



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	27 April 2017
Licensing Ref No:	17/00767/LIPV - Premises Licence Variation
Title of Report:	Crocker's Folly 24 Aberdeen Place London NW8 8JR
Report of:	Director of Public Protection and Licensing
Wards involved:	Regent's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 January 2017		
Applicant:	Firestone Management Limited		
Premises:	Crocker's Folly		
Premises address:	24 Aberdeen Place London NW8 8JR	Ward:	Regent's Ward
		Cumulative Impact Area:	None.
Premises description:	The premises is currently operating as a Public House.		
Variation description:	<p>To amend condition 24, 26, 27 and 29 to state 23:00 hours rather than 21:00 hours. This is to enable patrons to sit outside the Premises for an additional period.</p> <p>The proposed variation shall not apply to the external area to the left of the entrance door as set out in condition 27.</p>		
Premises licence history:	The premises has been licensed July 2014.		
Applicant submissions:	None Submitted.		

1-B Current and proposed licensable activities, areas and hours						
Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	None applied for.		Please see plan at appendix 1	No changes applied.
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holiday 12:00 until 00:00 See Condition 38				No changes applied.	

Late night refreshment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	None applied for.		Please see plan at appendix 1	No changes applied.
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday						
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays 23:00 hours until 00:00. See Conditions 39				No changes applied.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	None applied for.		Please see plan at appendix 1	No changes applied.
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays 12:00 to 00:00. See Conditions 38				No changes applied.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	None applied for.		Please see plan at appendix 1	No changes applied.
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:50				
Seasonal variations/ Non-standard timings:	Current: Sundays before Bank Holidays 12:00 until 00:00				Proposed: Sundays immediately prior to Bank Holidays: 12:00 to 00:00 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><u>Condition 24:</u></p> <p>After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g to smoke, shall not be permitted to take drinks or glass containers with them.</p>	<p><u>Conditions 24:</u></p> <p>After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g to smoke, shall not be permitted to take drinks or glass containers with them</p>
<p><u>Condition 26:</u></p> <p>After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g to smoke, shall be limited to 10 persons at any one time.</p>	<p><u>Condition 26:</u></p> <p>After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g to smoke, shall be limited to 10 persons at any one time.</p>
<p><u>Condition 27:</u></p> <p>All outside tables and chairs shall be rendered unusable by 21:00 hours and the</p>	<p><u>Condition 27:</u></p> <p>All outside tables and chairs shall be rendered unusable by 23:00 hours and the</p>

external area to the left of the entrance door as you face the premises shall be rendered unusable by 19:00 hours each day.	external area to the left of the entrance door as you face the premises shall be rendered unusable by 19:00 hours each day.	
<u>Condition 29:</u> No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21:00 hours and 08:00 hours.	<u>Condition 29:</u> No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.	
Adult entertainment:	Current position:	Proposed position:
	Not applicable	Not applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	21 st March 2017
<p>CROCKER'S FOLLY, 24 ABERDEEN PLACE, LONDON, NW8 8JR</p> <p>I refer to the variation application for Premises Licence 15/02443/LIPRW for the above premises.</p> <p>The applicant is seeking the following variation:</p> <ol style="list-style-type: none"> The time 21:00 hours shall be replaced with 23:00 hours in condition 24,26,27 and 29 <p>I wish to make the following representation:</p> <ol style="list-style-type: none"> The effect of the variation is to increase the hours of use of the external area on the right of the premises which may lead to an increase in Public Nuisance in the area. <p>The operating schedule submitted with the application does not provide any new conditions or controls in support of the proposed variation but repeats substantially the existing conditions on the licence.</p> <p>However since the Licence became fully operational in January 2015 a premises history check shows no nuisance complaints made against the premises including for the use of the external area.</p> <p>Nevertheless should the Licensing sub – committee grant the variation Environmental</p>	

Health would recommend additional controls such as use of the external area be subject to an ancillary to food condition post 21:00 hours.

2-B Other Persons

Name: Dr Deborah Boyle

Address and/or Residents Association: 32 Aberdeen Place
London
NW8 8JR

Received: 31st January 2017

We live in very close proximity to the business in question which is now applying to extend external operating hours until very late into the evening.

I have lived here for many years and recall the previous pub and the noise levels that attended the gathering of people, sometimes in very large numbers, outside until late into the evening, especially during the summer and particularly on cricket match days. As people disperse late in the evening, they tend not to do so quietly and this is only made worse by having them outside on the patio area after 9pm. Our previous car was damaged by someone walking over the top of it as a dare after drinking in the previous pub. This is much less likely to happen again, or anything similar, if there is no 'audience' gathered outside the pub on the patio.

