

Record of a Hearing of the Bradford District Licensing Panel held on Tuesday, 25 April 2017 at Committee Room 3 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearings

RECORD OF A REVIEW OF A PREMISES LICENCE FOR THE POTTING SHED, 94 MAIN STREET, BINGLEY (Document "P").



POTTING SHED, 94 MAIN STREET, BINGLEY

**RECORD OF A REVIEW OF A PREMISES LICENCE FOR THE POTTING SHED, 94
MAIN STREET, BINGLEY**

Commenced: 1005
Adjourned: 1125
Reconvened: 1135
Adjourned: 1235
Reconvened: 1255
Concluded: 1300

Present:

Panel:

Councillor M Slater (Chair)
Councillor A Hawkesworth
Councillor B M Smith

Parties to the Hearing:

Representing the Licensee:

Mr P Whur, Legal Representative
Ms J Renner, Operations Director

Representing Responsible Authorities:

Ms J Haworth, BMDC Environmental Health
Ms M McFadden, BDMC Licensing Enforcement Officer
Ms S Flockton, BMDC Planning Officer
PC Dawson, West Yorkshire Police

Representing Interested Parties:

Councillor J Pennington
Mrs Milnes, Mr Lester & Mr Marley, Local Residents

Observers:

Bingley Town Councillor Wheatley
Ms L Shepherd, Environmental Health
Telegraph & Argus

The Assistant Director, Waste, Fleet and Transport Services, presented a report (**Document "P"**) which outlined an application review of a Premises Licence authorising the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment at the Potting Shed, 94 Main Street, Bingley.

The licensing officer in attendance summarised the background to the application for review and representations made by West Yorkshire Police; the Local Authority Licensing Enforcement Officer and Environmental Health. Document "P" also summarised eight letters of representation received from local residents and a Ward Councillor on the

grounds of excessive noise and disturbance caused by patrons of the premises. It was reported that the Designated Premises Supervisor (DPS) had been removed from post and a replacement had been appointed.

The Environmental Health Officer addressed the meeting and provided background information to the issue. She also reported a substantial number of on-going complaints regarding noise nuisance emanating from the premises.

It was explained that an application to convert the licence to a Premises Licence, under the Licensing Act 2003, was made in June 2005 and had received no objections due to the history of premises.

In July 2007 a number of complaints about loud music from the premises were received. The complaints were investigated and the DPS agreed to keep fire doors closed and music turned down to alleviate disturbance to residents. The complaints continued to be received until September 2008.

Between September 2008 and March 2015 no further complaints were received by Environmental Health. The licence had been varied, on request and without objection, on 24 November 2014 and 4 March 2015.

The first complaint received by Environmental Health, following the variations, was received on 24 March 2015. The complaint was made from the occupier of a flat on Main Street and it was alleged that there was loud music on Friday and Saturday nights and it continued until 02:00 hours in the morning. The resident also complained about loud noise from people on the two rear garden balconies throughout the evening and that this continued until after the music stopped.

Officers investigated the complaint and a letter was sent to the DPS on 30 March 2015 to make him aware of the complaint and to advise that monitoring would be undertaken if further complaints were received. A further letter was sent on 1 April 2015 as officers had been made aware that the letter had not been delivered. Following the letter officers were initially informed that there were less people outside and the music was not as loud. The weekend after that the disturbance resumed.

On 10 June 2015 a Licensing Application to vary the Premises Licence was received. Officers conducted a site visit and raised concerns about the addition of a bar in the rear garden and potential noise nuisance. It was recommended that the bar be closed at 2230 hours but after communication with the solicitor representing the applicant closure at 2300 hours was approved.

Complaints resumed on 7 June 2015 and continued until October 2015 when a review application was submitted. The complaints received at that time, and subsequent action taken by officers, was reported in detail. The complaints included noise nuisance from occupants of the beer garden until late at night; speakers being placed outside of the premises; bottles being disposed of at 2330 hours and girls screaming and men shouting in the beer garden until 0045 hours. Noise monitoring equipment had been installed in the home of one complainant and when officers listened to those recordings loud voices could be heard on all the recordings made. Noise diaries were issued to residents and revealed the main source of noise was people outside of the premises on Friday and Saturday nights until 0130 in the morning. The detrimental impact the noise was having on the residents at nearby River Walk was raised and it was explained that some of those

residents were having to relocate from their bedrooms to escape from the noise.

