise Abatement Notice had been served by the local authority in respect of noise nuisance.

The Licensing Sub-Committee noted that the effect of holding a MSD and Supper Hours Certificate was that alcohol and entertainment could currently be provided to 12 midnight Monday to Saturday and 11.30 p.m. on Sunday with an additional 30 minutes for drinking up.

The Licensing Sub-Committee heard from Mr. Gordon that he was content for music to be restricted to 11.00 or 11.30 p.m., that there were no speakers to the outside sitting area and that he was happy for a restriction to be placed on the outside sitting area for the provision of food to 10.30 p.m. with the area to be cleared by 12 midnight. He confirmed that only rarely was live or recorded music provided in the outside drinking area but that the Applicant was looking to flexibility on the occasions when live music might be provided and particularly at lunchtimes. He confirmed that the premises was predominantly a restaurant and that on occasion people would come for a drink only, but this would generally be by way of a pre-dinner drink or the occasional glass of wine, bottle of wine and snacks between a group of friends. Occasionally patrons would dance but this was not promoted and the use of the premises as a bar only was again not promoted. Mr. Gordon confirmed that music was kept to a reasonable level because it was counter-productive to have the music at too high a level as this would deter those who wished to eat in the premises from doing so. He suggested that what was proposed was the occasional provision of music generally of the two in a bar variety but occasionally extending to a trio or the like. It was not proposed to have amplified music but in Mr. Gordon's words semi-acoustic music.

The Licensing Sub-Committee had regard to the location of the premises and noted that it was in a largely commercial area. There was a hotel adjoining from which no representation had been received. The nearest residential properties were a little distance away and again apart from Mrs. Ilic no representations had been received. It was noted that since the service of the Noise Abatement Notice in 2002 the situation had been satisfactory.

The Licensing Sub-Committee noted that dancing had not been made part of the application but that the premises had the benefit of the MDS which allowed for dancing.

The Licensing Sub-Committee having considered the Application, having heard from Mr. Gordon in support, and having carefully considered the representations of the Environmental Protection Department and Mrs. Ilic, and the Council's policy, the Licensing Act 2003 and guidance issued under it, determined as follows:

1. The Application for conversion, there being no representations from the Police, is approved.
2. The Application for variation is approved subject to the following conditions:
 - i) The terminal hours for the premises to be open to the public to be Monday to Wednesday - 12.30 a.m. Thursday, Friday and Saturday - 1.30 a.m., and Sundays 12 midnight.
 - ii) The terminal hours for the supply of alcohol to be as applied for, save for Sundays when the terminal hour is 11.30 p.m.
 - iii) The terminal hours for the provision of late night refreshment to be: Monday to Wednesday - 12 midnight; Thursday, Friday and Saturday - 1 a.m.; Sunday - 11.30 p.m.
 - iv) The terminal hours for live music, recorded music and dancing, to be 12 midnight Mondays to Saturdays, and 11.30 p.m. on Sundays, extended to 1 a.m. on Fridays, Saturdays on the occasion of not more than 12 special events as notified in writing in advance to the Licensing Authority, for the purposes of private hirings for birthday or wedding celebrations.
 - v) Live non-amplified music to be allowed in the outside sitting area until 10.30 p.m.
 - vi) The outside sitting area to be cleared of patrons by not later than 11 p.m.
 - vii) Windows and doors to be kept closed after 11 p.m. on all occasions when live music or recorded music is being provided.
 - viii) The disposal of empty bottles to waste to be dealt with before 11 p.m. at night or after 8 a.m. in the morning.
 - ix) Appropriate signage to be placed at all exits requesting patrons to leave quietly and with due consideration for nearby residents.

Reasons for the Imposition of Conditions:

The prevention of public nuisance and to encourage an orderly and measured departure of patrons over a period of time.

Appeals:

If the Applicant or any person having made a relevant representation is dissatisfied with this decision then they can challenge the decision by making an appeal to the North West Surrey Magistrates Court at Woking within 21 days of receipt of this Notice.

Dated: 3 October 2005