The refurbishment and reopening of the pub in its present form was a very welcome addition to the area. It is a beautiful building and a well run establishment which we have patronised.

However, I live with my family and both myself and my husband are doctors doing a very responsible job and need to be able to rest and sleep undisturbed. Our bedrooms face onto the street and during the summer, I am very aware of people being noisy in the street.

We have had no trouble from the licensing hours as they currently stand (with the odd inconsiderate individual excepted but for which I do not hold the pub responsible!) and am at a loss as to why the licensing hours externally need to be extended other than to increase business at the pub but with no regard for the neighbours.

Please can we retain the current operating hours. We want to support the pub but also want to be able to live and rest happily alongside it in this residential street.

Name: Stefanie Roth

Address and/or Residents Association: 26 Aberdeen Place
London
NW8 8JR

Received: 2nd February 2017

Representing also my young children, I object to ANY extension of outside operating hours for the premises of 24 Aberdeen Place NW8 8JR (Crocker's Folly).

The 9pm closure of the external area was thoroughly assessed by the Council's Licensing Sub-Committee right from the start, when the license was first granted in July 2014 against enormous local resident opposition.

Then the 9pm external closure was reiterated on the Applicant's previous application to extend (16/00715/LIPV) only a few months ago . That Sub-Committee refused to extend the external hours even to 10pm. Please see their full decision published 11 May 2016 on the Council's website, which states:

It was recognised that the current permitted hours had been determined at a previous hearing of the Licensing Sub-Committee in July 2014 and had struck a fine balance in the area between the applicant and the residents. The Sub-Committee felt that residents had tolerated the current situation until 21.00 but were justified in their concerns about any further extension of hours for the use of the external area.

The premises and its outside area are in very close proximity not just to my family but to other neighbouring residents, as shown on the attached photos from both the Aberdeen Place and the Cunningham Place sides. We already tolerate some level of noise and disturbance at nights coming from the premises. In particular for the outside area, the operating hours must therefore remain as they are, until 2100h. These hours are already long enough and are the right balance for an otherwise strictly residential neighbourhood.

It is furthermore frustrating as a local resident professional and mother to have to again dedicate my time to address this issue when the applicant's previous attempt to extend external hours only a few months ago was so clearly rejected by both the Council and the local residents. Nothing has changed.

Crowds of people all year round eating, drinking, smoking etc. staying later than 2100h outside will generate growing disturbance, litter, disorder and possibly crime in an otherwise tranquil family, residential area.

The risk will especially increase for the safety of the many children living in our neighbourhood. They now spend even more time outside and near that patio so any increase to the operating would clearly contravene this Licensing Objective as well.

In the summer and cricket season at Lord's enormous crowds eating and consuming alcohol after 9pm in our streets and pavements after drinking at Lord's will cause an even greater nuisance and public safety risk.

This could be uncontrollable even with 6 security personnel guarding such an alcohol-fuelled crowd.

The safe and peaceful, residential character of our neighbourhood must be preserved with no outside operation after 9pm, as it has until now. Working people, elderly and especially young children must have rest and tranquillity after that time.

Name:	Ms Anna Boukovskaia
Address and/or Residents Association:	25 Aberdeen Place London NW8 8JR
Received:	23 rd March 2017
<p>I object to extended operation of Crocker's Folly Pub on the following basis:</p> <p>Tranquillity & Peace - residential character of our neighbourhood needs to be preserved with no outside crowds after 9:00pm, which is what it is now and is tolerable (barely). My family, which includes a young child, needs rest and tranquillity after that time.</p> <p>Safety & Security - We simply can not have cricket and other sports fans gathering later than that time on our street after usually very heavy drinking, which will cause a nuisance and poses a safety security risk.</p> <p>Why is this application even being considered, given last year's rejection of same - what has changed? NOTHING. And why has the "consultancy period" been extended - because the pub's lawyer's, having reviewed the comments to date (mostly negative) needed time to lobby friendly voters? Give us all a break and DO NOT extend these pub hours.</p>	
Name:	Mr Reza Hejazi
Address and/or Residents Association:	28 Aberdeen place London Nw8 8JR
Received:	20 th February 2017
<p>I don't want this place to open after 10PM and I do not want outside crowd after this time.</p> <p>To avoid disturbance in the neighbour hood because mostly there are elderly and young families in the area.</p>	
Name:	Jen Whitten Ziben
Address and/or Residents Association:	15 Cunningham Place London NW8 8JT
Received:	6 th March 2017
<p>The 2016 Sub-Committee accepted that the area is highly residential and therefore very sensitive to noise issues and that the external area where the applicant seeks to extend its license sits in close proximity of to many households consisting of working professional families with young children. The Sub-Committee agreed that the extra hour proposed in 2016 (to 10pm) would likely attract more drinkers and a different customer base and an additional hour of noise disruption would then be generated which would exacerbate the current noise issues and undermine the licensing objective of prevention of public nuisance.</p>	

We are extremely frustrated that we have to go through this process again when the Licensing Sub-Committee has been explicit about the 'balance' which should exist on two separate occasions in 2014 and 2016. The correct balance remains and outside license of 9pm. The inside license remains until 11pm and residents have to put up with the related noise that comes with people leaving an establishment at that hour, increased loitering (smoking) on the street and vehicle traffic.

