



Clerk: Lisa Antrobus
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Wednesday, 20 April 2016

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 21 APRIL 2016

I am now able to enclose, for consideration at the Thursday, 21 April 2016 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham	(Pages 2 - 31)

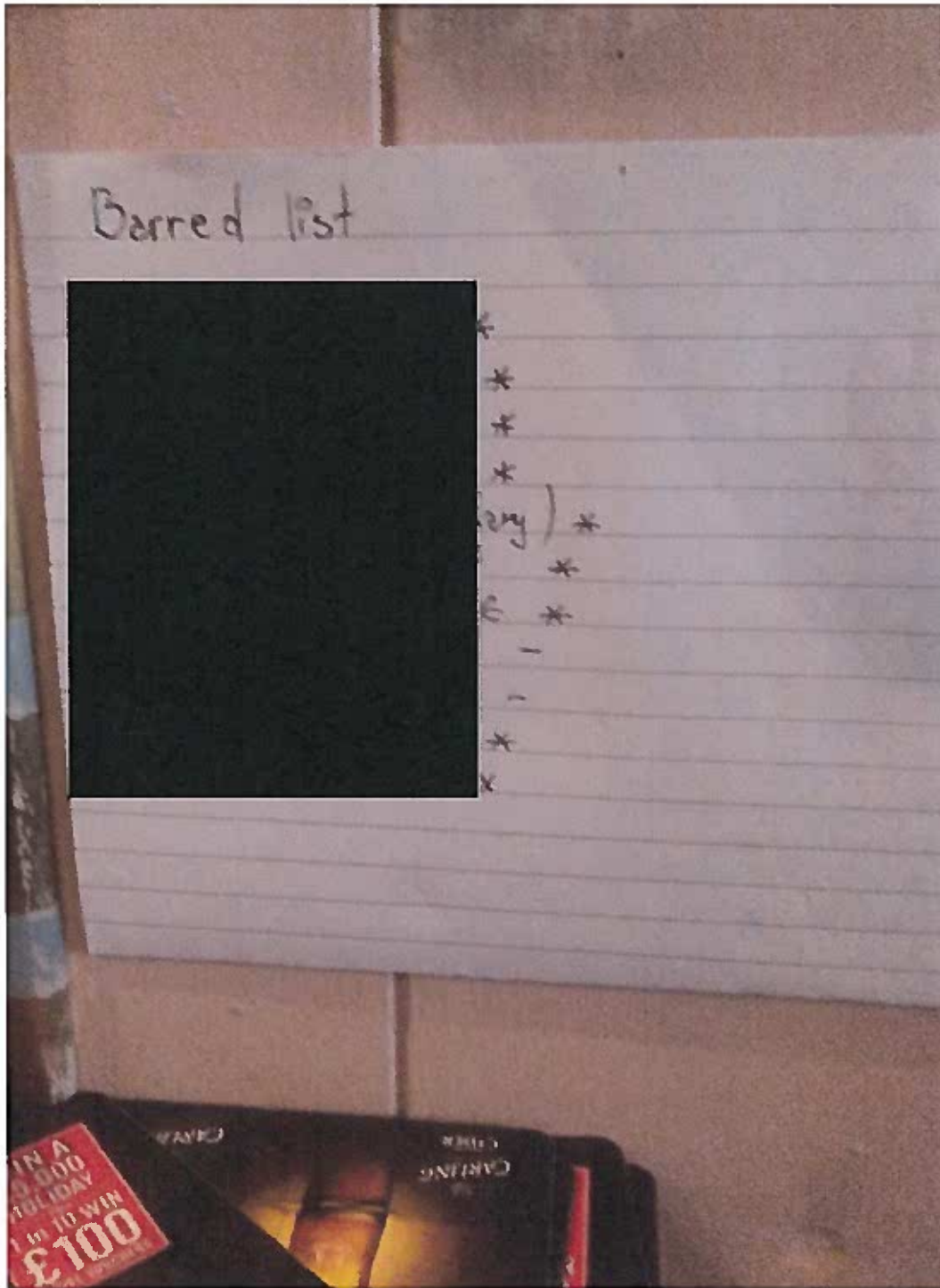
Yours sincerely

Lisa Antrobus
Clerk









Proof of Age

Staff have been instructed to ask for proof of age if they suspect that a person under the age of **25** is attempting to purchase alcohol.



