

## LICENSING SUB-COMMITTEE

Meeting - 17 June 2013

Present: Mr Pepler (Chairman)  
Mr Brown, Mr Pepler and Mr D Smith

### 1. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT OLD WHITE SWAN, 60 LONDON END, BEACONSFIELD, BUCKINGHAMSHIRE, HP9 2JD

Following introductions by all parties present, the Sub-Committee considered a report of the Director of Services on an application to further vary the existing Premises Licence for the Old White Swan, 60 London End, Beaconsfield, Bucks HP9 2JD.

All parties had received prior to the hearing a copy of the Agenda, including a copy of the application (as amended by the Applicant prior to the Hearing to add a proposed Special Condition regarding CCTV following comments made by the Chief Officer of Police) and appendices and the Council's adopted Hearings Procedure.

The Sub-Committee conducted the Hearing in accordance with its adopted procedure. It was noted that the objections and representations received are listed in the Report at paragraph 5 - consisting of responses from the Chief Officer of Police and the Local Authority (Head of Environment) and the Local Planning Authority (Head of Sustainable Development), none of which raised any objection and an objection from one individual relating to an increase in noise if the variation was granted. The Sub-Committee noted that the objector was unable to attend the Hearing but had asked that their objection be taken into consideration.

The Council's Licensing Officer addressed the Hearing, summarising the report presented and the options available to the Sub-Committee to determine the application.

Mr Laurie Othen, the applicant, attended and addressed the Hearing. Mr Othen outlined the reasons for the application and the measures that had been taken, and would continue to be taken, to ensure that noise from the premises, particularly from the outside area, was kept to a minimum.

In the absence of the objector the Sub-Committee considered very carefully their objection and concerns about noise nuisance in view of the proximity of the Licensed Premises to their property as shown on the Ordnance Survey map (Appendix 1 of the Report).

The Licensing Officer and Mr Othen were given the opportunity to ask and be asked questions.

The Sub-Committee then turned to consider the without prejudice list of suggested special conditions as set out in the report.

After the Licensing Officer and the Applicant had been given the opportunity to make closing submissions which neither did, the Sub-Committee retired to make its Decision.

After considering the evidence, the Sub - Committee:-

**RESOLVED** that the application to further vary the existing Premise Licence (05/00326/LAPRE) for the Old White Swan, 60 London End, Beaconsfield, Bucks. HP9 2Jd be allowed in part subject to the Mandatory Conditions and Special Conditions, as amended, as set out in full in the Decision Notice attached to and forming part of these minutes.

The meeting terminated at 11.34 am

This page is intentionally left blank

**APPLICATION BY: MR LAURIE OTHEN.**

**FOR A FURTHER VARIATION OF A PREMISES LICENCE**

**DECISION OF THE LICENSING SUB-COMMITTEE SITTING ON 17<sup>TH</sup> JUNE 2013.**

The Licensing Sub-Committee has before it an application from Mr Laurie Othen to further vary the existing Premises Licence reference number 05/00326/LAPRE for the Old White Swan, 60 London End, Beaconsfield, Bucks HP9 2JD.

The Variation applied for is the deletion of existing Special Condition 8 and the imposition of new Special Conditions on the Premises Licence as set out in the Application Form appended to the Licensing Officer's report at Appendix 3 ("the Report") a copy of which all the Sub-Committee Members and Relevant Parties have received but as amended by the Applicant **prior to the Hearing** to add a proposed Special Condition regarding CCTV.

No other variation to the current Premises Licence is sought.

The Sub-Committee has listened to all the evidence, submissions and responses thereto and has read all the material before it including the Report.

The objections and representations received are listed in the Report at paragraph 5 - these consist of responses from the Chief Officer of Police (which resulted in the additional proposed Special Condition relating to CCTV), the Local Authority (Head of Environment) and the Local Planning Authority (Head of Sustainable Development) - none of which raise any objection and an objection from an individual who did not attend the Hearing. A copy of the objection is appended to the Report at Appendix 4.

The Licensing Sub-Committee is satisfied on balance that in all the circumstances and for the Reasons given below that this Application **as amended by the Applicant prior to the Hearing** should be:

**Allowed in part as follows -**

**Existing Special Condition -**

Special Condition 8 shall be deleted in full

**Subject to** the Special Conditions proposed by the Applicant being imposed on the Premises Licence as set out in the Schedule to the Report - as **amended** by the Sub-Committee - I will not read out the un-amended additional Special Conditions numbered 1, 4 and 5. I confirm that the Sub-Committee has considered each additional Special Condition individually and considers them **appropriate, proportionate and relevant** in terms of promoting the Licensing Objectives.

We modify by amending the additional Special Conditions as follows:

**Special Condition 2 - to be amended as follows**

The Courtyard area shall be vacated as follows -

## Minute Item 4

- Sunday - Wednesday - by 11.30pm
- Thursday - Saturday - by 00.30am the following morning (half past midnight)

save for access and egress to, and the use of, the designated smoking area within the Courtyard area - for smoking only, until the close of business. No drinks will be taken into the Designated Smoking Area after 11.30pm Sunday to Wednesday or 00.30am Thursday to Saturday.

### **Special Condition 3 - to be amended to read as follows -**

All outside areas shall be monitored by a member of management at least every 30 minutes between the hours of 23.00 and close of business every night so as to ensure noise and disturbance to neighbours is minimised.

### **This decision is considered to be justified as being appropriate for the promotion of the following Licensing Objectives**

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

**and proportionate in consideration of representations made, the operating schedule submitted and matters heard today.**

### **REASONS.**

The Licensing Sub-Committee considered very carefully the Objector's representations regarding the deletion of Special Condition 8 and concerns relating to noise arising there from and that noise from the external area of the Premises was already an issue for the Objector. However, it also took into consideration that no representations had been made by any of the Responsible Authorities and in particular by the Chief Officer of Police and Environmental Health in respect of this application, this premises generally and the existing use of the external areas of the Premises which included a part of the Courtyard until close of business.

The Licensing Sub-Committee took into account the Objector's concerns about noise nuisance in view of the proximity of the Licensed Premises to the Objector's property. However it also took into consideration the representations of the Applicant regarding controlling the flow of business in determining reduced hours for the use of the Courtyard. The Licensing Sub-Committee believed that by allowing such reduced hours this met the Objectors concerns whilst being proportionate and that together with the new Special Conditions now imposed on the Premises Licence which provided for regular outside monitoring, the erection of notices and CCTV covering the Courtyard together with the existing Special Conditions this would be sufficient and appropriate measures if properly implemented to address the licensing objectives and the Objector's concerns relating to noise.

The Licensing Sub-Committee, whilst making this decision, also took into account the ability of the Objector to make representations in the future which will lead, where evidence shows the premises is the cause of public nuisance and/or noise, to a review of the Premises Licence where steps could be taken to address these

issues. Accordingly the Objector should be reassured that the Licensing Authority does have significant powers when dealing with a premises on review if appropriate and proportionate in all circumstances.

I confirm that the Licensing Sub-Committee also had regard to

National Guidance;  
The Council's Licensing Policy;  
The Human Rights Act 1998, as amended and  
The individual merits of this case

before reaching this decision.

The Rights of Appeal will be sent out with the Decision Notice.

**DATED 17<sup>th</sup> June 2013.**

Cllr David Pepler - Chairman  
Cllr Ken Brown  
Cllr Duncan Smith

This page is intentionally left blank