The applicant's other establishments are in and around Edgware Road which obviously have a different feel than Crocker's Folly which sits in a highly residential conservation area. If granted, the extended license hours to 11:30pm outside would have a hugely detrimental impact on our health - the noise that is generated from such a late closing of a drinking establishment cannot be underestimated - increased foot traffic after 11:30pm, increased smoking and loitering on the street until and after 11:30pm, and increased vehicle traffic including taxis as folk head home from an evening of drinking. It would impact our ability to have a proper sleep, as this public noise nuisance would reasonably continue until midnight. I go to bed at 9pm. I do not wish to be woken up, or have my children woken up, at 11:30pm to midnight most days of the week - this would be unbearable.

My young children go to bed at 7pm. Their bedrooms, as does my own, face onto Cunningham Place. There are at least 7 additional minor children living along the western side of Cunningham Place in 4 other residences (that makes 9 children in very close proximity to the applicant's premises). Therefore, the majority of houses along the Western side of Cunningham Place have children, and many of these children will also have bedrooms facing onto Cunningham Place. There are also many other children and vulnerable residents requiring assisted living on the Wharncliffe Gardens estate which is directly across from Crocker's Folly on the Eastern side of Cunningham Place. I am also aware that there are several children residing along Aberdeen Place.

Cunningham Place and Aberdeen Place are quiet residential streets located in a conservation area. As argued in 2014 and 2016, the history of the premises is that the building was derelict for many years and obtained a licence in 2014 in the face of significant residential concern and protest. The licence was granted with conditions restricting the use of the outside areas in recognition of the potential nuisance impact on residents. Despite this, the applicant showed disregard for local residents by applying to have their outside licence in 2016 extended to 10pm. The Council rightly refused this on the grounds of prevention of public nuisance. The current application is in the same terms except to an even greater terminal hour of 11:30 pm. What possible justification can there be for this when the community and Council rejected the previous application so recently? Quite frankly, the applicant is trying its luck, and in doing so alienating and losing local resident favour and custom

Name:	Rupert Whitten
Address and/or Residents Association:	15 Cunningham Place London NW8 8TJ
Received:	8 th March 2017

I write to object to the request for extended outdoor drinking hours at Crocker's Folly.

While the pub/restaurant is respectable and well run, it is located in the midst of a highly residential area. The majority of bedrooms in this neighbourhood face onto the street, and the noise from departing customers can clearly be heard within residences most evenings, as double glazing is not permitted in a conservation area. This situation would only worsen should extended outdoor drinking be permitted, particularly when highly attended cricket matches are taking place nearby.

The existing licensing arrangement works well, and allows the business to function within the community. A licensing application in 2016 upheld the existing licence terms. Extending outdoor hours will increase noise, disturbance and potential nuisance for local residents and upset the relationship between business and the community.

Name:	Cllr Robert Rigby
Address and/or Residents Association:	Ward Councillor
Received:	14 th March 2017

I am writing in support of the concerns expressed by residents living in Aberdeen Place and Cunningham Place about this application.

Having spoken at the licensing Committee when the owners of Crocker's Folly applied for their current license back in 2014, one of the key factors expressed was the desire to protect the amenity of the neighbours to this public house with particular emphasis on the hours permitted for usage of the external patio, in the front of the building. It was clearly felt by the Committee, at that time, this area needed to be controlled in terms of noise pollution and potential disturbance.

With that in mind, the original application by the owner/operator of the pub to have extended hour of operation for this area to 22.00 was rejected and a more sensible hour of 21.00 was imposed.

It was felt then and is still considered that a balance had been reached which protected the local residents' amenity and yet allowed the pub to operate without imposing draconian restrictions on their business. Any further hours in this area would be to the detriment of the residents living near-by.

Therefore the current application which seeks to extend these hours to 23.00 should be resisted as the situation around its affect to the local residents' amenity on both Aberdeen Place and Cunningham Place, as outlined in the original application of July 2014 remains. With that fact very much in focus, I would ask that this new application be refused.