**We will not tolerate
drugs being used here**

**NO
DRUGS**

**We've treated flat surfaces
to prevent the use of drugs**



Devon & Cornwall Police
Building safer communities together

THE BOLTON

We will not tolerate

**FIGHTING
DRUG TAKING
or LEGAL HIGHs
DRUG DEALING
STAFF ABUSE**

*If you are found doing
any of the above you will be*

BANNED FOR LIFE

Ste





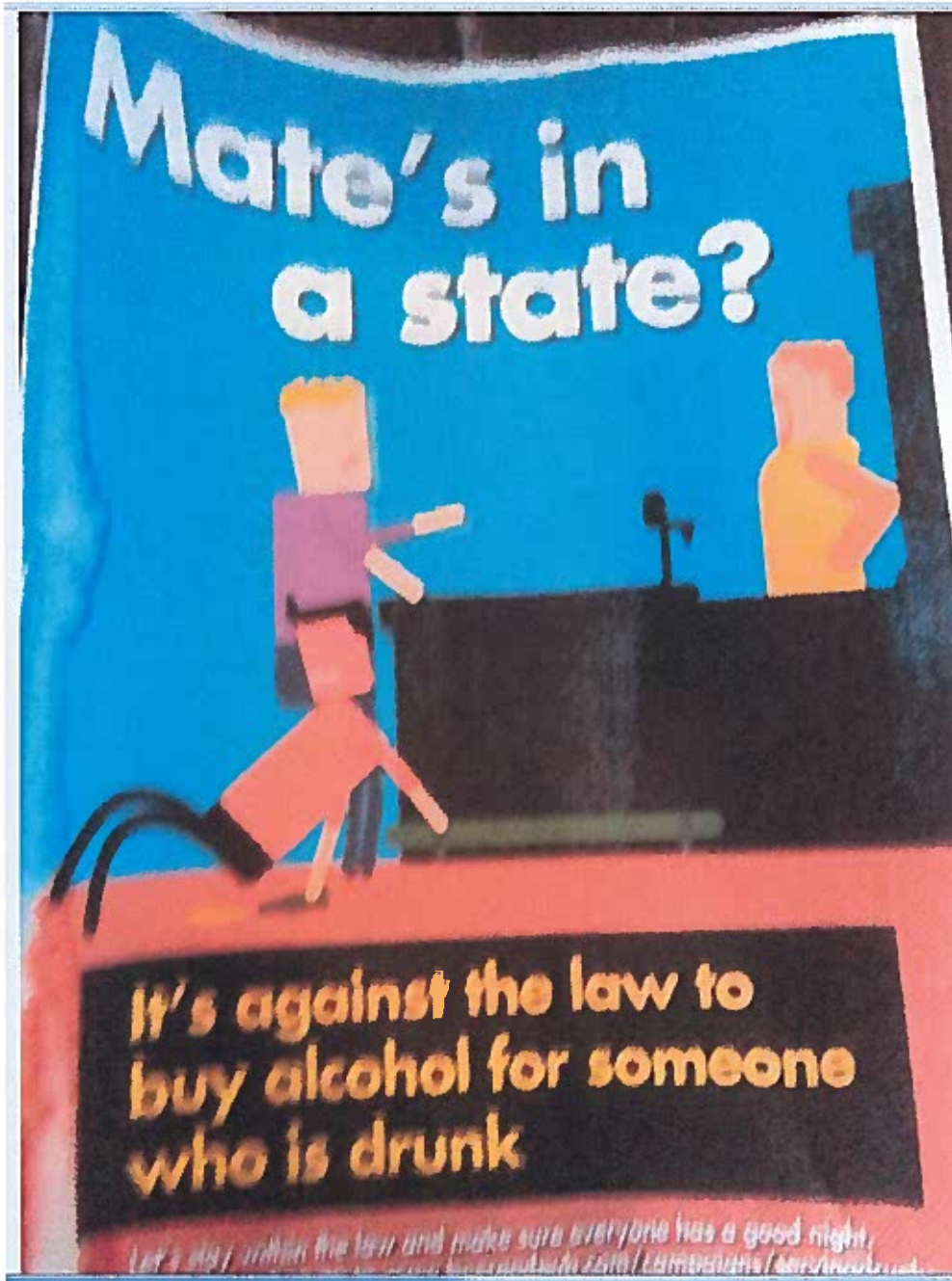
THINK

LADIES
IF SECURITY FIND TWO
PEOPLE IN ONE TOILET
CUBICLE YOU WILL BE
ASKED TO LEAVE



THINK

PLEASE REMEMBER
OUR NEIGHBOURS
WHEN LEAVING THE
BOLTON LEAVE
QUIETLY









3 Bolton Street
Brixham
TQ5 9DG
Tel 01803 ~~XXXXXX~~
Email - ~~XXXXXXXXXX@gmail.com~~

To Whoever it may concern

I would have no objections to the Bolton Hotel having a license until 3am as I do not believe it would cause any increase in noise.