A further review of the premises was held on 23 November 2015 and a number of conditions were placed on the licence.

No further complaints were received until June 2016, although, officers believed that this was due to the fact that typically during winter months complaints of noise from licensed premises reduced due to limited use of outdoor spaces and windows and doors remaining closed.

On 9 June 2016 a complaint was received about the sound from a large television screen which had been erected in the beer garden along with noise from customers. A site visit was conducted on 16 June 2016 where officers witnessed a world cup football game being played on the screen erected in the beer garden and a large volume of people in the garden. The volume was loud enough to be heard within the grounds of local residents and customers chanting could be heard inside of their homes. When a football team scored the noise was horrendous and likened to being in a football stadium. Videos depicting the volume of noise in the pub beer garden had been recorded and would be made available to Members if required. Whilst on the site visit a further complaint was made by a resident about the disturbance and that he was unable to sleep because of the noise.

On 27 June 2016 an additional site visit was made when the commentary of a football match being screened could be heard inside of residents' homes. The windows and doors were closed and the noise was still clearly audible. Foul language was also heard which emanated from the beer garden. A 20 signature petition was submitted about the premises whilst officers were on the site.

An abatement notice was served on the DPS on 7 July 2016 requiring him to 'abate' the nuisance and prohibit a recurrence of the nuisance arising from noise the use of a screen erected in the beer garden and customers using the outdoor area/beer garden at the rear of the Potting Shed.

Following consultation with the Council's Planning Department it was confirmed, on 12 July 2016, that the sheds and the screen outside of the premises did not have Planning Permission and that permission was required for such purposes.

Further complaints continued throughout July and August. On 3 August 2016 a letter was sent to the DPS informing him of further complaints and that a Contravention of the Abatement Notice had been witnessed. Following that letter communication was received from solicitors acting on behalf of the company requesting a meeting at the premises to discuss the issues. That meeting was held on 17 August 2016 and was attended by one of the owners of the Potting Shed, the company's solicitors and a proposed new DPS. It was stressed that the company wished to avoid a review and wanted to work with Environmental Health to resolve the issues. The complaints were discussed and the owner confirmed he had been present on 27 June and he acknowledged that a child had been present when foul language had been heard. It was also agreed that the noise had been too loud.

Officers were informed that an appeal against the Noise Abatement Notice had been made by the company to the Magistrates Court. It was also confirmed that the DPS would be removed and replaced; the large screen would be removed from the beer garden; the

bottom sheds would be cleared at 2100 hours and people would be prevented from taking drinks outside after 2200 hours. It was agreed that proposals would be submitted to Environmental Health to control the noise and prevent further complaints.

No response to the proposals was forthcoming and when the solicitors were contacted on 19 September 2016 it was confirmed that the DPS had been replaced. It was also reported that the screen had been removed from the garden; door supervisors had been refocused in relation to their duties in the outside area and customers would only be allowed outside of the premises to smoke. Officers were advised that their comments on the increase in loud music within the premises had been passed on and were hopeful that the new management team could address those issues. Following discussions about the Abatement Notice Members were advised that because the DPS no longer worked for the company the notice had no legal status. It had been agreed, therefore, by the Council and Solicitors acting for the Potting Shed that the notice be withdrawn.

Unfortunately complaints, including amplified music being played whilst doors and windows were open continued. In November 2016 a planning agent for the company emailed the Council's Planning Department in respect of the application for retrospective planning consent. In that email he commented that the applicant had instructed an acoustic specialist to consider measures they could take to reduce noise impact.

A number of incidents of disturbance occurring throughout December 2016 to March 2017 were reported and included measures taken to advise the company of the continued complaints.

In response to the presentation a representative of the Council's Planning Department reported the Planning Enforcement Officer's view that an acoustic fence of the size suggested would not be supported because of its height and proximity to local residences.

Members questioned how long the residences had been located in that area and were advised that they had been built in 1990.

The legal representative and local residents declined to question the Environmental Health Officer.

The Licensing Enforcement Officer clarified that the beer garden area had been waste land at the time the flats were erected. She continued to address the meeting to explain that since the original review of the Premises Licence there had been no improvements and complaints had continued.

At the time of that review a management plan had been submitted which was presented as a solution to all the problems encountered with the premises. At that time she had concerns that the plan was feeble and she felt that her fears had been borne out.

It was stressed that the Premises Licence Holder had ultimate responsibility for the licence and had a duty to ensure that the premises were run properly and adhered to the licensing objectives. It was felt that at the Potting Shed the most pertinent of those objectives was the Prevention of Public Nuisance objective.

The Licensing Enforcement Officer believed that the Designated Premises Supervisors employed, who were young men in their 20's, were not effective in their role and unable to ensure that the licensing conditions were adhered to. It was felt that the Premises Licence

Holder should have taken robust action tackling that issue.

She reiterated that complaints continued to be made about the premises and the difficulties encountered by local residents. Having witnessed the noise with colleagues she believed that the noise from the beer garden was ridiculously loud. It was explained that many residents were elderly or to some degree infirm and had felt too intimidated to complain.

A video had been produced, taken from a resident's window whilst the windows were closed, as evidence of the noise disturbance on 27 June 2016. It was claimed that this evidenced that the noise from the beer garden was from the football commentary on the big screen and the large number of customers in the beer garden. She was aware that the screen had been removed, however, this had not resulted in peace for the residents. It was claimed that the noise nuisance had continued as the premises retracted the roof of the terrace and continued to play loud music. At Easter officers had been advised that the roof was retracted, doors were open, customers were extremely drunk and were shouting, screaming and swearing. A complainant had stated that the disturbance had been in the afternoon and continued until very late.

To enable Members to gauge the location of the premises to the nearby residences of River Walk pictures were produced showing the glass sided terrace and lights in the beer garden and the archway entrance to River Walk revealing its proximity to the beer garden and potting sheds.

It was acknowledged that the premises were in a lovely location but, unfortunately, the conduct of some of the customers using the beer garden has had a devastating effect on the residents who sought to live in peace in a semi-rural location. Residents were unable to enjoy their properties or gardens due to the inconsiderate behaviour of some customers. They were forced to listen to shouting, screaming and foul and abuse language.

She concluded by stressing that Public Nuisance was not narrowly defined in the 2003 Licensing Act and retained its broad common law meaning. It was suggested it could include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

Following the production of photographs taken from the residents' homes the depth of the slope and wall at the rear of the premises was questioned. In response it was advised that the depth would be 11 metres.

The legal representative and local residents declined to question the Licensing Enforcement Officer.

A representative from West Yorkshire Police addressed the meeting. She explained that the representations made by the police were due to the number of calls received by the police from local residents.

West Yorkshire Police had made representations at the original review of the licence and were concerned that once again the licensing was being reviewed. She referred to a bundle of 25 police complaints and stated that the police had received an additional four complaints since that documentation had been produced.

It was accepted that the company had explained that they had made a mistake and removed the large screen, however, disturbance had occurred and there had been no

control from management. She felt it was time that the management accepted there was a problem with noise at the premises; accepted their management plan had not worked and that they should take control. Copies of her notes from the original review reported that the company had said there would be no further problems, however, residents were at the end of their tether and the company were at a review again.

She expressed concern that the acoustic fencing proposed would need planning permission which may not be received and that new managers may not appreciate the extent of the issue.

It was explained that the previous licensed premises did not have a large outside area and that the beer garden significantly increased the capacity of the premises. The previous conditions had not resolved the issues and the police were requesting that serious consideration be given to restricting the use of the beer garden.

The legal representative and local residents declined to question the representative of West Yorkshire Police.

A local Ward Councillor and residents of River Walk addressed the meeting in support of the review of the Premises Licence.

It was explained that noise from customers using the beer garden, noise when the roof was retracted; crowd sizes in case of emergency; incidents of exposure to people swearing, urinating and vomiting in the area were a concern to residents. Extracts from the letters of representation were quoted. It was reported that the Telegraph and Argus had incorrectly published the date of the review meeting and it was felt that many more residents would have been in attendance had it not been for that error.

It was maintained that the Designated Premises Supervisors employed by the company should be mature, experienced and have a sense of presence and command to make a difference to the issues being experienced.