Name:	Mr Jon Peters
Address and/or Residents Association:	25 Aberdeen Place London NW8 8JR
Received:	1 st February 2017

We live next door to the pub - 25 Aberdeen Place - the house and its walls directly abutting the pub walls at 24 Aberdeen Place. As the pub has increased in popularity, the sounds of its patrons reverberate more readily through to our living areas. This is manageable up to a certain point; that is, it dies down at around 21:00, allowing our child to sleep and affording the rest of the family quiet enjoyment. The situation is fine AS IS. Why, then, after the recent application to extend to 22:00 was rejected, would the Counsel even consider approving an even more aggressive application - with hours of operation clearly invasive to our family and to the surrounding neighbourhood? The pub is aesthetically attractive and safe for the neighbourhood to ensure the continued operation of the premises - but NOT with later operation, neither inside the premises nor outside on the patio.

Name:	Dr. Alan Roth
Address and/or Residents Association:	26 Aberdeen Place NW8 8JR
Received:	2 nd February 2017

As a local resident and on behalf of my family and children, I wish to preserve the tranquillity of our residential neighbourhood and object to any extension of operating hours on the outdoor patio.

The operating hours for the outside area, already long enough, should remain as they are until 2100h.

This was clearly established by the Council's Licensing Sub-Committee No. 3 on 14.4.16 which rejected the applicant's previous application to extend the external hours, even to 10pm.

I wish to make their Report 'LSC Decision' for Application 16/00715/LIPV (published 11 May 2016) an integral part the present Objection.

The safe and peaceful, residential character of our neighbourhood must be preserved with no outside crowds after 9pm, as it has until now. Working people, elderly and especially young children must have rest and tranquillity after that time.

Nothing has changed since the similar application last year except in one important aspect, which strongly supports this one being rejected as well: the neighbourhood's many children are now a year older and they spend even more time outside in our streets and around that patio area. So any extension of operating hours would be even of greater detriment to their welfare, safety and rest.

My family and I do not want nuisance from boisterous drinking or eating noise and crowds later than we have now. It is already noisy late enough.

Environmentally, there will be increased risk of litter, debris and bottles from bigger crowds eating and drinking later into the night.

External crowds drinking later outside will generate growing risk of crime in an otherwise tranquil family, residential area.

We also do not want large group of sports fans during the 6-month cricket season staying longer at nights in our streets and pavements after drinking at Lord's causing even greater nuisance and public safety risk.

It is furthermore an unfair demand on the local residents - most of whom are busy parents of young children and/or working people - to again have to spend so much time and effort to express our objections to this application to extend external hours when the Council's refusal (even to 10pm) was issued only months ago.

The Council already imposed on the residential neighbourhood a certain level of nuisance and loss of amenity by licensing the external hours until 9pm. This must not be extended just so that the owners make more money at the expense of local residents' right to rest and tranquillity.

Name:	Mr Frank Hunter
Address and/or Residents Association:	5 Northwick Close London NW8 8JG
Received:	6 th February 2017

As a nearby resident to the location in question, I strongly object to the proposal (which would be deleterious to the local surroundings) for several reasons.

- 1) Young children and older individuals constitute a large proportion of the local population - approval would disrupt the relative tranquillity of the street at late-night hours.
- 2) Within the vicinity of the location in question, there already exist four public houses which have later drinking licenses - another pub with a late drinking license would be quite pointless and wasted.
- 3) The Westminster Council's street cleaners are already doing a poor job of cleaning the streets within the vicinity of the location in question - approval would increase the probability of yet further increases in the street's grime and litter accumulation.

Name:	Ms Claire Bergkamp
Address and/or Residents Association:	27 Aberdeen Place London NW8 8JR
Received:	12 th February 2017

I would like to oppose the possibility of Crocker's Folly extending their operating hours on the outside patio. It is important to me that our neighbourhood stay safe and quite and I believe the extension of the pub's hours would but this in jeopardy.

Name:	Mrs Anna Sinclair
Address and/or Residents Association:	Northwick Terrace London NW8
Received:	19 th February 2017

I hereby object to the application mentioned above for extension of hours for 24 Aberdeen Place 'Crocker's Folly' NW8.

The application is being opposed because any extension to the external operating hours - eating and/or drinking - would have a highly detrimental impact on the tranquillity, safety and amenity of our residential streets. The risk of crime and disorder as well as public safety would rise significantly if the external drinking hours are extended beyond their current time.

The outside patio must therefore continue to closed down at 21:00h.

That the external area must close down at 9pm was first determined by the original license conditions in 2014, which was granted even when around 100 local residents opposed it. This has been a strictly residential area also for the many years that the premises were derelict up to 2014.