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

Owner

Catherine Ellis-Brown

From: contact@pubsolutions.org
Sent: 19 April 2016 12:58
To: Matthew Phipps; Catherine Ellis-Brown
Subject: FW: late licence at the bolton

From: Steve [mailto:steve@brixham.co.uk] [mailto:steve@brixham.co.uk]
Sent: 19 April 2016 12:43
To: steve@brixham.co.uk
Subject: late licence at the bolton

Hi Steve.

Just a quick note, to say how delighted I am that you, your partner and your wonderful staff run the Bolton Hotel.

Since you have taken over the premises I know feel safe, because since your arrival you have deleted all of the drug dealers and trouble makers that Brixham had to offer. it is a pleasure to drink on a Friday and Saturday night, knowing your door staff are there for our comfort. I would be delighted if you obtained a late licence as I live just up the road, and have a business in Bolton street. Since you have been there, I've never had any problems in the last 10 months of noise, or disrupted behaviour. apart from late Friday and Saturday morning with the drunks leaving jacks bar. it would be a bonus if you had a late licence because you would not allow you're customers to get into such a state and it would be welcomed though-out brixham.

All the best to you, best regards Steve [redacted].

■ Bolton Street

CODES OF CONDUCT WHILE ON DUTY

1. At all times, maintain the agreed standards of personal appearance and deportment appropriate to the event or establishment and **not** to act in a manner that is likely to bring discredit to **EMERALD SECURITY CONSULTANTS LTD** or to the Customer.
2. Greet all visitors to the unit in a friendly and courteous manner.
3. You should give assistance to any person on the premises who is injured or distressed.
4. Use moderate language at all times when dealing with members of the public and other members of staff employed at the Client's establishment.
5. Act fairly and not unlawfully, do not discriminate against any person on the grounds of colour, race, religion, sex or disability (and to be prepared to justify your actions.)
6. Never solicit or accept any bribes or other considerations from any person, nor fail to account for any money or property received during the course of an assignment.
7. Not to drink alcohol, or under the influence of alcohol or any illegal substance, when reporting for duty, or whilst on an assignment.
8. Never abuse your position of authority and immediately report any incidents involvement with the police that may affect your continued ability to work on assignments as a Door Supervisor.
9. You should give due consideration concerning the admission of persons suspected of being under age or under the influence of drink or drugs. The final decision will always lie with the licensees or his deputy.
10. Never carry an offensive weapon.
11. Only use mobile telephones in an emergency whilst on duty.
12. Always sign in upon commencement and the end of your duties. You must always prominently display your registration badge at all times whilst on duty.
13. Don't chew gum or eat any food whilst on duty.

14. Only smoke during breaks in designated areas as instructed by the Clients representative.
15. You should prominently display your registration badge at all times.
16. Every employee should be aware of the evacuation procedure and position of the fire points of the venue.

Failure to comply with any of the above Codes may result in dismissal or disciplinary proceedings

POSITION	DATE	SIGNED	
DOOR STAFF	24/7/15	XXXXXXXXXX	
DOOR STAFF	31/7/15	XXXXXXXXXX	
DOOR STAFF	19/8/15	XXXXXXXXXX	
DS.	04/09/15	XXXXXXXXXX	
DOOR SUPERVISOR	11/12/15	XXXXXXXXXX	