A representative of a local resident who was too ill to address the meeting explained that the premises were located in close proximity to housing for the elderly. His 92 year old mother had lived there and her bedroom had looked directly on to the premises. Noise and lights on all night had meant that the bedroom could not be used. His brother had been woken at 2.30am in the morning due to the noise within the premises and was too ill to complain. It was questioned how long the elderly, frail and infirm residents would have to endure the noise and stressed that the noise nuisance was detrimental to their health. It was felt that measures had been promised but not enforced to address the issue and Members were asked to take serious consideration of the concerns of residents.

The seriousness of the suggested acoustic fencing was questioned by residents and the height of the fence next to residential property in a conservation area was likened to that of a mill chimney.

The legal representative for the Potting Shed addressed the meeting. He explained that he had worked with the company to ensure the licensing objectives were met and he was disappointed and embarrassed to be at the review. He believed that when the trust of residents and the responsible authorities had been lost it was more difficult to retrieve that trust. He acknowledged that trust must be regained.

He explained that the company was a successful business but felt that it had not been given the benefit of the doubt. He reported that the company was a local business and it had made a significant investment in the area. The company now had a national presence with over 600 employees. There were two other Potting Sheds and four planned.

He refuted any suggestion that the DPS had left as a result of the review and explained the rationale for the dismissal of the DPS from the company. As it was an offence to trade without a DPS measures had been made to make another appointment promptly.

Work had been undertaken to diagnose what had gone wrong at the premises in Bingley. It was felt that the company had grown too quickly for its infrastructure and been a victim of its own success.

The company had been let down by two previous Designated Premises Managers who had left the company for significant issues.

The company had brought in an Operations Director to aid the ability to deal with issues on a site by site basis. Careful consideration had been given to ensure they had a DPS who was the right person. Although he was young he had considerable experience within the company at many other venues. They were confident that he had the confidence to run the property and address any concerns. The Operations Director was also a significant additional resource to support day to day operations.

Photographs from facebook pages were produced to demonstrate the use of space at the premises and the popularity of the venue. It was acknowledged that the company had scored an "own goal" when they erected the large screen and it had been removed. The operator had invested significantly in the premises which was the best in the local area. It served good food, had a pleasant balcony area; was located in a nice environment and the general ambience was good. It was agreed that the focus must now be on the residents and how the premises could be managed to resolve the issues faced.

Acoustic engineers had been consulted to minimise the effects of the use of the outside areas and it was believed that the company should have the opportunity to utilise the solutions proposed which had been effective at other locations.

The Legal Representative acknowledged he was not involved in the retrospective planning consent process but believed the application would be considered in June 2017. There had been two grounds of opposition which had now been reduced to one. Planning consultants were of the opinion that the sheds absorbed noise levels.

The operators successfully managed premises throughout the country, however, it was accepted that they had not got things quite right at the Potting Shed and the company been let down by on site managers. The new DPS was high flying and an experienced employee brought in to the premises to address the issues.

The views of the responsible authorities had been considered, however, it was felt the difficulty with review would be that, with the opportunity to appeal the decision, it would not have immediate effect. In response to questions it was explained that were the issue to go the Magistrates Court it could result in a delay of three to five months.

The Legal Representative felt that a sensible option would be to adjourn the outcome of the final decision and put the operator on probation to show it could get it right. By the time

the review was reconvened all measures would be in place and those who had requested the review could see the measures were working as they should have done previously. He felt that maybe the acoustic fence would get planning permission and be effective or that the new DPS and Operations Manager would add value to the premises and noise from within could be controlled with serious management.

Apologies were made to the local residents for the impact of the premises and it was explained that new management arrangements were in place. It was felt that the suggested physical structure could provide real benefit and the business could be successful without having a negative impact on residents.

Following statements about the significant investment in the property a Member asked that the significant investment residents had made in their homes also be considered.

The Licensing Officer questioned why, in the light of the impending review, the licensee had not already taken steps to prevent the roof being retracted. In response the Operations Director confirmed that the roof should not be retracted in the evening and would only be opened during periods of sunny weather through the daytime. She maintained there were no speakers outside and if the roof was retracted she was happy to turn off the speakers upstairs.