The licence was granted with conditions restricting the use of the outside areas in recognition of the potential impact on residents.

Nevertheless, they applied to vary their licence in 2016 to extend the external closing time to 10pm. That was refused. This application is in the same terms except to an even greater terminal hour of 11pm. As there have been no changes, there is no justification for this duplicate attempt when the previous application was refused so recently.

For your records, please find attached the respective Licensing Sub-Committees decision notices so that you have the reasoning of the previous committees on this issue at hand.

It is unwarranted having to go through this process again when the Licensing Sub-Committee on two separate occasions has been explicit about the 'balance' which must exist with the closing at 21:00h

As a local resident I express my wish to preserve the tranquillity of our residential neighbourhood and object to any extension so that the operating hours, already long

enough, remain as they are.

The safe and peaceful, residential character of our neighbourhood is to be preserved with no outside crowds after 9pm (as it has until now).

Otherwise, public nuisance will increase thus disturbing our quiet residential area. Working people, elderly and specially the numerous young children in our area must have rest and tranquillity after that time, exactly as it has been with the existing conditions of the license.

Additionally, any increased activity in the premises during the already very boisterous cricket season April-October would require at least six (6) additional security personnel at the premises at all times to keep control.

Name:	Ms Jane Alvarez
Address and/or Residents Association:	3 NORTHWICK TERRACE LONDON NW8 8JJ
Received:	19 th February 2017

I am writing about Crocker's Folly in Aberdeen Place

It seems to me very objectionable to extend the licensing hours as the noise from the patio extends far and wide. After Lord's matches very large crowds gather outside and it is extremely noisy and they become boisterous.

I am hoping you will reject the application again.

Name:	Ms Jane Hamlyn
Address and/or Residents Association:	10a Cunningham Place London NW8 8JT
Received:	5 th February 2017

I live with my family right next door to Crocker's Folly, at 10a Cunningham Place. Our front rooms are no more than 15 meters away from the main entrance to the pub, with a another entrance even closer.

We are surprised that Crocker's Folly have again made an application to extend the times people can be drinking outside the establishment once again, only a year or so since the last application when the views of many residents were clearly expressed and their rights to a relatively quiet night recognised.

We are strongly opposed to any change in the hours when drinkers can gather outside patio. Any change in the current hours will disturb the current status quo in the neighbourhood, which strikes a reasonable balance between allowing people to be inside the pub until 11pm or 12pm whilst minimising disruption and noise outside when many local residents will be trying to sleep.

Even an extension until 10 pm would increase the level of noise outside beyond an acceptable time in a quiet family neighbourhood.

There is simply no way of controlling the noise of groups gathered outside, particularly in the summer months, let alone the crowds of people who go there after the end of play at Lords and are even now difficult for the management to control.

Name:	Cllr Gotz Mohindra
Address and/or Residents Association:	Regent's Park Ward

Received:	22 nd March 2017
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I am writing on behalf of multiple local residents to object to the licence application ref: 17/00767/LIPV, namely the application by Crocker's Folly for an extension to the hours of usage of the external patio until 11pm.

I would urge the committee to give serious consideration to the impact of the proposal in terms the cumulative effect of all the noise that granting such an application would cause to the residential nature of the immediate area. Due consideration needs to be given to the local neighbours, in particular the adjacent ones and the impact it would have on the quality of their lives - for example a number of the families do have small children. A careful balance was already struck, when the original licence was granted to use the outside area until 9pm, between having a commercially viable pub/ restaurant and giving appropriate consideration to the needs of local residents. Granting this application would have a material adverse impact on the neighbours in terms of both noise pollution and the general disturbance caused and would be contrary to the council's licensing objectives.

I would therefore urge the committee to refuse this application.

Name:	Miss Jessica Thomas
Address and/or Residents Association:	3 Northwick Close London NW8 8JG

Received:	5 th February 2017
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Nuisance and boisterous drinking crowds Working people, elderly and children's rest to suffer Increased litter, debris and bottles Animals to be in potential danger of untrusting individuals Public safety risks

Name:	Mr CHARLES BONAS
Address and/or Residents Association:	18 CUNNINGHAM PLACE ST JOHNS WOOD LONDON NW8 8JT

Received:	2 nd February 2017
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- Safe and peaceful, residential neighbourhood.
- No nuisance from later boisterous drinking noise and crowds
- No increase to litter, debris and bottles from bigger crowds eating and drinking later
- No increasing risk of crime in an otherwise tranquil family, residential area.
- There are already 4 (four) pubs in the vicinity of Aberdeen/Cunningham Place/Northwick Terrace/Northwick Close which have later drinking licenses

