

regarding the history of the premises under its previous management as these were unsubstantiated in light of the new application before the Panel.

In general the relevant representations related to the premises type and clientele, the operating hours, the location of the premises, nuisance caused by music, patrons leaving the premises to smoke and management of the disposal of waste.

Premises type and clientele

Doubts were raised in relation to the applicant's assurances that the premises would operate as a tapas bar. These representations related to the potential for noise nuisance and anti-social behaviour caused by patrons of the premises. The Panel attached appropriate weight to these representations and was satisfied that it was appropriate to impose additional conditions in order to promote the licensing objectives for the prevention of noise nuisance and crime and disorder. The applicant's operating schedule proposed to impose a seating to capacity ratio of 1:3 throughout the premises however, following concerns that the condition could potentially be circumvented by providing excess seating on the first floor of the premises, the Panel resolved to impose a condition, offered by the applicant during the hearing, to give equal effect to this requirement over both floors of the premises. The Panel was satisfied that the other conditions contained in the applicant's operating schedule would adequately address any potential adverse effects on the licensing objectives in this regard – specifically that the premises will operate as a café lounge bar as opposed to a 'vertical drinking bar' at all times and that customers will be permitted to place food orders (full menu) until 10:30pm.

Operating hours

Concerns were raised regarding the operating hours of the premises and these representations related to the potential for noise nuisance and anti-social behaviour caused by patrons of the premises. The Panel attached appropriate weight to these representations and was satisfied that it was appropriate for the promotion of the licensing objectives that the premises only remain open to the public between the hours of 8.30am and 12.30am (as offered by the applicant prior to the hearing). The Panel was not satisfied that the proposed hours for licensable activities would have a significant adverse effect on the licensing objectives provided the applicant abided by the conditions consistent with the operating schedule.

Location of the premises

Concerns were raised regarding the location of the premises which is in the immediate vicinity of residential properties. These representations related to the potential for noise nuisance and anti-social behaviour caused by patrons of the premises. The Panel was satisfied that the licensing objectives would be adequately promoted by compliance with conditions consistent with the applicants operating schedule – specifically, that a CCTV system is to be installed; that drinks shall only be taken off the premises in sealed containers; that doors are to be self-closing; that no noise from within the premises shall be audible beyond the boundary of the premises; and a suitable dispersal policy is to be implemented.

Nuisance caused by music

Concerns were raised regarding the potential for live and recorded music to undermine the prevention of public nuisance objective. As the application only sought to authorise alcohol sales and the provision of late night refreshment, the Panel did not consider that representations relating to entertainment were relevant. However, the Panel did recognise that any public nuisance caused by exempt entertainment may lead to review proceedings if necessary.

Patrons leaving the premises to smoke

Concerns were raised regarding potential noise nuisance arising from patrons of premises smoking on the public highway/footpath outside the premises. The Panel attached appropriate weight to these representations and was satisfied that the applicant was unable to create a smoking area as it had no control over any outside space. The Panel was satisfied that the licensing objectives could be adequately promoted by imposing a condition which required the applicant to implement a smoking policy which included responsibilities for the management of the outside of the premises and to ensure any cigarette butts and associated litter is removed. The Panel was also satisfied that the potential for public nuisance in this regard would be controlled by compliance with a condition (consistent with the applicant's operating schedule) preventing drinks from being taken onto the pavement or public highway.

Management of the disposal of waste

Concerns were raised regarding the lack of management of waste from the premises with the potential to create a litter/waste nuisance and a risk to public safety. The Panel attached appropriate weight to those representations and was satisfied that it was appropriate to impose an additional condition (as proposed by the applicant during the hearing) to ensure that no activities authorised by the premises licence would be carried out until such time as an adequate bin store is provided.

THE DECISION:

The Panel resolved to grant the application for the Premises Licence subject to any conditions consistent with the operating schedule and the following additional conditions:-

- 1) No activities authorised by the premises licence shall be carried out until such time as an adequate bin store has been provided for the storage of waste;
- 2) The premises will primarily operate as a café lounge bar. The premises shall not operate as a vertical drinking bar and at all times there will be seating available for customers in the ratio 1:3 (seats to capacity) equally throughout the premises on both floors;
- 3) A smoking policy will be implemented to ensure that patrons using the front of the premises to smoke do so with consideration to local residents. The policy shall incorporate staff responsibilities to monitor the people smoking outside the premises and to ensure any cigarette butts and associated litter is removed; and
- 4) The premises shall only remain open to the public between the hours of 8.30am and 12.30am.

The meeting closed at 11.40 am

Chairman of the Panel