

**HEARING DECISION NOTICE**  
**RUNNYMEDE BOROUGH COUNCIL**  
**THE LICENSING ACT 2003**  
**LICENSING SUB-COMMITTEE**

**Applicant:** Bar 163 Limited

**Premises:** Bar 163, 163 High Street, Egham, Surrey TW20 9HB

**Hearing Date:** 4 October 2005

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

**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 and to provide for the provision of live and recorded music and late night refreshment.

**Appearances:**

Mr. Richard John Gordon, the Licensee represented the Applicant.

**Representations:**

The Environmental Protection Department of the Local Authority wrote in to express concern as to the potential for noise nuisance arising out of the provision of live music particularly beyond 11.30 p.m. at night and the provision of late night refreshment in the outside sitting areas beyond 11.30 at night. There were no other representations.

The Sub-Committee noted that there was no Public Entertainment Licence for the premises but that there was a Supper Hours Certificate.

The Sub-Committee heard from Mr. Gordon that live music was not often held on the premises and when held was of the semi-acoustic variety. By this Mr. Gordon meant acoustic instruments backed up with low level amplification.

Mr. Gordon told the Sub-Committee that the outside garden area seats approximately 50 people, that the balcony has four small tables and that the downstairs outside area to the front has four tables. The outside garden area to the rear is screened by other buildings and a significant distance from residential properties.

The premises are substantially a restaurant although patrons can request and be served a drink without a meal. The atmosphere as described by him is calm and civilised.

The Sub-Committee noted that the current Justices On Licence has a condition restricting use of the first floor balcony beyond 11 p.m.

The Sub-Committee having considered the application, having heard from Mr. Gordon and considered the representations of the Environmental Protection Department, the Act and guidance, determined the Application as follows:

1. The Application for conversion, given that there was no Police representation, is approved.
2. The Application for variation is approved subject to conditions as follows:
  - i) The hours the premises are open to the public to be: Monday to Wednesday - 12.30 a.m.; Thursday, Friday and Saturday - 1.30 a.m.; Sundays 12 midnight and Christmas Eve - 1.30 a.m.
  - ii) The terminal hour for the supply of alcohol to be: Monday to Wednesday - 12 midnight; Thursday, Friday and Saturday - 1.00 a.m.; and Sunday - 11.30 p.m. and Christmas Eve - 1.00 a.m.
  - iii) On not more than 12 occasions in the licensing year on a Friday and/or Saturday for the purposes of a special occasion such as a private hiring for the purposes of a wedding reception or birthday celebration the terminal hours for the supply of alcohol to be 1.30 a.m. with an additional 30 minutes for the premises to be open to the public.
  - iv) The terminal hours for the provision of late night refreshment to be Monday to Wednesday - 12 midnight; Thursday, Friday and Saturday - 1.00 a.m.; and Sunday - 11.30 p.m.
  - v) The terminal hours for the provision of live music to be 11.30 p.m. Monday to Saturday; and 6 p.m. on Sunday and on not more than 12 occasions in the licensing year for the purposes of special occasions such as private hirings for the purposes of a birthday or wedding celebration to 12 midnight and to 1.00 a.m. on New Year's Eve.
  - vi) The terminal hours for the provision of recorded music to be the same as for the supply of alcohol.
  - vii) The balcony at first floor level to be closed to patrons at 11 p.m.
  - viii) The garden area to the rear of the premises to be closed to patrons at 11.30 p.m.
  - ix) Non amplified music to be provided in the garden area and to end no later than 11.p.m.
  - xi) No music to be provided in the outside seating area to the front of the premises.
  - xii) All windows and doors to be kept closed after 11 p.m.
  - xiii) Appropriate notices to be placed at all exits requesting patrons on leaving to have due consideration for neighbours and persons occupying nearby residential properties.
  - xii) Bottles to be disposed of in a manner such as not to cause nuisance late at night.

### **Reason for the Imposition of Conditions**

The prevention of public nuisance.

### **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 the date of receipt of this Notice.

Dated: 4 October 2005