Signing In Sheet

Date	Name	Start Time	End Time	Licence Number	Checked By
5/1/16	[Redacted]	21:00	01:00		[Redacted]
5/2/16	[Redacted]	21:00	01:00	2038	[Redacted]
6/2/16	[Redacted]	21:00	01:30	0130018101622058	[Redacted]
6/2/16	[Redacted]	21:00	00:30	01800176441056	[Redacted]
12/2/16	[Redacted]	21:00	01:00	' ' ' '	[Redacted]
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20/2/16	[Redacted]	21:00	01:00	2038	[Redacted]
26/2/16	[Redacted]	21:00	01:00	5560	[Redacted]
26/2/16	[Redacted]	21:00	01:00	2038	[Redacted]
27/2/16	[Redacted]	21:00	01:00	5560	[Redacted]
27/2/16	[Redacted]	21:00	01:00	2038	[Redacted]
4/3/16	[Redacted]	21:00	01:00	2038	[Redacted]
4/3/16	[Redacted]	21:00	01:00	5560	[Redacted]
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11/3/16	[Redacted]	21:00	00:30	2038	[Redacted]
11/3/16	[Redacted]	21:00	01:00	2070	[Redacted]
12/3/16	[Redacted]	21:00	01:00	5560	[Redacted]
12/3/16	[Redacted]	21:00	01:00	5560	[Redacted]
12/3/16	[Redacted]	21:00	01:00	2070	[Redacted]
19/3/16	[Redacted]	21:00	01:00	2038	[Redacted]
10/3/16	[Redacted]	21:00	01:00	01300110362472063	[Redacted]
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26/3/16	[Redacted]	21:00	01:00	01300110362472063	[Redacted]

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Signing In Sheet

Date	Name	Start Time	End Time	Licence Number	Checked By
1/4/16	[Redacted]	21:00	01:00	2038	[Redacted]
2/4/16	[Redacted]	21:00	01:00	5560	[Redacted]
2/4/16	[Redacted]	21:00	01:00	5560	[Redacted]
2/4/16	[Redacted]	21:00	01:00	2038	[Redacted]
2/4/16	[Redacted]	21:00	01:00	2038	[Redacted]
2/4/16	[Redacted]	21:00	01:00	5560	[Redacted]
9/4/16	[Redacted]	21:00	01:00	5560 2038	[Redacted]
9/4/16	[Redacted]	21:00	01:00	5560	[Redacted]
10/4/16	[Redacted]	21:00	01:00	" "	[Redacted]
10/4/16	[Redacted]	21:00	01:00	" "	[Redacted]
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15/4/16	[Redacted]	21:00	01:00	" "	[Redacted]
16/4/16	[Redacted]	21:00		2038	[Redacted]
16/4/16	[Redacted]	21:00		5560	[Redacted]

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EMERALD SECURITY LTD

Reference	ESLDS 011
Version	1.0
Issue Date	05/01/2014
Approved	MD

Venue Audit Report

DATE: 13/2/16	TIME: 20.00	NAME OF VENUE : Bolton		
LOCATION OF VENUE: Blunham		VENUE NO:	YES	NO
1.1	Is there a copy of the venue Instructions and is it current? If not specify below any action to be taken.			✓
1.1A	Was the venue survey conducted			✓
1.2	Are all radios working? Carry out radio checks or N/A	✓		
1.3	Has the door supervisor register been filled out correctly?	✓		
1.4	Are you satisfied with how the door staff are meeting & greeting customers to the venue?	✓		
1.5	Check any customer-supplied equipment is in good working order? Eg radios, if none provided record N/A			✓
1.6	Are Incident Reports legible and filled out correctly	✓		
1.7	Are door supervisors prominently displaying their ID badge?	✓		
1.8	Do staffs understand the company quality policy?	✓		
1.9	Do staffs know/ understand the Code of Conducts?	✓		
1.10	Are staffs aware of the risks associated with the job and the action to be taken to prevent injury? Eg gloves to be worn when handling blood.	✓		
1.11	Check the door supervisors knowledge of the law eg removal of persons from the venue etc.	✓		
1.12	If you are not satisfied with the response specify what training/actions will be taken.			
		Dissatisfied	Satisfied	Very Satisfied
2.1	Are uniforms being worn and are they clean?		✓	
2.2	Are staffs groomed?		✓	
2.3	Do door supervisors understand, and are they working to the venue instructions? If not specify below and any corrective action.			
3.1	Is the queue and entry numbers being controlled correctly		YES	(NO)
3.2	Are door supervisors in attendance by the agreed start times		(YES)	NO
3.3	Are there records of venue induction training for any new door supervisors?		YES	(NO)

Emerald Security Employee Incident Report Form

Date 2/4/16

Employee Name [Redacted] Title/position DOOR SUPERVISOR Manager Name _____ Title/position _____

Incident Date 2/4/16 Time 10:10pm Location BAR AREA / FRONT OF PUB

Description of incident
A DRUNKEN MALE WAS ESCORTED BY MYSELF & STEVE THOMAS FROM THE BAR AS HE WAS VERY DRUNK & FALLING OVER. AFTER HIM LEAVING THROUGH THE FIRE EXIT HE THEN CAME BACK TO THE PUB ENTRANCE. HE WAS THEN VERY ABUSIVE TO MYSELF, STEVE & OTHER CUSTOMERS.

