

LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

RE: The Rothschild Arms Limited

**Premises: The Rothschild Arms, 82 Weston Road, Aston Clinton,
Buckinghamshire, HP22 5EJ**

Application for new Premises Lices. s.17 Licensing Act 2003

Date: 18th February 2020 at 10.00 am in The Paralympic Room at the Gateway
Aylesbury Vale District Council

Constitution of the Sub-Committee:	Cllrs Steven Lambert, Susan Morgan
Chair:	Cllr Susan Renshell
Others present:	

Legal Advisor:	Baljeet Virdee, HB Public Law
Licensing Officer:	Kerryann Ashton - Licensing Officer
Applicant:	Gemma Ladyman of The Rothschild Arms with Liz Tubb (Legal Advisor) and Stuart Ladyman
Responsible Authority:	Environmental Health
Interested Parties:	See Attendance list .
Members of the Public:	None
Documentation:	Report and Appendices, further written evidence and photos from the Applicant, letter from one of the interested parties dated 12.2.20 /any other documentation
Apologies:	3 Received
Disclosures of Interest:	None

FINDINGS OF FACT

The Sub-Committee accepted the following findings of fact from the evidence available:

1. This hearing relates to a New Premises Licence in respect of The Rothschild Arms, 82 Weston Road, Aston Clinton, Buckinghamshire, HP22 5EJ.
2. A representation was submitted by the Authority's Environmental Health team, shown in full in Appendix 3, and seven other representations were received from nearby residents that mainly relate to the prevention of public nuisance and the prevention of crime and disorder. These are set out in Appendix 4. Of those objectors, the Officer for Environmental Health and Linda Borley attending the hearing.
3. The premises are situated on Weston Road in a mainly residential area.
4. The Premises previously held a licence that was surrendered by the previous licence holder in October 2019. The application is therefore for a new premises licence for the Premises and include a number of conditions in the application.
5. Prior to the hearing, Mrs Ladyman of the Applicant confirmed in writing that she would agree to the additional conditions proposed by the Environmental Health team. These were to reduce the hours for the playing of live music and recorded music to 10:00 to 23:00 from Sunday to Thursday. She also agreed to put up a prominent notice reminding customers to leave the Premises quietly with consideration for residents and agreed that smoking will not be permitted outside in front of the Premises. The Applicant also confirmed her agreement to these conditions at the hearing.

Taking into account the application and representations received together with the relevant law, section 182 guidance, the Licensing Policy Statement (Nov 2015) the Sub-Committee **RESOLVED**:

Application Granted as amended with the varied licensing hours for live and recorded music from Sunday to Thursday and with the additional conditions that:

- **the Premises have signage reminding customers to leave the Premises quietly and with consideration for residents**
- **smoking is not permitted in the outside area in front of the Premises**

REASONS FOR DECISION

The Sub-Committee noted the concerns raised by Environmental Health and by the other objectors about noise nuisance from the Premises and the nuisance caused by customers using the area in front of the Premises to smoke.

It was reiterated by Environmental Health at the hearing that whilst they had received complaints of noise nuisance from the Premises, their officers had not witnessed this themselves and they had not been able to arrange an appointment with the complainant to install noise monitoring equipment to record the alleged noise nuisance. The last attempt to install noise monitoring equipment was in October 2019, which was declined as the timing was not convenient for the complainant, and shortly thereafter the Premises closed.

Ms Borley was in attendance and explained her issues with customers drinking and smoking in the area in front of the Premises, which she found intimidating, and with the noise from the Premises. The Sub-Committee was encouraged that her attendance at the hearing appeared to open a dialogue between the parties and it is hoped this will continue.

The Applicant noted that the presence of people smoking at the front of the Premises could cause a nuisance to residents and therefore was proposing to only allow smoking in the back garden. The application includes proposed conditions clearing the rear garden by 23:00 every evening and closing all doors and windows by 23:00 every day.

In relation to the use of the rear garden and the noise from customers leaving the Premises, the Applicant appeared to have taken these concerns on board and in Mrs Ladyman's further written evidence and at the hearing, she confirmed the Applicant's agreement to limiting the hours for the playing of live and recorded music, to there being no smoking in the area in front of the Premises and to put up signs reminding customers to leave quietly and be mindful of residents.

The Sub-Committee is of the opinion that the Applicant's proposed conditions, both in the application and the additional proposed conditions set out in Mrs Ladyman's further written evidence, together with the reduced licensing hours for the playing of live and recording music are sufficient to comply with the licensing objectives in this matter.

The Sub-Committee is satisfied that the above decision and reasons given are a reasonable and proportionate response to the representations made.

RIGHT OF APPEAL

An appeal against the decision of the Sub-Committee may be made by:

- a) The premises licence holder
- b) The person who made the relevant representations

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice