

CANTERBURY CITY COUNCIL

LICENSING SUB COMMITTEE

**Minutes of a meeting held on Monday, 12th October, 2009
at 11.00 am in The Guildhall, Westgate, Canterbury**

Present: Councillor Harrison (Chairman)

Councillor J Perkins
Councillor Bissett
Councillor Staley

In attendance -

Officers: Janet Taylor - Deputy Head of Legal Services
Dave Stevenson - Senior Licensing and Enforcement Officer
Stuart Steed - Technical Officer
Jemma Richards - Democratic Services Officer

1 DECLARATION OF ANY INTERESTS BY MEMBERS OR OFFICERS

There were no declarations at the meeting.

2 LICENSING ACT 2003 - VARIATION OF PREMISES LICENCE FOR CO2, KING STREET, CANTERBURY

Application Type:

Variation of a Premises Licence.

Premises:

CO2 City Bar
King Street
CANTERBURY
CT1 2AR

Name and address of applicant:

Ricky Brookbank
The Queen Anne
Queen Anne Road
MAIDSTONE
ME14 1HA

Written submissions:

The Sub-Committee had before them 77 letters of representation from interested parties. This included representations from the Kent Fire and Rescue Service, and Environmental Protection.

Consideration of the application:

Prior to this hearing, Members of the Sub-Committee had undertaken a site inspection of the premises.

A site plan was displayed on the overhead projector at the meeting.

The Chairman introduced those present and invited the Senior Licensing and Enforcement Officer to outline the application. The Senior Licensing and Enforcement Officer explained that the application was for the variation of a Premises License, and not a Club Licence. He advised on the details of the application.

The Deputy Head of Legal Services clarified the following points, which had been referred to in the written representations:

- With regard to New Years Eve, the Sub-Committee were unable to make any changes to the opening hours, due to the '36 hour rule'.
- Any objections needed to include evidence of causing public nuisance, Health and Safety implications, or crime.
- The Panel could not consider evidence relating to any other premises.

The applicant, Ricky Brookbank outlined the application.

The Chairman then invited the Fire Safety Officer to address the Sub-Committee. He explained that an inspection of the premises had been carried out, and calculations had permitted maximum numbers of 60 persons on the first floor, and 170 persons on the ground floor, amounting to 230 persons in total. He confirmed that various requirements needed to be met, including:

- The Fire Risk assessment needed to be updated;
- The emergency lighting and fire alarm needed further work;
- The emergency exits required signage.

The applicant stated that these issues were being addressed. The Fire Safety Officer confirmed that he would arrange a further visit to the premises in a few weeks time.

The Chairman invited the other interested parties to ask questions of the Fire Safety Officer. He responded to points raised and made comments including the following:

- The fire exit widths were suitable for the maximum number of people permitted.
- The fire exits were not suitable for disabled persons.

The applicant then responded to questions from the Sub-Committee and made the following points:

- The first floor was not used at present, due to lack of resources. It was hoped that the space would include a seated area, and accommodate private functions.
- The first floor could hold 60 persons seated and standing.
- Food would not be served, as the application did not include provisions for this.
- A designated smoking area was a difficult issue, due to the location of the premises. Only a limited number of people were permitted to go outside to smoke at any time. It was hoped that permission for a smoking shelter would

be granted in the future, although the applicant confirmed he was aware that the premises was in a Conservation area.

- The off-sales referred to customers who wished to purchase bottles to take home with them. The applicant confirmed he was happy to accept a condition limiting the off-sales to part bottles of wine only.
- Customers were not allowed to take drinks outside with them, and staff were strict in enforcing this.
- The applicant had not been aware of conditions on the licence until recently, but was now aware that doors needed to be shut after 7pm.
- There was a lock on the outside of the side door, and staff checked this regularly.
- There was no intention to have lap dancers or regular strip teases, but the provisions for performance of dance related to strippers for hen parties.
- The customer base was of a mixed age group, and anyone was welcome.
- Several neighbours had been given the telephone number of the premises to phone up in the event of any complaints. The applicant welcomed neighbours to visit the premises and discuss any issues.
- The smoking area was swept three times a day, and the applicant was happy to accept this as a condition on the licence.
- The shutters on the windows helped to limit the sound from the premises, and the Conservation Officer had not objected to them.
- Door supervisors were not necessary, as staff were capable of dealing with problems as they arose and could act as 'door hosts'. It would be expensive to send staff on the course to become licensed door supervisors.
- The applicant would be happy to put shutters on the windows in the first floor room, as the Sub-Committee had noticed that bedrooms of nearby properties could be seen from the windows.
- There were notices inside and outside the premises asking customers not to take drinks outside of the premises, and advising of the location of the smoking area.
- Staff kept a log showing regular checks on the outside area.
- Every effort to keep noise levels to a minimum had been taken.