Employee explanation
HE REMAINED ~~OUTSIDE~~ OUTSIDE THE PUB FOR APPROX 40 MINUTES, TRYING TO GET BACK IN. THE POLICE WERE CALLED AT 10:55PM. THEY ARRIVED 10 MINS LATER & ARRESTED THE MAN OUTSIDE OF JAKZ.

Witnesses
(ROSS EFFORD)
BARRIED FOR 1 MONTH.

Action taken
 Verbal warning Removal from premises Detained for arrest
 Refused entry Informed police/ectv Other

Explain POLICE ARRESTED THE MALE & THE REFERENCE NUMBER IS 830 2/4/16.

By signing this document, you acknowledge that you have read and understood the information contained herein
[Redacted Signature] Employee 2/4/16 Date
[Redacted Signature] Manager 2/4/16 Date

Dear MXXXX

We act for and on behalf of Punch Taverns the premises licence holders at the Bolton Hotel.

The application is listed for determination on Thursday at 9.30am. I have rung today (Tuesday) to endeavour to speak to you, your colleague kindly left a message.

It would be helpful to know if we are first on on Thursday (I do not know if you have any other matters listed that day?) as I am likely to be coming from Cardiff that morning.

I have now had the opportunity to consider the representations and to take instructions from our client.

Although we will be providing some additional information and evidence on email tomorrow I do not have an email address for either the Superintendent who has sent in the representation nor his colleague, J S, who I anticipate is the licensing officer.

I am guessing that K M contact details are k.m@torbay.gov.uk but I would be grateful if you would confirm.

Designated Premises Supervisors

Both the police and the officer seek to invite the committee to refuse the application in part because of the history of designated premises supervisors not being in situ particularly long at these premises.

That, I anticipate, is a point taken, ironically, because it appears that the existing manager has run the premises in an exemplary fashion. S C took over as manager and DPS in June of 2015 and we are unaware of any concerns, issues or problems arising from his management of the premises.

Indeed, as far as I can see, albeit only briefly referenced in the representations from the officers, there is no any evidence on which they can rely to complain about the existing operation.

Paragraph 20 of Mr M's representation states "the Bolton Hotel has been the subject of a disproportionately high number of noise complaints in the last 10 years and although in recent years the department has not received any noise complaints there is a tangible risk new noise complaints will be received if the application is granted".

He goes on to state "this is further compounded by the high turnover of managers, of whom some are better at managing in line with the licensing objectives than others".

As far as we are aware, and confirmation that the premises has not been the subject of any noise complaints "in recent years" would appear to corroborate, our submission is that Mr C is one of the managers who is "better at managing in line with the licensing objectives than others".

Prior to Mr C SB was the previous manager who took over on 10 July 2013. The police logs reference concerns about the premises (we will write about that separately later) appear to focus on this period of management.

S had expressed an interest in running another of our client's management team's premises and her departure occurred because her career progressed.

We do not accept that in any way can be said to be a black mark against the premises. It is of course right that there appears to have been a change of manager in 2007, 2009 and three in 2010. If, as we anticipate, both the Police and the Environmental Officer base, in part, their representation on the turnover of managers 5 or more years ago (and more) then so be it.

We would respectfully suggest that is a fair indicator that there is no a great deal that can be said against the existing or recent operation.

If the licensing committee are persuaded that a high volume change of management 6, 7, 8 or 9 years ago is a material consideration to this application then no doubt they will articulate that within the reasons given for refusal, but we would respectfully suggest that would be an extraordinary conclusion just as we respectfully submit its a somewhat extraordinary submission.

Of course, we would all like to have management teams that were secure for many years, if not decades, but that is simply not reality, save for the most occasional exceptions.

We would respectfully suggest to the licensing committee that they would want to carefully consider the evidence as it relates to S C and although the previous incumbent may help inform the general picture (and we do not suggest that it is unfair in any way for the committee to consider that period) the degree to which reliance should be placed upon the history effectively diminishes with time.