Members raised a number of issues and questions to which the following responses were provided:-

- a. The previous DPS had tried to discuss the impact of the size of the proposed acoustic fencing with people in the locality, however, enforcement officers had told him to stop as residents could feel intimidated.
- b. A contact number had been offered at the last review to allow residents direct contact to complain.
- c. There was a real desire to work together to find a solution. It was felt that through discussions a solution could be found.
- d. It was hoped that the review could be the start of a procedure to find a solution in conjunction with the new management arrangements and agreement that speakers would not be used in the upstairs area whilst the roof was retracted.
- e. The acoustic fencing would be designed to fit the local surroundings and the company would work with residents.
- f. The Potting Shed in Bingley was the only premises which had been subject to a review of this nature.
- g. The DPS was experienced and had worked in 'hard' environments. He would also have the support of the Operations Director. This was not a rogue appointment and he had been successful within the company.
- h. Premises in Beverley were located near to residential premises and operated successfully.

- i. The company invested time and effort into getting their premises right. Two operational members of staff had let the company down.
- j. The Operations Manager would be situated in Bingley as their were two venues in that area. She would be happy to work with residents to solve their issues and make things change.
- k. The acoustic fencing consultants knew their business and it was believed they could create a solution. Significant investment would be made to create a benefit for residents.

Following the detailed statement a number of questions and issues were raised.

The Licensing Officer, in response to discussions about a contact number for residents, explained that previous efforts had not worked as the company representatives did not hear the telephone ringing above the noise in the premises. The Operations Director confirmed that she would check and hear any incoming calls. She would monitor the premises and always be available on the telephone. It was acknowledged that it could be hard to control customers but that she would try to prevent shouting and swearing.

It was questioned why the managers of the company, who were made aware of the issues at the premises, had not taken any action.

A local resident raised concerns that a proposed 15 metre fence would be located 15 metres from her home. Rodent and rubbish problems were also envisaged. The Operations Director explained that the area was not part of the premises but that they would be willing to discuss how they could help and if the land owners agreed they would make that area more pleasant for residents.

The Environmental Health Officer referred to previous checks/inspections of the perimeter of the premises and that residents had been asked to sign paperwork to say that the noise was not a problem. She had been told that those residents had felt intimidated. She also believed that more information was required to evidence the effectiveness of the acoustic fencing proposed. It was feared that the fence would be too high in such close proximity to houses.

It was questioned what the company had done to address the problems since the Operations Director had met with officers in August 2016. In response the Legal Representative explained that the Operations Director had only been in her role for 2/3 months and had observed the meeting referred to. Her input now would be to work with residents.

It was questioned if the new DPS would be present at all times and it was confirmed that he would live on the site.

The Environmental Health Officer referred to the two conditions which were that the beer garden, including the grass/astroturf and gravel/ pergola areas be cleared of customers by 21.00 hours and that the ground and first floor terrace be cleared of customers by 22.00 hours and the Legal Representatives reference to an appeal to the Magistrates Court if those conditions were imposed.

In response the Legal Representative stated that he was not making threats but he believed that there was an opportunity to understand how the company could address the issues. He reported that the conditions could not be accepted; they were disproportionate to the running of the business and it was felt the company could promote the licensing objectives with the existing conditions.

The Environmental Health Officer disagreed and claimed that the company had not complied with the conditions on the licence.

A local resident questioned why, despite the previous review, the music and noise emanating from inside of the premises remained intolerable. It was claimed that four telephone calls had been made to the premises to no avail and that it was not an isolated occurrence. It was claimed that residents would find it hard to trust the company after the way they had been previously treated. It was believed that all they were hearing were excuses and the suggestion of an unsightly fence.

The Operations Director questioned the date of the incident and was advised that the calls were made on 4 March 2017. It was explained that the incident was a long time before she had been appointed but she was now available to work with residents. If the appearance of the fence was not liked the company were willing to address those issues. She asked that she be given a chance to work with residents and explained that the terrace area was 60% of their business at those premises.

The Environmental Health Officer confirmed that she was at the premises on 24 March 2017; that music was audible in neighbouring properties between 21.55 and 22.45 hours and that people were drinking in the outside area after the permitted times.

A local Ward Member suggested alternative fence designs including that the construction be glass and the Operations Director agreed that discussions could be held about the design of the fence.

In summary the following statements were provided:-

A local resident referred to the average age of the local residents and their possible limited life expectancy. He claimed that residents were woken frequently because of the noise and he believed that the company should take immediate action. He was concerned that management could not control 350 drunk people and that residents must have confidence in the management at the premises.

