

**REPORT ON APPLICATION FROM THE OLD
MOATHOUSE BROUGHTON UNDER THE
LICENSING ACT 2003 FOR A MAJOR
VARIATION OF A PREMISES LICENCE**

1. THE APPLICATION

Applicant(s): Newlord Ltd

Premises: Old Moathouse, Broughton Crossing, Aylesbury, HP22 5AR

1.1 Variation application

The application is for the variation of the Premises Licence under section 34 of the Act. The detail in respect to the hours and activities applied for are set out in the application form, section A to O. Attached as Appendix 1 is a copy of the completed application form, a plan of the premises will be made available at the Sub-Committee hearing.

The steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule (see appendix 1).

In an effort to clarify the current and proposed permissions these are set out in Appendix 2.

2. RELEVANT REPRESENTATIONS

2.1 Responsible Authorities

Thames Valley Police – No representation

Environmental Health – No representation

Bucks Fire and Rescue – No representation

Planning – No representation

Trading Standards – No comment

Area Child Protection Committee – No comment

2.2 Interested Parties

During the consultation period 1 representation was received from an interested party. This is attached as appendix 3.

3. NOTICE OF HEARING AND RESPONSES

All parties were served Notices of Hearing on receipt of the representation along with the document, 'Licensing Act 2003 – The Procedure to be followed at Hearings'. The parties have therefore been notified of the consequences of failing to attend.

No further submissions have been received to date following service of the Notice of Hearing. Members will be notified of any further responses at the hearing.

4. GENERAL INFORMATION

The general information Members need to have regard to when determining applications made under the Licensing Act 2003 is set out in a separate document which is attached to the Agenda under cover of which this report has been published.

5 ISSUES RAISED BY THE APPLICATION

The issues raised by the application are for the Sub-Committee to determine having regard to all the relevant considerations. Whatever, the Sub-Committee decides, it must give reasons.

To assist Members and the parties further, The Licensing Services Manager will draw attention to any issues arising from this application at the hearing.

Contact Officer
Background Documents

Peter Seal 01296 585083

Ps-lsc-hst-Old Moathouse
Picact16112005

Insert name and address
of relevant licensing
authority and its
reference number
(optional)

Aylesbury Vale District Council
66 High Street
Aylesbury
HP20 1SD

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Newlord Ltd
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description

Old Moathouse
Broughton Crossing
Nr. Aylesbury
Bucks

Post town Buckinghamshire

Post code HP22 5AR

Telephone number at premises (if any)

01296485228

Non-domestic rateable value of premises

£ 8,400.00

Part 2 - Applicant Details

Daytime contact telephone number

0870 774 7243

E-mail address
(optional)

Current postal
address
if different from
premises address

4 Clarendon Place
King Street
Maidstone

Post Town

Kent

Postcode

ME14 1BQ

Part 3 - Variation

Please tick Yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To provide live and recorded music between 1100 and 0000 from Monday to Saturday and between 1200 and 2330 on Sunday, to sell alcohol between 1100 and 0000 Monday to Thursday and between 1200 and 2330 on Sunday, to extend drinking up time by 10 minutes to 30 minutes.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick Yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	1100	0000	<u>Please give further details here</u> (please read guidance note 3) Amplified single performances, duos and bands	Both	
Tue	1100	0000			
Wed	1100	0000	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) Please refer to additional sheet E		
Thur	1100	0000			
Fri	1100	0000	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to additional sheet E		
Sat	1100	0000			
Sun	1200	2330			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	1100	0000	<u>Please give further details here</u> (please read guidance note 3) Music ancillary to the consumption of food and drink and occasional discos	Both	
Tue	1100	0000			
Wed	1100	0000	<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4) Please refer to additional sheet E		
Thur	1100	0000			
Fri	1100	0000	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please refer to additional sheet E		
Sat	1100	0000			
Sun	1200	2330			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon					Outdoors
Tue			Both		
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing Musical instruments and amplification equipment	
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Both <input type="checkbox"/>	
Mon	1100	0000	Please give further details here (please read guidance note 3)	
Tue	1100	0000		
Wed	1100	0000	State any seasonal variations for the provision of facilities for making music (please read guidance note 4) Please refer to additional sheet E	
Thur	1100	0000		
Fri	1100	0000	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) Please refer to additional sheet E	
Sat	1100	0000		
Sun	1200	2330		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing			
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)		
Day	Start	Finish	Will the provision of late night refreshment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises
				Off the premises
Day	Start	Finish		Both
Mon	1100	0000	State any seasonal variations for the supply of alcohol (please read guidance note 4) Please refer to additional sheet E	✓
Tue	1100	0000		
Wed	1100	0000		
Thur	1100	0000		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Please refer to additional sheet E
Fri	1100	0000		
Sat	1100	0000		
Sun	1200	2330		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