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Decision of Licensing Sub-Committee 14 th April 2016

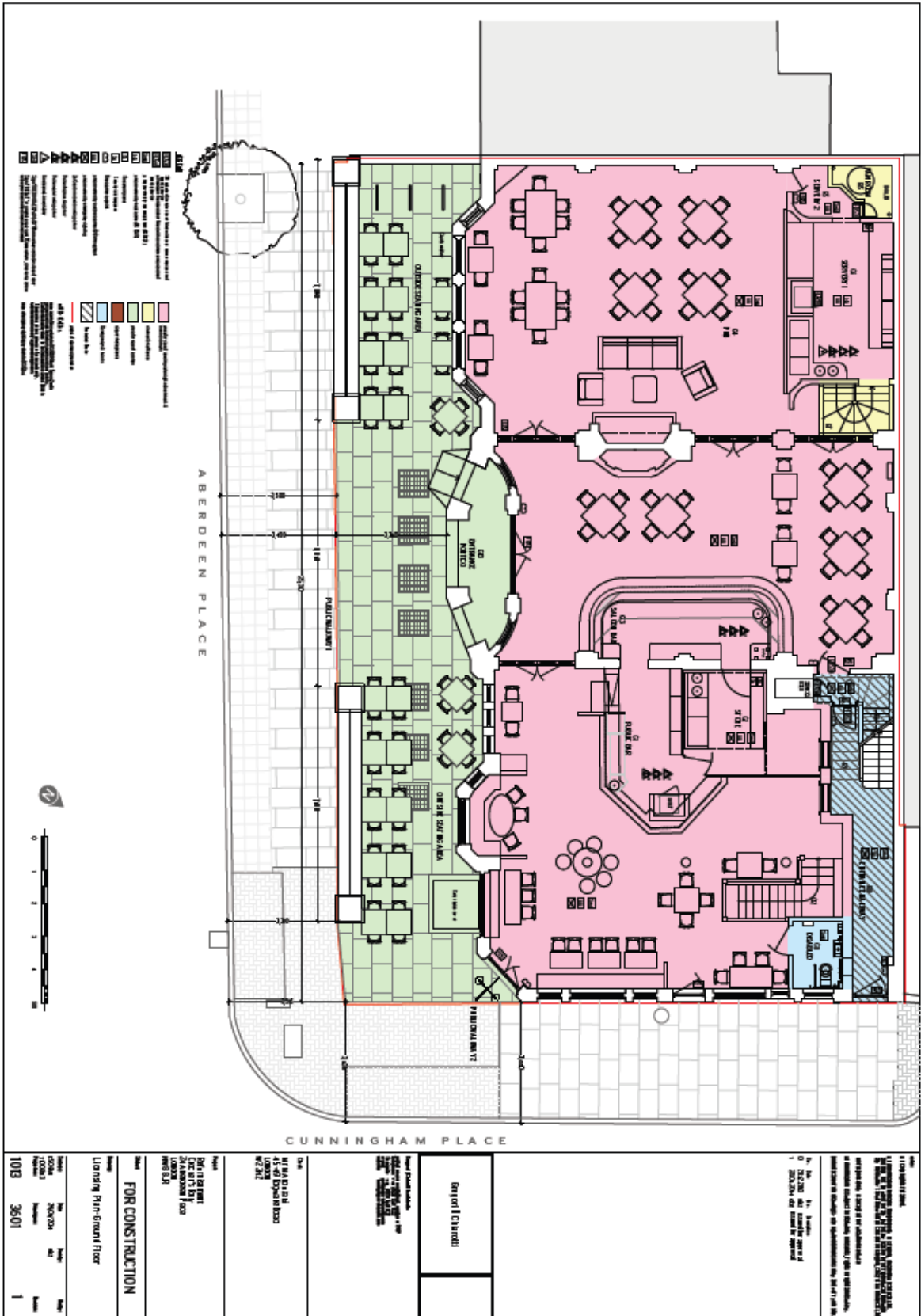
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation – Environmental Health	20 th March 2017
5	Representation – Dr Deborah Boyle	31 st February 2017
6	Representation – Stefanie Roth	9 th February 2017
7	Representation – Anna Boukovskaia	23 rd March 2017
8	Representation – Reaz Hejazi	20 th February 2017
9	Representation – Cllr Robert Rigby	14 th March 2017
10	Representation – Jen Whitten Ziben	6 th March 2017
11	Representation – Rupert Whitten	8 th March 2017
12	Representation – Mr Jon Peters	1 st February 2017
13	Representation – Dr Alan Roth	2 nd February 2017
14	Representation – Frank Hunter	6 th February 2017
15	Representation – Ms Claire Bergkamp	12 th February 2017
16	Representation – Anna Sinclair	19 th February 2017
17	Representation – Jane Alvarez	19 th February 2017
18	Representation – Jane Hamlyn	5 th February 2017
19	Representation – Cllr Gotz Mohindra	22 nd March 2017
20	Representation – Jessica Thomas	5 th February 2017
21	Representation – Charles Bonas	2 nd February 2017

