

Crawley Borough Council

Minutes of Licensing Sub Committee Hearing Monday 30 March 2009 at 7.30pm

Present:

Councillors: ALI Burke, B J Quinn and D J Shreeves.

Officers Present:

Tony Baldock	Group Manager for Food, Licensing and Occupational Health
Astrid Williams	Legal Clerk
Sharon Rana	Trainee Solicitor (Observing)
Chris Pedlow	Committee Clerk

Apologies for Absence:

Councillors B J Burgess and S Kaur

Also in Attendance:

Applicants

Angelo Mancuso
Applicant

Tobiano Mancuso
Applicant

Ranjit Bhowse
Barrister – (Applicants' Representative)

Antonio Mancuso
(Supporter of the Applicant)

Sophie Macarthy
(Supporter of the Applicant)

Interested Parties

Ged Gorrie
Representative of Luminar Leisure Limited (Operations Manager Liquid/Envy)

Matt Chason
Representative of Luminar Leisure Limited (General Manager Liquid/Envy)

1. Appointment of Chair

RESOLVED

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

2. Members' Disclosure of Interests

The following disclosures of interests were made by Members:-

Member	Minute Number	Subject	Nature of Disclosure
D J Shreeves	Minute 3 - Application for the Grant of New Premises Licence – 38–40 High Street	Personal and Non Prejudicial	Councillor Shreeves holds a personal liquor licence as a trainer.

3. Application for the Grant of New Premises Licence – 38–40 High Street

The Sub-Committee considered an application for the granting of a new premises licence held in respect of 38-40 High Street, West Green, Crawley.

The Legal Clerk informed all parties that the Sub-Committee Members had requested a briefing meeting with the Legal Clerk prior to the commencement of the Sub Committee, to confirm the procedure that would be followed during the meeting. Also clarification was sought on the four licensing objective and a question was also raised as to why the name of the proposed Designated Premises Supervisor (DPS) was blanked out on the copy of application appended to the agenda for the meeting (page 27 of Enclosure A). It was noted that it had been blanked out by mistake during printing stage and that the name of the proposed DPS was Antonio Mancuso of 47 Friday Street, Warnham, Horsham. The Legal Clerk asked whether there were any objections to the proposed appointment of Mr Mancuso as the DPS, and there was none.

Report ES/210 of the Council's Head of Environmental Services was presented by Tony Baldock, the Group Manager for Food, Licensing and Occupational Health for Crawley Borough Council.

The Application

An application for a New Premises Licence under the provisions of the Licensing Act 2003 for 38-40 High Street, West Green, Crawley, had been submitted to Crawley Borough Council on 10th February 2009 by Mr Tobiano Mancuso and Mr Angelo Mancuso, the Applicants. A copy of the application was set out in Appendix A to the report, which included the information provided by the Applicants as to how proposed to promote the four licensing objectives.

The Sub Committee was informed that the Applicants were proposing to run a 'relaxed stylish café bar in the High Street as a lunch time and evening venue with comfortable seating with waiter/waitress service of food when it is served. Tea and coffee would be available throughout the day and evening as well as alcohol and soft drinks. Light snacks would be served up until no later than 23.00hrs'.

It was confirmed that the application had been advertised in the press and notices had been displayed at the premises during the consultation period in accordance with the statutory requirements and the Council's Licensing Policy Statement.

Written representations to the application were made by three interested parties, (two local businesses and a local resident) on the basis that the application did not promote some of the licensing objectives. These representations were set out in Appendices E, F and G of the report. Of the objecting interested parties only one, Luminar Leisure Limited, choose to address the Sub Committee.

It was reported to the Sub Committee that, following consultation with the Police Authority various proposed additional conditions for the premises licence had been agreed in principle with the Applicants (as detailed in Appendix D of the report).

The Group Manager for Food, Licensing and Occupational Health, then proceeded to inform the Sub Committee of the options available to them when in respect of the application, noting that any decision must be based upon the promotion of the four licensing objectives. The options were to

1. Grant the application subject to:
 - i) conditions which were consistent with the operating schedule modified to such an extent as the authority considers necessary for the promotion of the licensing objectives (and in this respect Members' attention was drawn to the fact that since the submission of the application the applicant had agreed with Sussex Police to an amended operating schedule which included additional conditions to promote the prevention of crime and disorder objective and this was at Appendix D); and
 - ii) any relevant mandatory conditions or,
2. Exclude from the scope of the licence any of the licensable activities to which the application related, or
3. To refuse to specify a person in the licence as the premises supervisor or,
4. Reject the application, giving reasons for doing so.

