

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

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