Premises Plans



<p>FOR CONSTRUCTION</p>			
Room	Area	Level	Notes
1013	3601	1	

Applicant Supporting Documents

None Submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/03784/LIPN	New Premises Application	10.07.2014	Granted By Licensing Sub-Committee
15/02443/LIPRW	Removal of Works	02.04.2015	Granted Under Delegated Authority
16/00715/LIPV	<p>Variation Application</p> <p>The time 21:00 hours shall be replaced with 22:00 hours in condition 24, 26, 27 and 29</p> <p>This will enable patrons to sit outside the Premises for an additional hour.</p> <p>The proposed variation shall not apply to the external area to the left of the entrance door as set out in condition 27)</p>	14.04.2016	Refused by Licensing Sub-Committee

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application to vary a premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv).
 - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

- 10. No deliveries to the premises shall take place between 17:00 and 09:00 on the following day.
- 11. Rubbish to be collected during the usual City of Westminster rubbish collection hours.
- 12. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request, throughout the preceding 31 day period.
- 13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to arrange for Police to view recent data or footage with the absolute minimum of delay when requested.
- 14. An incident log shall be kept for the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) any complaints received regarding crime and disorder;
 - (c) any incidents of disorder;
 - (d) any faults in the CCTV system;
 - (e) any visit by a relevant authority or emergency service.

15. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 hours whilst it is open for business on Friday and Saturday. SIA licences worn by door staff shall be on display at all times, carried within yellow high visibility arm bands.
16. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises during the hours of licensable activity on Lord's Cricket Ground match days.
17. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
23. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
24. After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g.to smoke, shall not be permitted to take drinks or glass containers with them.

Applicant proposes that condition 24 be amended to:

After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g.to smoke, shall not be permitted to take drinks or glass containers with them.

25. Notices shall be prominently displayed at all exits and all areas used for smoking requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.

Applicant proposes that condition 26 be amended to:

After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.

27. All outside tables and chairs shall be rendered unusable by 21:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.

Applicant proposes that condition 27 be amended to:

All outside tables and chairs shall be rendered unusable by 23:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.

28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21.00 hours and 08.00 hours.

Applicant proposes that condition 29 be amended to :

No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08.00 hours.

30. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
32. The number of persons accommodated at any one time (excluding staff) shall not exceed 150 with a maximum of 40 in the external areas.
33. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

34. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
37. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
38. The hours for Regulated Entertainment and Sale of Alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
39. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Years Day.

Decision of Licensing Sub-Committee**LICENSING SUB-COMMITTEE No. 3***Thursday 14th April 2016*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Nick Evans

Legal Adviser: Barry Panto
 Policy Adviser: Chris Wroe
 Committee Officer: Tristan Fieldsend
 Presenting Officer: Nick Nelson

Relevant Representations: Environmental Health and 16 local residents (2 in support of the application).

Present: Mr John Lisle (Solicitor, Representing the Applicant), Mr James Lang (Applicant), Mr Anil Drayan (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mrs Anna Sinclair, Dr Alan Roth, Mrs Stephanie Roth and Ms Jen Whitten), Dr Alan Roth and Ms Jen Whitten (local residents).

Crocker's Folly, 24 Aberdeen Place, NW8 16/00715/LIPV											
1.	Conditions proposed to be varied so as to enable patrons to sit outside the premises for an additional hour from 21.00 to 22.00										
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	<p>Amendments to application advised at hearing:</p> <p>None</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Firestone Management Limited for a variation of a premises licence in respect of Crocker's Folly.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>In response to a request from Dr Alan Roth to call a witness, the Sub-Committee's Legal Adviser confirmed that the witness was not present and the representation made by that witness had not been submitted within the legal timeframe. It could not be submitted as supporting evidence for Dr Roth because the evidence in the late representation was about the potential impact that the application might have on the witness and his family. The Sub-Committee viewed the representation and decided not to have regard to it in accordance with the legal advice provided. It was, however, noted that other residents who had objected within time had raised similar issues.</p> <p>Mr Lisle, representing the applicant, provided clarification on the geography of the area and explained that the premises had been open for a year and a half. When the applicant had opened the premises it was recognised that there had been strong initial public opinion against it. The applicant had accepted very stringent conditions attached to the license to show a willingness to work with the local community. Subsequently there had not been any formal complaints submitted about the premises since January 2015. Due to commercial necessity the applicant now wanted to extend to 22:00 hours the time permitted for patrons to use the external area. The external area seated up to 25 to 30 people.</p> <p>It was explained that during the 2015 cricket season the premises had received no complaints and this was due to the procedures imposed by the applicant. An SIA licensed door supervisor was on duty every day and the premises primarily attracted families rather than rowdy cricket supporters. It was also confirmed that on match days a barrier was erected to prevent patrons from standing on the pavements outside the premises.</p> <p>Environmental Health advised that when the initial application was submitted by the applicant in 2014 a condition was attached only allowing patrons to use the external area up to 21:00 due to concern over the potential noise impact on local residents. It was explained that the condition would allow the applicant to demonstrate it could operate the premises without having a negative impact on</p>	