The Applicants

Mr Bhowse addressed the Sub Committee and commented that he would be acting on behalf of the Applicants. Mr Bhowse informed the Members that the Applicants, Tobiano Mancuso and Antonio Mancuso, and their father, Angelo Mancuso, the nominated Designated Premises Supervisor, had over twenty five years experience in the licensing trade between them. The Mancuso family currently owned three premises with two being within Crawley, the Plough Inn and LB1, both in Three Bridges. He commented that both of these premises were also members of Crawley's Pub Watch scheme.

The Sub Committee were informed that the Applicants had signed a 25 year lease on the premises, with the expectation of spending approximately half a million pounds on the refit of the ground floor. The aim for the ground floor of 38-40 High Street, to be known as 'Studio 20', was for the am/lunch period to be a relaxed up-market café bar, and in the pm/evening a comfortable seated venue with waiter service for food and cocktails, with DJ playing music and a small dance area. It was proposed to be opened daily from 11.30am until 1.00am, with licensable activities commencing at 12.00pm daily until 12.30am. It was currently not planned to be opened on Sunday, however the application covered Sunday as well, in case that changed in the future.

Mr Bhowse said it was proposed that a Challenge 25 policy would be operated at the premises, as requested by the Police, and the Applicants did not intend to have any drinks promotions. The reason for this was that drinks promotions would damage the 'brand image' of the establishment and also attract younger clients, which the Applicants were not aiming for. The Sub Committee were informed that the Applicants wanted to aim 'Studio 20' at the 25 to 50 year old market.

Mr Bhowse then addressed how it was proposed that the premises would tackle the four licensing objectives. He reminded the Sub Committee that the full list of the proposals was in page 29 of the report, however he would comment upon a number of key issues. Firstly, in respect of the prevention of crime and disorder, it was proposed that CCTV would be installed to cover the whole premises and its exterior and a SIA licensed door supervisor would be present from 6.30pm until 1.00am on Tuesdays, Thursdays, Fridays and Saturdays. It was also proposed that there would also be zero tolerance with regard to drugs and weapons. With regards to the prevention of public nuisance, 38-40 High Street it was proposed that there would be a 30 minute 'wind down' period after last orders. Also it was the Applicants' intention to install a dedicated phone line to the taxi firm across the street to the premises for supplying taxi for departing patrons if required.

Mr Bhowse reminded the Sub Committee that the Police had not put in an objection to the application. Instead they had asked the Applicants to accept a set of further conditions in respect of their application, as detailed in Appendix D of the report, which the Applicants were happy to do.

Mr Bhowse then addressed each of the three written representations made. With regards to the representation by Luminar Leisure Limited letter (Appendix F in the report), Mr Bhowse, firstly queried whether Liquid/Envy was in the vicinity of the 38/40 High Street, as it was 10 minute walk away. He commented that with regard to the issue of the application not having provision in the application for last orders prior to the premises closing, as set out in the Council's Policy at paragraph 2.93, he noted that this policy referred to premises which opened after 12.00pm and the application proposed that the premises be open until 1.00am only. He said that the difference would only be half an hour (last entry at 12.30pm) and he said he believed this was more a 'trade issue' rather than necessary to promote the licensing objectives. However if the Sub Committee felt that a last entry time was needed for 38-40 High Street, the Applicants would request that it should be limited to the four evening when it was proposed to have Door supervisors present. Mr Bhowse agreed that the application did not include an application to provide late night refreshments so on issue of tea and coffees after 11pm, the Applicants would, if required, be happy to offer free teas and coffees from 11pm until closing.

Mr Bhowse commented that the representation made by Trudy Furini / JaJa Bar (Appendix E in the report) was not relevant as it was in respect of supply and demand issues which were outside of the Sub Committee's jurisdiction and thus it was not a relevant representation. He said it also dealt with issues over drinks promotions which

the Applicants intended not to use. On the final objection by Mr Booth (Appendix G in the report) and his issues of CCTV it was pointed out that within the application the Applicants had stated that they would be installing CCTV and further to that they had agreed to conditions made by the Police over CCTV, therefore Mr Booth concerns had been addressed. Mr Bhoose said that any outside seated area would need to be the subject of a separate application.

In closing, Mr Bhoose reiterated that the theory behind the Licensing Act 2003 was that licences should be granted except when it was deemed that one or more of the four licensing objectives had not been met. Those objectives were the only reasons for refusal or amending an application.

Interested Party

Mr Ged Gorrie representing Luminar Leisure Limited, addressed the Sub Committee, and commented that the reason for their objection was based on two issues. The first reason was that the Applicants had not addressed Paragraph 2.93 of Crawley Borough Council's Licensing Policy, which related to having a last entrance time for customers if the premises intended to be open beyond midnight. Mr Gorrie also commented that there was no reference to 'last orders' time either.