Other than Amusement with Prizes machines there will be no provision of any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) New Years Eve and New Years Day The period between the standard finish time of the authorised period starting on New Years Eve and the standard start time on New Years day., If later than the standard finish times listed in the column on the left, 30 minutes after any seasonal finish times authorised for any licensable activities.
Day	Start	Finish	
Mon	1100	0030	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) If later than the standard finish times listed in the column on the left, 30 minutes after any non-standard finish times authorised for any licensable activities.
Tue	1100	0030	
Wed	1100	0030	
Thur	1100	0030	
Fri	1100	0030	
Sat	1100	0030	
Sun	1200	0000	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 Please refer to additional sheet F

Please tick Yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
 Awaiting licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

The risks associated with the variations sought have been considered and no further steps are considered necessary to promote the licensing objectives save as detailed below

b) The prevention of crime and disorder

To ensure house is a drug free zone paying particular attention to the toilet area. To not serve a drunken person

c) Public safety

Ensure regular checks are made on boiler and fire fighting equipment. ENSure all exits are clearly signed and unobstructed. Ensure that an adequate first aid kit is always available

d) The prevention of public nuisance

To keep all noise at a reasonable level. To ensure all patrons leave the premises in an orderly fashion. Ensure that staff have local taxi company numbers available

e) The protection of children from harm

Ensure that children are with parents or guardians at all times. To ensure that minors leave the premises by 2130 hrs. To serve a full range of soft drinks. To ensure AWP machine and cigarette machines are signed over 18 and 16 respectively. To insist on proper age ID if in doubt.

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature Edwards Geldard

Date 13th September 2005

Capacity Applicant's Solicitor

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Edwards Geldard
Dumfries House
Dumfries Place
Cardiff

Post town

Post code CF10 3ZF

Telephone number (if any) 029 2023 8239

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

ADDITIONAL SHEET E

Seasonal and Non-standard timings.

Where you intend to use the premises for the provision of the licensable activity at different times to those listed in the column on the left, please list

New Years' Eve and New Year's Day

The period between the standard finish time of the authorised period starting on New Year's Eve and the standard start time on New Year's Day.

Bank Holidays and other similar special occasions

To extend until [.....] the following day the standard finishing time for the authorised periods starting on Burn's Night, Valentine's Day, St David's Day, St Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St George's Day, Christmas Eve, Boxing Day and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday ~~and~~

Summer Time

To extend by one hour the standard finish time for any authorised period ending between 00:59 and 04:00 on the day on which a period of Summer Time starts.

On every day of the year – Sale of alcohol by retail only

To authorise, without time restriction, the sale of alcohol by retail:

- To any person staying at the premises, for consumption either on or off the premises;
- To any guest of a person staying at the premises, for consumption on the premises;
- and
- To persons employed on the premises for the purposes of the business carried on there, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises, for consumption on the premises.