the residential area. It was confirmed that no formal complaints had been submitted but it was recognised that there was strong public opinion against extending the permitted hours of the external area.

Mr Brown of the Citizens Advice Bureau advised that before the applicant had taken over the premises it had been empty for approximately ten years. Previously it had been a problem premises so the granting of a new licence had been a great source of concern for residents. The area was highly residential and therefore very sensitive to noise issues. Whilst there had not been any formal noise complaints submitted to Environmental Health this did not mean that there were not any problems. The residents recognised that the applicant was a good operator, however due to the close proximity of the external area to households, consisting of families with young children, the extra hour proposed would likely attract more drinkers. An additional hour of noise disruption would then be generated. It was remarked that violations of the existing conditions had taken place and these had been documented by Westminster City Council's Enforcement Team. Mr Brown specifically referred to paragraph 2.2.13 of the Council's Statement of Licensing Policy in support of his submissions.

Dr Roth, a local resident, explained that he supported the restaurant and had frequented it on numerous occasions. It was highlighted however that the premises was very close to a sporting venue which had led to a series of violations of the condition relating to using the external area after 21:00 hours. Extending the permitted hours would encourage further violations. Permitting the variation would also be in contravention of two licensing objectives:

- Prevention of Public Nuisance – The area was highly residential and residents were already subjected to noise from the external area. Increasing the permitted hours would subject residents to additional noise and would lead to an increase in anti-social behaviour.
- Protection of Children from Harm – An increase in the consumption of alcohol in an area populated by many young children would put their wellbeing and safety in danger.

Environmental Health confirmed that when a new licence was granted in 2014 a works condition had been attached and during a routine inspection it was noted that several of the conditions had not been complied with. The works condition had been fully cleared to be removed from the licence in January 2015 after which no recorded complaints had been made to the Licensing Inspectors or Westminster City Council's Noise Team.

The Sub-Committee's Legal Advisor asked Dr Roth if he was able to expand on the evidence already submitted so as to describe in more detail the nuisance that was being caused by the existing operation to 21.00.

Dr Roth stated that residents did not always have the time to contact the Council to make a complaint but there had been violations of the current conditions and this would increase if the permitted hours for the external area were extended.

Ms Whitten, a local resident, addressed the Sub-Committee and explained that the area was highly residential. An extension of one hour would attract a different clientele to the premises and whilst currently the end time was 21:00

hours in reality the noise disruption was much longer. This was due to customers remaining in the external area and also the associated cleaning noises after they had departed. Extending the permitted hours would extend the noise nuisance for local residents. The current situation in the area was finely balanced and by altering the hours it would generate unacceptable noise levels.

Mr Lisle brought to the Sub-Committee's attention that some residents had written to the Council to support the application. The premises had been renovated to a high standard and enhanced the local area. No recorded complaints had been made since January 2015 and it was planned to manage the external area for the additional hour in exactly the same way in order to ensure there was limited noise disturbance to residents. No alcohol was allowed off the premises and receptacles such as cans were not sold on the premises during cricket games or at any other time.

The Sub-Committee was mindful that the area was highly residential and extending the permitted hours for the external area would potentially have a significant impact on the local residents. The members had read all the objections that had been submitted and noted that a number of residents had indicated that they were already experiencing noise problems from the current operation. It was felt that the addition of an extra hour would attract a different customer base which would exacerbate the current noise issues and undermine the licensing objective of prevention of public nuisance. It was recognised that the current permitted hours had been determined at a previous hearing of the Licensing Sub-Committee in July 2014 and had struck a fine balance in the area between the applicant and the residents. The Sub-Committee felt that residents had tolerated the current situation until 21.00 but were justified in their concerns about any further extension of hours for the use of the external area. In the interests of ensuring the licensing objectives were upheld the application should be refused.