The second issue Mr Gorrie discussed related to tea and coffee as Section P of the application stated that 'tea and coffee will be available throughout the day and night as well as alcoholic and soft drinks'. However in Section L - Late Night Refreshments, the Applicants had not asked for the granting of that licensable activity, which he said contradicted the previous statement, as to serve tea and coffee after 11pm you would need to be licensed for Late Night Refreshments. Mr Gorrie felt that the application was therefore misleading and should be passed back to the Applicants to re-submitted.

Members' Questions

The Sub Committee asked the Applicants to clarify a number of issues raised by their representative. This included confirming the number of years of experience in the pub and restaurant trade that the Applicants and their DPS had, which was answered as over 29 years combined, also that they had run the Plough Inn, Three Bridges, since January 2008. The Applicants also confirmed that both the Plough Inn and LB1 were both separately in Crawley Pubwatch Scheme. The Sub Committee also asked for confirmation from the Applicants directly that they would be willing to provide free tea and coffee after 11pm until closing, as offered by their representative, which both Applicants confirmed would be acceptable.

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.

4. Application to the Grant of New Premises Licence – 38–40 High Street

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 Mr Antonio Mancuso be specified in the licence as the Designated Premises Supervisor;
- (2) That the application submitted by the Applicants (Mr Tobiano Mancuso and Mr Angelo Mancuso) for the granting of a new premise licence under the Licensing Act 2003 in respect of 38-40 High Street, Crawley, be granted subject to:-
 - (2.1) 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, (set out below) and to the applicable mandatory condition/s, on the following basis:
 - i) Sussex Police, after agreeing with the Applicants proposed alternative conditions, did not make any representation. The Sub Committee found this was persuasive in relation to the concerns raised in representations based on the licensing objective of the prevention of crime and disorder, due to the particular role of the Police in relation to this objective.
 - ii) The Applicants' expressed willingness to comply with the conditions proposed by Sussex Police as set out in Appendix D to the report.
 - iii) In the opinion of the Sub-Committee the modified conditions (set out below) would promote the licensing objectives.

(2.2) Permitted Hours for Licensable Activities:

Hours Premises can be Open to the Public

<u>Permitted Days of Operation</u>	<u>Permitted Hours of Operation</u>
Monday to Sunday	11.30 – 01.00*
With the exception of 1 st January New Years Day and Christmas Eve	11.30 – 02.00

Live Music, Recorded Music, Performance of Dance, Anything of a Similar Description to that Falling within (e), (f), or (g), Provision of Facilities for Dancing and the Supply of Alcohol

<u>Permitted Days of Operation</u>	<u>Permitted Hours of Operation</u>
Monday to Sunday	12.00 – 00.30*
With the exception of 1 st January New Years Day and Christmas Eve	11.30 – 01.30

* On commencement of British Summer Time one hour will be added to the finish time.

- (2.3) Security Industry Authority registered and approved door staff to be employed from 19:00 hours at a ratio of 2 for the first 100 customers and then a further 1 per 100 customers thereafter.
- (2.4) Such door staff (mentioned in 1 above) to be employed on Tuesday, Thursday, Friday and Saturday nights, and on the nights of Christmas Eve, New Year's Eve and 1st January, from 19:00 until 30 minutes after the last licensable activity has taken place.
- (2.5) CCTV to be installed in the premises that meets the requirements of Sussex Police, the CCTV recordings to be kept for at least 28 days and those recordings to be made available to Sussex Police as and when required by them.
- (2.6) Any faults with the CCTV must be reported to the licensing units at Sussex Police and at Crawley Borough Council within 48 hours of the fault being discovered.
- (2.7) No person under the age of 18 years is to remain on the premises after 20:00 hours.
- (2.8) The premises will operate a "Challenge 25" policy.
- (2.9) The manager of the premises will actively participate in the local Pub Watch scheme.
- (2.10) A register/diary will be kept of any incidents of crime and disorder that may occur on the premises, which will be made available to Sussex Police or to Crawley Borough Council upon request.
- (2.11) Last entry to the premises shall be restricted to 30 minutes before closing time on Tuesday, Thursday, Friday, Saturday nights and on the nights of Christmas Eve, New Year's Eve and 1st January.
- (2.12) Any provision of tea and coffee after 23:00 on any day must not be a late night refreshment.

5. Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session and announced the Sub Committee's decision with regard to the licence application for the granting of a new Premises Licence for 38-40 High Street, to the Applicants, their Representatives and the Interested Parties. The Legal Clerk summarised the reasons for the decision and the modified conditions to be attached to the licence, and confirmed that written confirmation of same would be provided shortly.

6. Closure of Meeting

With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 9.02 p.m.

D J Shreeves
Chair