

APPENDIX 6



Directorate for Planning, Growth and Sustainability

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Licensing Authority Aylesbury Area	Dealt with by:	Mr A Godman
Buckinghamshire Council	Direct Line:	01494 732934
The Gateway	Your Ref:	PR202205-271333
Gatehouse Rd	Date:	15/6/2022
Aylesbury	Our Ref:	PR202205-271397
HP19 8FF	Email:	Andrew.Godman@Buckinghamshire.gov.uk

BY EMAIL

Dear Sir/Madam

Licensing Act 2003

Re: New Bury Farm, Mill Road, Slapton, Leighton Buzzard, Buckinghamshire, LU7 9BT

I acknowledge safe receipt of the Premises Licence application documentation as regards the above premises.

I am an authorised officer of the Council as set out in Section 69(2)(d) of the Licensing Act 2003. I fulfil the duties of a Responsible authority as defined by Section 69(4)(e) of the Act in terms the Council's statutory functions associated with the minimisation or prevention of risks associated with pollution to the environment or harm to human health.

I have reviewed the proposed Operating Schedule in the context of what steps, if any, are appropriate for the promotion of the licensing objectives as described in Section 4 of the Licensing Act 2003 and **wish to make a Representation against the granting of a premises licence on the terms set out in the application.**

The proposed Operating Schedule identifies the provision of regulated entertainment which, if unmitigated, would not in my opinion promote the *prevention of public nuisance* licensing objective as regards the liberation of environmental noise.

Inadequacy of the steps cited in the proposed Operating Schedule

The steps that are currently identified in Section M of the proposed Operating Schedule are necessary and, in principle, go some way to securing the overall licensing objectives as stated in the Act. However, the current wording of these measures do not permit their direct translation into clear and enforceable licence conditions that reflect the *Crawley Borough Council v Attenborough 2006* judgement and consequently, in my view, amount to a set of *unreliable* control measures in their current form.

The way forward

I invite officers of the Licensing Authority to exercise their powers, as recognised in Section 182 guidance, to refine the wording of these measures to reflect the above case law and to render them effective. To assist with this, I would recommend the following conditions:

1. *All outdoor events to which this licence relates shall not take place unless and until, for the year in question:*
 - (a) *the commencement date of the event for that year has been agreed in writing by the Licensing Authority; and*
 - (b) *at least three months prior to the commencement date of that event (agreed pursuant to condition 1(a) of this Schedule), a draft Noise Management Plan has been submitted by the Licensee to the Licensing Authority and to any other authority/body that the Licensing Authority may request; and*
 - (c) *at least twenty eight days prior to the commencement date of that year's event (agreed pursuant to condition 1(a) of this Schedule) a final Noise Management Plan has been submitted by the Licensee to the Licensing Authority; and*
 - (d) *at least fourteen days prior to the commencement date of that year's event (agreed pursuant to condition 1(a) of this Schedule), a Noise Management Plan has been approved by the Licensing Authority in writing.*

2. *The Licensee shall ensure that the premises site is operated at all times in accordance with the Noise Management Plan approved for that event.*

If, however, no such agreement is reached within the prescribed consultation period then I am mindful that this matter will be subject to formal determination by a full Licensing Subcommittee.

If you would like to discuss this case please do not hesitate to contact me.

Yours sincerely,



Mr A Godman
Environmental Health Officer

cc Applicant