We trust that this brief note may assist the committee with the submissions that we will be making on Thursday and can be circulated accordingly.

Best wishes.

Yours sincerely

Matthew Phipps

Partner - Leisure & Retail

Head of Licensing England and Wales

for TLT LLP

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F: +44 (0)333 006 1492
M: +44(0) 7786 856 510
www.TLTsolicitors.com

Dear MXXXX

Further to my earlier email about the designated premises supervisor I thought it would also be helpful to the committee to pick up on a couple of other matters referenced in the representations from Mr MXXXX and from the Police.

As you will see from the police representation questions are asked about the degree to which the premises has trained it's staff and management and so I hope the following may assist.

The Managing Directors of Pub Solutions, the management company that operates the Bolton Hotel, R I and I B, along with their operations director, C G, are all FBII registered.

R I is a qualified NVQ Level 4 trainer. None of the above take their responsibilities lightly, Pub Solutions has been trading successfully for almost a decade without anyone previously suggesting that they lack an understanding of the licensed trade.

Indeed it is worthy of observation that the questions around training have not arisen in connection with the operation of the premises under the stewardship of S C the current DPS.

Whilst we appreciate that this application to vary the licence seeks late hours, good management, is we would suggest, just that, good management, whether it be at 2.00pm or 2.00am.

Notwithstanding that, S C the DPS has held his NCPLH for over 15 years. Additionally he has first aid qualifications, health and hygiene qualifications, has completed a cellar management course, has received training on fire safety and is, himself, SIA qualified.

S C's fire safety training was a full day training course with the Fire Brigade and he now trains all his staff on fire safety procedures.

In May 2015 Mr I spent a full day training all members of staff on customer care and service and this is followed up on a regular basis, as and when needed, for new members of staff.

S C has also attended a 2 day training course addressing illegal drugs, recognising the signs of drug use and how to handle and dispose of drug paraphernalia. Each member of staff is trained by S, on site, who imparts all of this knowledge as soon as new employment begins.

S's fiancée, A Y, who also works at the premises, benefits from the following:-

NCPLH held for 6 years.

First aid training.

Health and safety qualified.

Health and hygiene trained.

The premises also operates a Challenge 25 Policy and has a number of signs displayed around the premises to this effect.

We trust this may be of assistance and no doubt these points can be developed in front of the licensing committee tomorrow.

Best wishes.

Yours sincerely

Matthew Phipps

Partner - Leisure & Retail

Head of Licensing England and Wales

for TLT LLP

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FT Innovative Lawyers Awards 2015 - 'Standout' for strategic resourcing

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Dear Sirs,

As a resident of Bolton Street, number X, directly opposite the pub, myself and family fully support Steve and his team to operate with a later license. Since Steve has been in charge the trouble has reduced a lot. Although most of the trouble/noise came from another business with a late license. I trust in the work Steve carries out and with extra door staff I would expect them and they're guests/clients to respect the early hours.

If you have any questions please feel free to contact me on 01803 XXXXXX.

Kind regards

DXXXX JXXXX

Bolton Street resident.

FT Innovative Lawyers Awards 2015 - 'Standout' for strategic resourcing

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Agenda Item 6

Appendix 15

Dear MXXXX

Sorry if this didn't get through earlier

Further to our earlier 2 emails I thought it would be helpful to highlight a number of the points that we will be making in respect of the application. I propose to concentrate on the issues that are raised against the premises by the representors so that the committee may understand the counter point to the suggestions put in those papers.

Door Staff

Door staff are engaged at the premises and have been engaged for some time.

This has always been very successful and our view is that there is nothing about the additional hours proposed that would lead to the conclusion that the existing door provision or existing door teams need be changed, save that obviously their duties will need to be extended for the duration of the period.

If the committee are concerned that customers departure late at night/early in the morning is a potential source of noise or disturbance then we would respectfully suggest that retaining the door staff for 15 minutes after the last customer has departed the vicinity would be a perfectly legitimate means to address that concern.

The existing licence contains conditions around the use and engagement of door staff as follows:-
Door staff shall be managed by the DPS/appointed person and be in possession of radios while on duty at the premises.

When in use door supervisors shall determine which customers are permitted entry to the premises and refuse entry to those not considered to be suitable.

On every occasion the premises sales alcohol after midnight and then closes after 00.30 SIA door staff shall be employed from 10.00pm until closing.

