

Aylesbury Vale District Council

**DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE
FOLLOWING A HEARING ON 19 OCTOBER 2010 HELD AT THE
COUNCIL'S GATEWAY OFFICES, GATEHOUSE ROAD, AYLESBURY**

Application by Anglo Scottish Inns Ltd to vary the premises licence for The Woolpack, Well Street, Buckingham, MK18 1EP

Members of the Sub-Committee

Cllr Judy Brandis (Chairman)
Cllr Terry Jones
Cllr Peter Cooper

Declarations of interest

None.

The application

The Sub-Committee has given careful consideration to the application before it, namely, to vary the premises licence for The Woolpack, Well Street, Buckingham, MK18 1EP

In general terms, the application seeks permission to provide licensable activities, namely the sale of alcohol, live music, recorded music, performance of dance and dancing in a refurbished Barn between the hours of 10:00 – 22:30 Monday – Thursday, 10:00 - 23:00 Friday - Saturday and 12:00 - 22:30 on Sundays. The Barn is located in the garden to the main premises.

The application received a representation from Environmental Health, acting in their capacity as a responsible authority; and two neighbouring residents of the public house made representation as interested parties. The identity of these residents is an issue we will return to.

At the hearing, the applicant was represented by its Managing Director, Mr Brian Taylor, Mr Neil Green represented Environment Health and Mrs Scar (58 Wells Street) attended as an interested party. Mr Martin (56 Wells Street), the second interested party was unable to attend. The sub-committee agreed to proceed in his absence.

Environmental Health's representation referred to the fact that the application relates to a barn which has not been used by customers for licensable activities in recent years. The barn is located in close proximity to residential dwellings and is of brick construction with single glazed windows and doors overlooking the beer garden of the Woolpack. There were no historic data or complaints available as the barn has not been used in recent years. It was noted that the single glazed windows and doors are a concern due to potential noise nuisance.

As a result of these concerns and having read the representations by interested parties, the applicants agreed the following conditions with Environmental Health and thereby amended their application accordingly:

1. All windows and doors must remain closed during the performance of any regulated entertainment to include live bands (both amplified and acoustic), Karaoke and DJ's (including the use of amplified music and public announcement systems).
2. A noise limiting device must be installed in the barn for use during the performance of regulated entertainment to include live bands (both amplified and acoustic), Karaoke and DJ's (including the use of amplified music and public announcement systems). The limits on this device must be set in agreement with the Environmental Health Department prior to initial use.
3. Signage should be clearly displayed at all exits requesting the public to leave the premises quietly.

Environmental Health confirmed that at this stage they were satisfied with the conditions, but also encouraged the applicant to monitor the noise break-out at the boundary of the premises. Mr Green noted that further insulation of the barn may help reduce or redirect noise breakout, though the weak point of the building still remains the single glazed windows and doors.

Mrs Scar stated in her representation that there have been no problems with the premises for the last 6 to 7 years and that she has a good relationship with the premises. Her first issue is with parking as there is not a car park at the premises. She is not aware of any agreement in place with Buckingham Town Football Club. Her second issue relates to noise. Her property is very close to the barn and looks directly onto it. She stated her concerns were partly relieved by the sound limiter being installed. She expects some noise living next to a public house but her concerns were about additional noise from functions being held in the barn.

Mr Martin was not in attendance, but his written representations were considered. It was noted that his representation concerning odour related to the main premises and therefore did not fall within the ambit of this variation application.

Mr Taylor confirmed that the Applicant agreed to the conditions put forward by Environmental Health. He said the premises are concerned about neighbours and wishes to work with them to prevent any nuisance occurring.

Mr Taylor confirmed that there is no car park at the premises, but off road parking for three cars which is used by staff. He stated that there is an arrangement with Buckingham Town Football Club for customers to park at their venue which is 2 minutes walk away. He said he will get a letter confirming this.

Mr Taylor confirmed that the Local Planning Department have been approached and because the barn has been used previously, during the last ten years, for functions then planning is not an issue. He stated they envisage using the barn for functions such as weddings, meetings, dance lessons, children's parties, general parties and bands. He

said there would be band led events, such as concerts but these would be infrequent. He is not sure of the level of usage at the moment as it is new. He confirmed the windows are locked shut so cannot be opened and the premises would ensure the doors are closed as required by the conditions.

Mr Taylor confirmed that the barn has a capacity of 70, but suggested that the maximum number would be 55 for people to be seated to eat.

The decision

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Under the Licensing Act, we cannot modify the conditions or reject the whole or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must actually be necessary in order to promote the licensing objectives and must be supported by real evidence that it was required in the circumstances of the case.

As often is the case with contested licensing applications, there are competing rights at stake and we have sought to strike a fair and proportionate balance in coming to the decision that we have.

We are satisfied that in all the circumstances, the impact of the variation of the premises licence on the licensing objectives does not necessitate a rejection of the application. The variation application is granted with the additional three conditions as agreed by the applicants with Environmental Health before the hearing.

As offered by the Applicant, they will look into the use of fans inside of the barn. He also offered to do the following:

- Obtain a letter from Buckingham Town Football club detailing the parking arrangement; this is to be shown to Mrs Scar.
- To place signs around the premises telling customers of this arrangement.
- Have staff members ensure that the surrounding area of the premises are free from debris and alike.

Conditions

Having regard to the representations made, we are satisfied that no further conditions are necessary in order to promote the licensing objectives.

The mandatory conditions and the conditions volunteered by the applicant (i.e. the details of the amended operating schedule) have not been reproduced in this decision notice but will be set out in the licence document itself.

The effective date of this decision

This decision will take effect when the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by Licensing Services as soon as possible.

However, please note that before this decision can be implemented the noise limiter condition must be complied with.

Right of Appeal

The interested parties have a right of appeal to Aylesbury Magistrates' Court against this decision. The applicant can appeal against the refusal of part of the application and the other parties can appeal against the variation of the licence or on the grounds that different or additional conditions should have been imposed.

If you wish to appeal you must notify Aylesbury Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

19 October 2010