Other occasions

~~During each period of one year, the first commencing on [the second appointed date], on no more than [...] occasions ("late finishing time occasions") to extend the standard finishing time, from that listed in the column on the left, to no later than [...] the following day subject to the additional condition set out in Box Q(a) under the heading "General – all licensing objectives"]~~

ADDITIONAL SHEET F

Please identify any of the conditions, terms or restrictions currently imposed on the converted licence which you believe could be removed as a consequence of the proposed variation you are seeking

The Applicant applies to remove:

(1) all conditions, which reproduce the effect of any restrictions imposed on the use of the premises for licensable activities under the Licensing Act 1964, the Cinematography (Safety) Regulations 1953 and the Children and Young Persons Act 1933;

and

(2) the conditions, subject to which the existing licence/s had effect at the time the application for the ~~Premises Licence~~ was granted and which are considered by the Applicant to be not necessary and proportionate for the ~~promotion~~ of one or more of the licensing objectives, [and in particular all the standard, terms, conditions and restrictions ofCouncil subject to which the Applicant's Public Entertainment Licence was granted]

APPENDIX 2**Existing permitted hours and activities**

The premises may sell alcohol for consumption on and off the premises during the following hours:

Monday to Saturday 10.00 a.m. to 11.00 p.m.
 Sunday 12.00 mid-day to 10.30 p.m.

Variation application

The application relates to the extension of the terminal hour for the sale of alcohol and the provision of regulated entertainment:

Sale of alcohol: (Both on and off the premises)

Monday to Saturday 11.00am to 00.00am
 Sunday 12.00pm to 11.30pm

Regulated Entertainment:

Live music, recorded music, facilities for making music: (All indoors)

Monday to Saturday 11.00am to 00.00am
 Sunday 12.00pm to 11.30pm

Hours open to the public

Monday to Saturday 11.00am to 00.30am
 Sunday 11.00am to 00.00am

Non Standard timings:

- Bank Holidays and similar special occasions - To extend till 01.00am Burns Night, Valentines Day, St David's Day, Good Friday, Easter Saturday, Easter Sunday, St Georges Day, Christmas Eve, Boxing Day and the Saturday immediately preceding each Bank Holiday that falls on a Monday.
- New Years Eve and New Years Day
- Summer Time – To extend by one hour the standard finish time for any authorised periods ending between 00.59 and 04.00 on the day on which a period of summer time starts.

Additional conditions agreed with AVDC Environmental Health Officer:

- The doors and windows to the premises shall be kept closed to minimise noise breakout during the performances of live music.

Old Moathouse Broughton- Appendix 2.doc

- The times for the performance of live music and the playing of recorded music on Bank Holidays and other similar occasions shall be 11am to 00.30am.
- Live music performances shall be limited to no more than 2 per calendar month.
- In relation to the sale and consumption of drinks alcoholic/non-alcoholic and /or food externally on the premises no such practices shall take place after 11pm each evening.

Mr & Mrs Jardine
10 Broughton Crossing, Aylesbury, Bucks, HP22 5AR

5th October 2005

Planning Department
Aylesbury Vale District Council
Friars Square Offices
66 High Street
Aylesbury
Bucks
HP20 1SD

Dear Sir/Madam

Re: The Dog House (formally The Old Moat House) 10 04 11

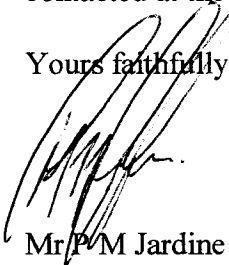
I write with respect to the above in relation the application for a late alcohol/music licence.

I wish to formally object to the application as stated above. The previous management of The Old Moat house pub would very often play loud music which can be heard as far down as our house and reverberates through our courtyard. Should the premise be granted an extension to the current licensing laws we would be disturbed further into the night by the noise of the pub.

Furthermore, the road through Broughton Crossing can be dangerous at night with cars travelling at high speed. I fear that a later finishing time for the pub would lead to an increased risk of anti social behaviour.

Should you wish to correspond with respect to the contents of this letter we can be contacted at the above address.

Yours faithfully



Mr P M Jardine

Dept. of Environment
and Planning

licencing

AYLESBURY VALE
DISTRICT COUNCIL
- 7 OCT 2005
RECEIVED
ENVIRONMENTAL HEALTH & LICENSING