

## **LICENSING ACT 2003**

Sections 51 and 52 and Licensing Act 2003 (Hearings) Regulations 2005/44 and Licensing Act 2003 (Hearings) Amendment Regulations 2005/78.

### **NOTIFICATION OF DECISION FOLLOWING REVIEW OF A PREMISES LICENCE WHERE A VALID APPLICATION FOR REVIEW HAS BEEN MADE**

**PREMISES:** GRAYS INN, THE GREEN, WOOBURN GREEN, HP10 0EJ

**To:**

The Applicant – Timothy Blewett  
The Premises Licence Holder – Richard Alan Potyka  
Any Persons who made Relevant Representations  
Any Responsible Authority who made Relevant Representations  
The Chief Constable of Thames Valley Police

#### **Take Notice**

**THAT** following a review hearing of the Licensing Sub-Committee

**ON Wednesday 2<sup>nd</sup> November 2022**

**BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises**

**RESOLVED TO MODIFY THE CONDITIONS OF THE PREMISES LICENCE.**

**THE PREMISES LICENCE IS MODIFIED TO TAKE EFFECT (WITH THE INSERTION OF ADDITIONAL CONDITIONS AS SET OUT IN SCHEDULE 3) FROM THE END OF THE PERIOD GIVEN FOR APPEALING THIS DECISION OR IF THE DECISION IS APPEALED AGAINST, THE DATE THE APPEAL IS DISPOSED OF.**

#### **SCHEDULE 1**

**Mandatory Conditions contained on an existing Premises Licence**

#### **SCHEDULE 2**

**Conditions contained on existing Premises Licence**

## **SCHEDULE 3**

### **Conditions necessary to promote the Licensing objectives and imposed in response representations made.**

#### **Prevention of public nuisance**

- Noise from regulated entertainment in external areas shall be kept to background level at all times.
- All doors and windows to the premises shall be kept closed during regulated entertainment except for the immediate access and egress of persons.
- Notices, at least A4 in size, shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area in a quiet and orderly manner.
- The licence holder shall ensure that the authorisation is operated in accordance with a Noise Management Plan (NMP) to be approved in writing with Environmental Health within 28 days.
- The premises licence holder shall limit events where regulated entertainment occurs in the external area of the premises (which shall include live music and/or recorded music) to two events per calendar month. Events are to be held on either a Friday or Saturday night only. The regulated entertainment will cease by 23:00 hrs.
- Regulated entertainment (which shall include live music and/or recorded music) is only permitted in the internal areas of the premises between the following times:

|  |                 |
|--|-----------------|
| Monday to Thursday   | 11:00 – 23:00   |
| Friday to Saturday   | 11:00 – 01:00   |
| Sunday   | 11:00 – 22:30   |
| May Bank Holiday (Friday – Saturday)                           | additional hour |
| Spring / Whitsun Bank Holiday (Friday – Saturday)              | additional hour |
| August Bank Holiday (Thursday – Sunday)                        | additional hour |
| Christmas Eve, Boxing Day, St. Patrick's Day, St. George's Day | additional hour |

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

#### **Reasons for the Panel's Decision**

In making their decision, the Panel considered both written and oral submissions made by the Responsible Authority, Environmental Health and the Interested Parties. The Panel took into account the legislation, the statutory guidance in particular paragraphs 2.15 2.19 inclusive and paragraph 2.21 and the Council's own licensing policy in particular paragraphs 3.35 to 3.38.

The Panel acknowledged the issues relating to noise pollution which the Interested Parties had experienced and noted that all parties were seeking the assistance of the Licensing Subcommittee to reach a compromise to allow the Interested Parties and the Premises Licence Holder to co-exist.

Whilst the Panel welcomed the fact that the Premises Licence Holder had agreed to the additional licensing conditions proposed by Environmental Health and the proposed condition to limit external events to be held at the premises, the Panel did not feel that the conditions offered were sufficient to address the noise pollution experienced by the Interested Parties. In order to address these concerns, and to promote the licensing objective of the prevention of public nuisance, the Panel felt it was necessary to impose the additional constraints in relation to the external events and further to limit the times at which regulated entertainment (whether live or recorded music) could be played in the internal areas of the premises.

The Panel took into account the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

In order to strike a balance between the human rights of the Interested Parties under Article 8 and the right of the Premises Licence Holder under Article 1 of the First Protocol, the Panel felt it was necessary to impose the additional conditions.

The Panel considered that in all the circumstances, the conditions agreed by the Premises Licence Holder and imposed by the Panel were appropriate and proportionate and promoted the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm and taking account of the location of the premises would balance the interests of the wider community with the right to quiet enjoyment of the Interested Parties.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.

A handwritten signature in black ink, consisting of a stylized initial 'J' followed by a horizontal line that tapers to the right.

Clerk to the Licensing Sub-Committee

Date: 8<sup>th</sup> November 2022