The Legal Representative hoped that people would have confidence in the new management arrangements. He expressed concern at the body language of the officers involved in the review when there were people attempting to put things right. He referred to suggestions that the previous Designated Premises Supervisors had been used as scapegoats and he explained the reason for their dismissal from the company. It was maintained that, as an officer of the court, he would not provide information that was not true. He suggested that the review procedure, in law, was not friendly. It was requested that the review be adjourned for a period of three months to allow an acceptable fence solution and he urged the Panel not to waste the opportunity to work with the company at the correct level.

The representative of West Yorkshire Police stressed that the complaints had continued despite previous promises made. She asked the Panel to consider that the majority of

people present at the hearing could walk away from the issue. The residents, however, could not and she urged Members to consider the local residents and prevent them enduring another summer of disturbance.

The Licensing Enforcement Officer maintained that the rights of residents should be considered. She maintained that complaints were still being received despite the Operations Director being in post for the previous three months. She claimed that the Potting Shed had demonstrated a blatant disregard for the local residents which she felt was clearly unacceptable. It was asked that consideration be given to restricting the use of the beer garden to prevent the public nuisance continuing.

The Environmental Health officer concluded by reporting that since June 2016 when she first became involved with the Potting Shed, complaints had been made on a regular basis about loud music and noise from customers at the premises. In addition it came to her attention that the TV screen, which had been present for the football world cup did not have planning permission nor did the potting sheds, pergola and bbq shelter at the rear of the premises. It was believed that the current position was that planning permission had been refused but the applicant had appealed against that decision to the Secretary of State and that was scheduled to be heard by the Planning Inspectorate in June 2017.

Despite the Potting Shed instructing an acoustic specialist in November 2016, she had no further communication until an email on Wednesday 19th April 2017 from Woods Whur, acting for the Potting Shed, referring to a proposal to install some exceptionally high acoustic fencing, which would need planning permission.

It was recognised that The Potting Shed was a thriving business and was encouraging people to visit Bingley but felt that it should not be to the detriment of local residents. The beer garden was quite unique and a feature of the premises but it did encourage customers to sit outside during the day and at night and the knock-on effect was that local residents were no longer able to enjoy and relax in their own homes. She was aware some residents were unable to go to bed until after the pub closed as they could not sleep due to the noise.

It was maintained that whilst Environmental Health could look at addressing some of the noise issues through the service of an Abatement Notice, they were required to serve the Notice on the person responsible for the noise. That meant that the Notice would be served on the Designated Premises Supervisor in the majority of cases and, it had already been seen, that the recipient was removed from his role as DPS and the Notice, therefore, was not enforceable. It was also reported that the Notice had been appealed. Environmental Health Officers were left with a situation where the noise had continued and they had to undertake further monitoring in order to serve another Abatement Notice. Clearly, that was not a scenario which could be left to continue and Officers could not and should not have to monitor the premises every weekend. The company had to manage the noise from their premises and their customers and so far it had failed to adequately do so.

It is for those reasons that the application to review the premises licence had been made yet again. It was the opinion of officers that the music could be controlled easily by turning the volume down and keeping the windows/doors etc closed. The noise from customers outside though was somewhat more difficult to control if not impossible. It was for that reason that the Panel was requested to consider the imposition of the following conditions:

1. The beer garden including the grass/astroturf and gravel/ pergola areas to be cleared of customers by 21:00 hours.
2. The ground and first floor terrace to be cleared of customers by 22:00 hours.

It was felt that the conditions were not disproportionate and would allow the residents to be free from noise.

In conclusion the Chair trusted that all parties had been given the chance to say all they wished and he confirmed that the Panel would deliberate all the issues raised.

Resolved -

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance, the panel imposes the following conditions:-

- (1) That the beer garden including the grass/Astroturf and gravel/pergola areas to be cleared of customers by 21.00 hours.**
- (2) That the ground and first floor terrace to be cleared of customers by 22.00 hours.**
- (3) That all external doors and windows to the licensed premises, where regulated entertainment is bring provided, shall remain closed during the course of the entertainment, other than for normal access and egress.**

Reason: To prevent noise, disturbance and nuisance to residents in the vicinity of the premises – prevention of public nuisance objective.

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.