

Crawley Borough Council

Minutes of Licensing Act 2003 Applications Sub Committee

Monday 4 June at 7.05pm

Present:

Councillors B M Brockwell, B J Quinn and D J Shreeves

Officers Present:

Leo Nwoye
Lisa White
Chris Pedlow

Legal Clerk
Licensing Officer
Committee Clerk

Apologies for Absence:

Councillor J L Millar Smith

Also in Attendance:

Applicant Mr J Brant
Mrs B Brant

Responsible Authority Brian Cox (Senior Environmental Health Officer)

Councillor J A Singh (Observing)

1. Appointment of Chair

RESOLVED

That Councillor D J Shreeves be appointed Chair for the meeting.

2. Application to Vary the Premises Licence – White Knight

The Sub Committee considered an application to vary the premises licence held in respect of the White Knight, Worth Road Pound Hill, Crawley.

The Legal Clerk confirmed that the Sub-Committee Members had not previously asked for clarification of any aspect of the application or the representations received from any party.

Report ES/189 of the Council's Head of Environmental Services was presented by the Lisa White, a Licensing Officer for Crawley Borough Council.

The Application

The Licensing Officer informed the Sub Committee that on the 11th April 2007, Mr J Brant and Mrs B Brant submitted an application to the Council to vary their existing Premises Licence for the White Knight Public House under the Licensing Act 2003.

Mr & Mrs Brant proposed to amend the current plan and remove a condition currently attached to their premises licence. The proposed condition would enable customers to smoke in the external area of the premises once the new smoking ban comes into effect on the 1st July 2007.

The condition that Mr & Mrs Brant proposed to be removed from the premises licence was that - *"All exterior drinking areas shall be closed after 23.20 hours."* Mr & Mrs Brant were also requesting that new conditions be attached to their premises licence to ensure that the four licensing objectives are promoted. The proposed amendment to the plan was to include a smoking shelter for customers to use.

The licensing officer informed the Panel that Mr & Mrs Brant advertised their proposals in the local press and on the premises in accordance with legislation.

The Council received a representation from an interested party objecting to the variation, on the basis that the application did not promote the licensing objective, 'Prevention of Public Nuisance.' It was noted that the Council received no representations from any of the Responsible Authorities.

The Applicant

The Applicant addressed the Sub Committee, and informed them that their premises had been smokefree since July 2006, meaning that any patron that wished to smoke after 11.20pm had to walk into the car park as currently the garden area closes at this time. It had proved to be successful, but having patrons hanging around the car park late at night was not preferable for the image of the premises and during poor weather caused further problems.

The smoking shelter proposed would be directly in the sight of the premises external CCTV cameras, and would also provide cover for smokers if it was raining. The applicant commented that he had spoken to the Council's Noise Team throughout the process to ensure they were happy with the proposals. It was also noted that the premises kept its CCTV videos for the standard 30 days.

The applicant informed the Members that within their application they offered to put up signs reminding patrons to be quiet whilst travelling to, and using, the smoking shelter.

Objector

The Legal Clerk informed the Sub Committee that the Objector to the application, had sent notification to the Committee Clerk that he did not intend to attend the hearing.

As a result, in the interest of fairness, the Legal Clerk read out the objection letter to the Panel Members.

Responsible Authority

The Environmental Health Officer informed the panel that was only attending the hearing to answer any technical questions regarding noise pollution. He also confirmed that the Noise team did not object to the application, as through dialogue with the applicants, the position of the proposed smoking shelter would be the optimum position to reduce any potential noise pollution.

Members' Questions and Closing Comments

The Panel asked a number of questions of the applicants regarding the type of facilities that would be in the smoking shelter and the materials that it would be made out of.

The applicant commented that he would be following the statutory guidance in the shape, size, and design of the shelter.

The Panel questioned whether the CCTV camera was in a suitable position to view the smoking shelter? The Responsible Authority confirmed that the position of the exterior CCTV would cover fully the proposed smoking shelter and that had been part of the dialogue between the Noise Team and the Applicant.

A question was raised how the Applicant would prevent non customer from 'hanging around' the smoking shelter. It was noted that one of the staff would be positioned by the exit of the premises, to the smoking shelter, to ensure that only patrons used the facility.

Members asked whether there had been any noise complaints regarding the premises since the Licensing Act 2003 came into force. The applicant stated that there had been one incident reported, since the start of their smoke free policy. This was in January 2007. The Responsible Authority confirmed that and it was noted that the applicant had then worked with the Noise Team to ensure that a similar incident would not reoccur.

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

3. Application to vary the Premises Licence – White Knight

The Sub-Committee gave further consideration to the application and to the matters raised at the meeting. The Sub Committee took into account how the Licensing objectives had been promoted in the application.

RESOLVED

- (1) That the application submitted by the Applicant (Mr J Brant and Mrs B Brant) to vary the licence under the Licensing Act 2003 in respect of the White Knight, Worth Road, Pound Hill, Crawley, be granted subject to:-
 - (1.1) the mandatory conditions set out in paragraph 2.6 of report ES/189 and,
 - (1.2) conditions which were consistent with the operating schedule, as varied by the Applicant and as modified to the extent that the Sub Committee considered it to be necessary for the promotion of the licensing objectives, as laid out below and for the reasons indicated:
 - (1.2.1) All external drinking areas shall be closed from 23:20 to closing time, Monday to Sunday, except for a Designated Smoking Area, the size and location of which must be agreed with the Environmental Health Pollution Team.
 - (1.2.2) Prominent, clear and legible notices must be displayed, identifying the Designated Smoking Area and requesting that the customers respect the right of the local residents to a peaceful night and to use the Designated Smoking Area quietly.
 - (1.2.3) Prominent, clear and legible notices must be displayed, requiring that no children shall be allowed in the Designated Smoking Area.
 - (1.2.4) No drinks or food must be consumed in the Designated Smoking Area after 23:20.
 - (1.2.5) The Applicant must provide suitably sized receptacle(s) for the disposal of cigarette butts.
 - (1.2.6) The Designated Smoking Area must predominantly be used and utilised by smokers, after 23:20.

The Committee considered the application and concluded that the variations to the licensable activities could not take place within the White Knight premises in accordance with the operating schedule submitted by the applicant without causing an unacceptably high risk of public nuisance, and thereby compromising the promotion of the third licensing objective. The conditions modifying the applicant's operating schedule have been imposed to reduce and/or obviate that risk.

4. Re-admission of the Public

The Chair declared the meeting re-opened for consideration of business in public session and announced the Sub Committee's decision with regard to the licence application to the Applicant and the Responsible Authority.

5. Closure of Meeting

With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 7.50 p.m.

D J Shreeves
Chair