09-09-26

OBJECTION TO APPLICATION TO EXTEND LICENSING HOURS – ROSSI'S BAR I wish to formally object to the application to extend the operating hours of Rossi's Bar to 3:00am, including the provision of alcohol, music and dancing. My objection is based primarily on the potential impact of the proposed operation on the Prevention of Public Nuisance and Prevention of Crime and Disorder licensing objectives. I recognise that the premises may have operated without significant complaints under its existing licence. However, I do not believe that there is sufficient evidence that the proposed substantially later operation would have no impact on the surrounding residential community. 1. The proposed operation represents a significant change from the current situation The existing licence permits operation only until approximately 11:00pm. The application is therefore not simply a continuation of the current operation. It represents a significant extension into the late-night and early morning period, with alcohol being served, music being played and dancing taking place until 3:00am. There is an important distinction between a premises operating until 11:00pm and a venue operating until 3:00am. The fact that there have been no significant issues under the current hours cannot reasonably be taken as evidence that there will be no issues during the additional four hours of late-night operation. The proposed change needs to be assessed on its own likely impact. 2. Prevention of Public Nuisance I am particularly concerned about the potential for public nuisance arising from the proposed late night operation. While appropriate sound insulation may reduce the transmission of music from the premises, it cannot eliminate the wider impacts associated with operating a late-night bar until 3:00am. Public nuisance can arise from a combination of factors, including: * customers arriving at and leaving the premises during the late-night and early-morning hours; * conversations, shouting and other noise outside the premises; * customers waiting for taxis or private-hire vehicles; * vehicle noise, car doors and engines; * customers smoking or congregating outside; * repeated opening and closing of doors; * bottles, glass and other waste; * litter and spillages; * late-night dispersal of groups of customers; and * the cumulative impact of these activities on residents attempting to sleep. These impacts are particularly relevant where there are residential flats above the premises and neighbouring businesses immediately adjacent to it. The underlying concern is that extending the operation to 3:00am will inevitably create a substantially longer period during which customers will be arriving, drinking and subsequently dispersing into the surrounding area. Importantly, the absence of complaints under the existing 11:00pm closing time should not be treated as evidence that a 3:00am operation will have no impact. The circumstances being proposed have not yet been tested. 3. Residential amenity and the early-morning environment The surrounding area is a residential environment, with people living directly above and in close proximity to the premises. There is a significant difference between activity associated with a bar closing around 11:00pm and customers dispersing from a music

and alcohol venue at 2:30–3:00am. At that time of night, background activity in a residential area is naturally reduced. Noise that may be relatively insignificant earlier in the evening can therefore become considerably more intrusive during the early hours. Residents should not have to accept a significant deterioration in their ability to sleep and enjoy their homes simply because noise generated inside the premises can be contained through acoustic insulation. The potential nuisance is not limited to music escaping from the building. It is the overall impact of a late-night venue and the behaviour of its patrons in the surrounding streets that concerns me. 4. Prevention of Crime and Disorder I am also concerned about the potential implications of extending the operation to 3:00am from a crime and disorder perspective. A venue operating until 3:00am creates a different pattern of activity from one closing at 11:00pm. There will be additional hours during which alcohol is consumed, patrons remain on the premises and groups of customers subsequently disperse into the surrounding area. The wider local environment should also be taken into consideration. There are already concerns within the surrounding area regarding antisocial behaviour and drug-related activity, as well as the presence of betting shops and other activity that can contribute to an environment in which residents already experience concerns about disorder and personal safety. My concern is that the Licensing Authority should consider whether introducing a venue operating until 3:00am could add to the pressures already experienced within the local area. 5. The absence of previous problems is not evidence of the absence of future risk Licensing objectives are fundamentally preventative. The question is not simply whether a problem has already occurred; it is whether the proposed operation is likely to give rise to circumstances that could undermine the licensing objectives. The applicant is proposing a material change to the premises' operating hours and character. It is therefore reasonable for residents to consider the foreseeable consequences of that change. The fact that Rossi’s Bar has operated without significant complaints while closing at approximately 11:00pm tells us very little about the potential impact of a venue operating until 3:00am. 6. The cumulative impact on the local community My concern is also about the cumulative impact of the proposed operation on an area which is already subject to antisocial behaviour and late-night activity. Even if each individual measure proposed by the applicant is reasonable in isolation, the Licensing Authority should consider the combined effect of: * later alcohol consumption; * music and dancing; * patrons remaining at the premises until 3:00am; * customers dispersing in the early hours; * noise and activity immediately outside the premises; * the presence of residential accommodation above the premises; and * existing concerns about antisocial behaviour in the surrounding area. The fact that a venue can be operated in a professionally managed manner does not necessarily mean that a 3:00am operation is appropriate for this particular location. I respectfully ask the Licensing Authority not to assess this application solely on the basis of the premises' previous record under its existing licence. The proposal would materially extend the hours during which alcohol, music and dancing are provided and

would result in patrons leaving the premises in the early hours of the morning, in a location with residential accommodation directly above and immediately adjacent to the premises. The current absence of problems under an 11:00pm licence cannot reasonably be used as evidence of the likely impact of a substantially different late-night operation. I therefore ask the Licensing Authority to carefully consider the application against the Prevention of Public Nuisance and Prevention of Crime and Disorder licensing objectives and, in particular, the likely impact of the proposed hours and late-night dispersal of patrons on the residential community. I respectfully request that the application to extend the operating hours to 3:00am be refused and that licensing should be kept to 23:00.