The Chairman of the Sub-Committee then invited the representative from Environmental Protection to make representations. Mr Steed, the Technical Officer made the following points:

- Following a visit to the premises, the jukebox had been set to a reasonable volume. The applicant had confirmed that he would be happy to accept this as a condition on the licence.
- There had been several complaints about the noise, but the Environmental Protection department were working with the applicants to keep music at an acceptable level.

The Chairman of the Sub-Committee then invited the interested parties to ask questions to the applicant. The applicant responded to points raised:

- It was unlikely that there would be 230 people in the premises on an average night.
- Staff monitored people exiting the premises, to ensure they used the lobby after 7.30pm. The front door was bolted, with a sign displayed. At this point, the Fire Safety Officer confirmed that the bolt met regulations, and was accessible in the event of a fire.
- The music was set to a level whereby it would not 'blast out' when doors were opened.

- The smoking area had been moved several times. Smokers were asked to exit via the side entrance and walk round to the front of the premises to smoke.
- On the second night of the premises being open, there had been several complaints, and the applicant admitted that the noise had been at an unacceptable level.
- The lobby at the side of the premises was not soundproofed. The applicant was happy to arrange for the outside door to have a spring closing mechanism fitted.
- Any vocals would need to go through a 'limiter', which should help reduce microphone noise.
- Other CO2 venues were also in residential areas.
- The jukebox was rarely used at the maximum permitted level. In the daytime, the jukebox was set to 'back ground music' only.
- Live acts would only perform in the evening, generally between 10.30pm and 11.15pm and the applicant was happy to offer a condition that acts would not perform prior to 6pm.
- The zero tolerance policy related to violent behaviour, but anyone making noise would be given a warning before being asked to leave. This was an informal arrangement and a log was not kept. Regular staff meetings were held at the end of each night, and any issues with badly behaved customers were discussed. Staff often asked people walking past the premises to keep the noise down.
- The provision for late night refreshments referred to giving customers cups of tea or coffee to take away at the end of the night with food. However, there were no plans to sell food at present.
- Although customers leaving the premises were directed to the taxi rank, there were often taxis driving around the area to pick up fares.
- The applicant was reluctant to have the door closed during the daytime, particularly during summer months.
- Staff regularly picked up litter from the areas surrounding the premises.
- The kitchen was not currently in use, but the facilities were available.
- The applicant was not aware of the restrictions when taking on the lease of the premises.
- Cheap drinks promotions did not run for more than an hour.
- Dancing would be permitted anywhere in the premises, providing it did not obstruct the fire exists, and any strip act would be directed to the stage.
- There were three members of staff, but this would increase if the variation was granted.

The Sub-Committee adjourned for lunch at 1.40pm and returned at 2.25pm.

The interested parties were then invited to make representations.

An interested party, Mr McKernan, requested that the Sub-Committee play a sound recording of noise from the premises. The Sub-Committee played part of the sound recording. The Technical Officer then commented that with regard to sound recordings, there were too many variables such as weighting and equipment for playback to allow the playback to be an accurate record. The Deputy Head of Legal Services stated that the sub-committee would take into account that Mr McKernan had been disturbed by the noise, but did not wish to hear the rest of the recording. Mr McKernan asked it to be noted that he was unhappy with the Sub-Committee's decision not to play the rest of the recording.

Another interested party, Mrs Chestfield, had produced photos showing the close proximity of her home to the premises. The photos were shown on the overhead projector while Mrs Chestfield addressed the Sub-Committee.