On every occasion the premises extends its hours of operation for sales of alcohol after midnight and closure to the public after 00.30 from 9.00pm of that operational day all drinks shall be served in toughened or strengthened glass.

On every operational day when door supervision is required then those SIA door supervisors on front of house duty shall wear high visibility clothing for the entirety of the day.

There shall be no entry or new entry to the premises after 00.30 and re-entry after this time shall be subject to a management supervision system as indicated by the applicant, in particular, hand stamping or something similar.

Whilst we recognise and accept that the police representation criticises the lack of prior consultation on this application it would not be fair to suggest that door staff, their engagement and the manner in which they are to undertake their duties is not already fairly addressed and considered on the face of the licence.

The only recent police concern took place on 2 April 2016. The incident is logged in Mr C's incident book where he states that this person entered the Bolton drunk and was removed from the premises by the door staff. His poor behaviour continued outside and therefore the police were called.

There is no suggestion of the licensing objectives being undermined here, at all. The management appear to have acted perfectly properly and appropriately.

We appreciate that a number of the other crime sheets provide information and detail about other incidents but it is not our current view that issues and crimes recorded some 11 years ago (in the first instance) can possibly be said to be material in dealing with an application before it today.

In a number of cases, as the police representation anticipates, it is impossible to tell if those causing concern are anything to do with the Bolton Hotel, at all.

This evidence is tendered by the leading investigating authority in the Country (the Police) and bearing in mind that there are other pubs, bars and private residences in close proximity to the incidents alleged one might want to see something a little more authoritative, before presuming that the incidents can fairly be attributed to the Bolton Hotel, and in turn that the incidents can be used as a means to seek to defeat an otherwise legitimate application for variation.

References made in one of the anonymous representations to windows and doors.

The windows on the ground floor of these premises are sealed and cannot be opened. Both of the entrances and exists benefit from having an inner and outer door system which forms a lobby and therefore a natural noise barrier. The inner door is always kept close (save for access and egress).

We do not anticipate any real increase in the numbers of customers in the area. At the moment the Bolton Hotel is popular and doing well. We have a stable manager who now lives in the premises with his fiancée and mother-in-law.

He is developing relations with people in the vicinity and a stable, well behaved customer base is the result but these customers would like the opportunity to stay in our premises later than is currently permitted.

At the moment a number of customers leave our premises in order to go on to the nearby later premises (Jackz Bar) which trades until 3.00am. We would like the opportunity to offer our customers a later drink than is currently permitted.

The Environmental Health Officer seems to suggest that we do not understand what is and what is not background music and what is and what is not regulated entertainment.

We are unsure how he levels this accusation because he appears to recognise, in the same representation, that no noise complaints have been made against the premises in recent years.

No doubt that is a point that can be explored before the committee tomorrow. However, he is right to identify that the application does have a couple of administrative flaws and it may be helpful if we address those.

The first is that the upstairs part of these premises is private and is no part of the licensed demise. We can only apologise for the reference in the application to that element.

Additionally, the existing conditions appear to restrict and control live music until 12.30am on Fridays and Saturdays and 11.30pm Sunday to Thursday. As those conditions have not been removed then the restrictions must remain in place.

Whilst we are pleased that this alleviates the officer's concerns around live music obviously the issue of recorded music remains.

The existing licence provides a number of conditions addressing issues of music and noise. These conditions include:-

That there shall be lockable/closed windows;

That the fabric of the building shall retain sound.

That doors and windows shall be kept shut during regulated entertainment.

That the volume of amplified sound used in connection with entertainment provided shall at all times be under the control of the licensee/management.

That the door lobby shall be effectively used throughout the time of entertainment to prevent noise breakout.

Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.

Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 11.00pm.

It is not proposed that these conditions are changed and if the licence is permitted variation these will all still be in effect.

As can clearly be seen there is a comprehensive series of conditions addressing noise nuisance, regulated entertainment and the inter-relation between the two on this licence already in existence.

Whilst the officers seek to criticise the application for failing to undertake sufficient pre-application consultation so as to address their primary concerns (a point fairly made and one duly noted) it would not be fair to suggest that the licence does not already cover these issues.

The decision of course will be about the licensing objectives, not the merits of the form filling exercise undertaken by solicitors.

We look forward to seeing you tomorrow.

Best wishes.

Yours sincerely

Matthew Phipps

Partner - Leisure & Retail

Head of Licensing England and Wales

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