

LICENSING AND APPEALS SUB-COMMITTEE

28th September 2005

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Carroll and Whyman, M.B.E. (Labour Group) and Councillor Atkin (Conservative Group).

District Council Representatives

J. Tsoi (Legal Advisor to the Sub-Committee), N. Betteridge (Democratic Services Officer), A. Kaur (Legal Officer), J. Morton and J. Salter (Licensing Department).

Non Council Attendees

Mrs. S. Grewcock (Licensee), Mrs. L. Tilley (friend of Licensee) and Mr. and Mrs. R. Richfield (interested parties).

LA/36. **APPOINTMENT OF CHAIR**

RESOLVED:-

That Councillor B. Whyman, M.B.E. be appointed Chair for the Meeting.

MATTER DELEGATED TO SUB-COMMITTEE

LA/37. **APPLICATION FOR A PREMISES LICENCE AT THE ROYAL OAK INN, MAIN STREET, CAULDWELL**

Following introductions and clarification of the procedure, the Licensing Enforcement Officer was invited to present his report, which had been circulated with the agenda. Corrections were made to the report relating to the application hours for music proposed to be played outdoors.

Mrs. Richfield of Main Street, Cauldwell and her husband had submitted an objection to the application and Mrs. Richfield addressed the Sub-Committee to reinforce the contents of her letter. She advised that the nature of her objection related to the playing of music, particularly outdoors. She felt that an extension of the opening hours would encourage more visitors to frequent the premises, causing more noise nuisance. Mrs. Richfield explained that the noise from the premises could sometimes be heard inside her house above the television and expressed particular concern at music noise emanating from a marquee in the garden, which was situated only approximately 20 feet from her property. Mrs. Richfield considered that the seven objections received were significant, as this represented nearly one third of the households in the village. She advised that her property was divided from the public house by only a narrow driveway and her property contained two bedrooms on the edge of this driveway. She stated further that many cars were parked in the street which also created a noise nuisance as customers left the premises and she felt that this would increase if an extension of hours was granted.

Mrs. Grewcock, the Licensee of the premises, then addressed the Sub-Committee and emphasised her need to maintain a competitive business with other public houses in the area. She was unsure whether the additional hours proposed would be utilised fully but reiterated the need for the necessary permission in accordance with the Licensing Act 2003. She had requested the variation to be amended to 12 midnight rather than 1 am during weekdays and 11 pm on Sundays as a significant concession to residents' concerns. She also emphasised that notices would be posted requesting customers to respect the privacy of neighbours.

The Sub-Committee asked questions of the applicant and also invited Mrs. Grewcock to ask questions too.

At 2.30 pm, the Sub-Committee retired to consider its decision. At 2.45 pm, the Meeting was re-convened.

In making its decision, the Sub-Committee had regard to the District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and considered carefully all the evidence presented to it.

The Sub-Committee made its decision to promote the four licensing objectives, as follows:-

- (a) Prevention of Crime and Disorder.
- (b) Public Safety.
- (c) Prevention of Public Nuisance.
- (d) Protection of Children from Harm.

The Sub-Committee considered in detail the representations of the Council's Licensing Enforcement Officer, the interested parties and the applicant. The Sub-Committee resolved to grant the application for a variation of a Premises Licence, in part only, as follows:-

In relation to the Opening Hours these were to be as follows:-

- Sunday to Thursday : 11:00am until 12:30am;
- Friday and Saturday : 11:00am until 01:30am

In relation to the Sale of Alcohol, these hours were to be as follows:-

- Sunday to Thursday : 11:00am until 12:00am (midnight) with an additional 30 minutes drinking up time;
- Friday and Saturday : 11:00am until 01:00am with an additional 30 minutes drinking up time

In relation to Recorded Music - Indoors, these hours were to be as follows:-

- Sunday to Thursday : 11:00am until 12:00am (midnight) ;
- Friday and Saturday : 11:00am until 01:00 am;

The request for music to be played outside was not granted.

Having taken into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the applicant and the representations made by the interested parties. The Sub-Committee felt it was reasonable and proportionate to allow

the variation, in part, with amendments subject to the conditions specified imposed to address specifically the concerns raised, particularly the prevention of public nuisance.

The Chair reminded all parties that they could appeal to the Magistrates Court against this decision within a period of 21 days from receipt of the decision notice.

RESOLVED:-

That the application for a Premises Licence for the Royal Oak Inn, Main Street, Cauldwell be granted, as set out above.

B WHYMAN, M.B.E.

CHAIR

The Meeting terminated at 2.50 pm