The interested parties present each addressed the Sub-Committee and the following points were made:

- The area was residential, and not a suitable location for the licence requested.
- Problems were exacerbated by the smoking ban.
- The area was densely populated.
- It was impossible to control customers leaving the premises and spilling out onto the street.
- Children were kept awake by the noise.
- It was intimidating asking the customers to be quiet.
- Staff monitoring was very ad-hoc.
- The staff took several minutes to answer the phone when calling to ask for the noise to be kept to a minimum.
- Dancing would result in even more noise.
- The area had not changed since previous applications were made.
- The problems were affecting the residents' quality of life.
- Although residents recognised that not all the noise problems were from CO2 customers, but an extension to the opening hours of the premises would only make the problems worse.

The Chairman then gave the applicant an opportunity to respond to issues raised by the interested parties and sum up the application. The applicant made the following points:

- CO2 did not intend to become a nightclub.
- The street outside the premises was swept regularly.
- The premises were a reasonable distance from neighbouring properties due to the location of the toilets.

The Sub-Committee then adjourned to make a decision on the application. The Deputy Head of Legal Services accompanied them to help frame their decision. In making their decision they had due regard to the Licensing Act 2003, government guidance and the licensing objectives.

RESOLVED – That the Premises Licence for CO2 be varied with conditions as detailed below –

Opening hours of premises

1100 to 2330 hours from Sunday to Thursday, and 1100 to 0030 hours on Fridays and Saturdays.

Sale of alcohol

1100 to 2300 hours from Sunday to Thursday, and 1100 to 0000 hours on Fridays and Saturdays.

Provision for plays and films

1100 to 2300 hours from Sunday to Thursday, and 1100 to 0000 hours on Fridays and Saturdays.

Recorded music (indoors only)

1800 to 2300 hours from Sunday to Thursday, and 1800 to 2330 hours on Fridays and Saturdays.

Performance of dance

1800 to 2300 hours from Sunday to Thursday, and 1800 to 2330 hours on Fridays and Saturdays.

Entertainment facilities for dancing

1800 to 2300 hours from Sunday to Thursday, and 1800 to 2330 hours on Fridays and Saturdays.

Entertainment similar to music or dance

1800 to 2300 hours from Sunday to Thursday, and 1800 to 2330 hours on Fridays and Saturdays.

Bank Holidays

- Good Friday, one extra hour on standard times.
- April Easter Bank Holiday, one extra hour on Sunday night's standard times.
- Early May bank holiday, one extra hour on Sunday night's standard times.
- May spring bank holiday, one extra hour on Sunday night's standard times.
- Summer bank holiday end of August or beginning of September, one extra hour on Sunday night's standard times.
- Halloween 31 October, one extra hour on standard times.
- Christmas Eve, one extra hour.
- Boxing day, one extra hour on standard times.
- New Years Eve, full 36-hour licence.
- St Valentine's day, 14 February, one extra hour on standard times.

Conditions

- Any stripping acts must be confined to the stage, or the first floor only.
- Both shutters and blinds shall be fitted to the windows on the first floor before any regulated activity occurs there
- A door supervisor must be present for nights when live or recorded music is played who shall also control the noise made by smokers outside the premises.
- Every effort must be made to make sure that the premises activities do not cause a nuisance to nearby residential properties. Staff must check the noise levels outside the premises three times per night, when the premises are open and take action to reduce excessive levels. Staff must keep a log of these inspections
- The staff must record any complaints, and keep a record of those barred from the premises.
- A sound limiter shall be fitted to the amplification equipment installed at the premises and set in accordance with the requirements of the Environment and Health department of the City Council before any regulated music is played within the premises.
- No customer may consume any drink outside the premises
- The streets around the premises shall be cleared of cigarette butts twice during the day and again after the close of business each day
- Only partly consumed resealed bottles of wine may be taken off the premises.
- The doors and windows must remain closed at all times save for access and egress.

- The doors to the lobby shall be fitted with closing mechanisms within two months of the date of this letter.
- The part of the premises situate on the first floor may not be used for regulated entertainment until it has been approved by the council's Health and Safety inspectors.
- There shall be no late night refreshments supplied from the premises.
- All conditions on the existing licence be removed apart from the following:
 - Reasonable steps must be taken to protect any strippers, and secure changing rooms be provided.
 - Live music events shall be limited to one occasion per week
 - The premises be provided with secure CCTV, which should be maintained.
 - The use of the 'quiet taxi' scheme must be promoted;
 - That work with Environmental Protection continues.

There being no other business the meeting closed at 4.37 pm