

## LICENSING SUB-COMMITTEE HEARING – 25/08/2017

### LICENSING SUB-COMMITTEE DECISION NOTICE (Decision made by the Sub-Committee on 25/08/2017)

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**NAME AND ADDRESS OF PREMISES:** Zee Bar, 50 High Street, Tunbridge Wells

**NAME OF PREMISES LICENCE HOLDER:** Mr Simon Azimi

**REASON FOR HEARING:** Representations had been received against the application based predominantly on the licensing objective of the prevention of public nuisance. There were also representations covering the other three licensing objectives.

In their representations the objectors raised inter alia the following concerns:

- (1) That an increase in hours at the premises would lead to further unacceptable public nuisance.
- (2) The premises is associated with crime and disorder.
- (3) Due to being in a residential area there are families with children who are disturbed by the premises.
- (4) The detritus left around the premises is a risk to public safety.

**DELIBERATION – LICENSING OBJECTIVES:** The Sub-Committee had regard to all of the written representations and the representations made during the Sub-Committee hearing. The Sub-Committee noted that most of the representations focused on a general dissatisfaction with the performance of the premises, rather than the narrow issue of the particular impact of the variation sought. Whilst the Sub-Committee could look at the licence as a whole, the Sub-Committee decided to keep the determination within the terms of the application. The relevant licensing objectives were considered by the Sub-Committee:

#### **1. Prevention of Public Nuisance**

The Sub-Committee noted that the majority of representations, including the representation from the responsible authority, expressed concerns in relation to this licensing objective. In particular, the responsible authority raised the issue that the extension of hours would cause greater disturbance on a night of the week which precedes a working and a school day. Other persons were concerned that aligning the Thursday night

hours to that of the weekend would cause issues such as those experienced, but tolerated at the weekend. For the premises it was pointed out that their existing licence enables the premises to be open and the law allows the sale of alcohol in advance of the terminal hour, meaning that patrons were able to remain in the premises to consume alcohol and this variation would actually give greater control to the premises to monitor the behavior and drinking of patrons. The Sub-Committee shared the concerns of the responsible authority and the public that the increase in hours for the sale of alcohol presents the risk of an increase in public nuisance associated with the premises, but the actual outcome of the proposed variation is unknown. The Sub-Committee noted that it is not appropriate to act on speculation.

**2. Prevention of Crime and Disorder**

The Sub-Committee noted that whilst there were representations in relation to this licensing objective, that they were general in nature and did not go to the particular impact of the proposed variation. Further, although crime figures were stated in relation to the premises, there was no representation from the police and as such gave relatively little weight to these submissions.

**3. Public Safety**

The Sub-Committee noted the representations under this licensing objective, but were of the view that they did not address the impact of the variation and were in all probability outside the narrow definition of public safety as provided by the statutory guidance.

**4. Protection of Children from Harm**

The Sub-Committee noted the representations under this licensing objective, but were of the view that they did not address the impact of the variation and were in all probability outside the narrow definition of the protection of children from harm as provided by the statutory guidance.

**DECISION MADE:** Taking into account the consideration of the evidence as it pertains to the impact of the proposed variation on the licensing objectives, the Sub-Committee determined that the application should be granted.

Additional notes made by the Sub-Committee at the meeting:

- The Sub-Committee noted that there were general concerns regarding the operation of this premises and how it meets the licencing objectives. The premises licence holder and the DPS have heard today from a responsible authority and other persons that there is a dissatisfaction with this premises. The licence holder has made clear that it is his intention to run a responsible premises and to work with local residents to minimise the impact of his premises on his neighbours. The Sub-Committee encourages this approach and has chosen to apply no further conditions on the premises today. However, it seems likely that if matters are not addressed, there will be a review of this licence in the future.
- This licence, like any other licence, is subject to review at the instigation of any Responsible Authority or Other Persons should there be any concerns regarding the operation of, and/or, breaches of the licence.
- Other Persons and Responsible Authorities were reminded that they may apply for a review of this licence “after a reasonable interval” pursuant to Section 51 of the Licensing Act 2003.
- Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the 2003 Act.
- In the case of a Premises Licence, an appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices’ chief executive for the magistrates’ court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against.