

## APPENDIX 5



### Directorate for Communities

#### Transport & Regulatory Services

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Licensing Authority  
Buckinghamshire Council  
The Gateway  
Gatehouse Road  
Aylesbury  
Buckinghamshire  
HP19 8FF

Dealt with by: Mr A Godman  
Direct Line: 01494 732934  
Your Ref: PR202404-343844  
Date: 22/4/2024  
Our Ref: PR202404-343892  
Email: [Andrew.Godman@Buckinghamshire.gov.uk](mailto:Andrew.Godman@Buckinghamshire.gov.uk)

BY EMAIL

Dear Sir/Madam

#### Licensing Act 2003

**Re: Application to vary a Premises Licence – The Bricklayers Arms PH, 19 Walton Terrace, Aylesbury, Buckinghamshire, HP21 7QY**

I am an authorised officer of the Council as set out in Section 69(2)(d) of the Licensing Act 2003. I fulfil the duties of a Responsible Authority as defined by Section 69(4)(e) of the Act in terms of the Council's statutory functions associated with the minimisation or prevention of risks associated with pollution to the environment or harm to human health.

I have reviewed the above application documentation in the context of what steps, if any, are appropriate for the promotion of the licensing objectives as described in Section 4 of the Licensing Act 2003 and **wish to make a Representation against the granting of a revised premises licence on the terms set out in the application.**

The application seeks the removal of a current Premises Licence condition prohibiting the use of the rear beer garden after 11pm. If granted this relaxation would, as I understand it, permit unlimited use of the garden by patrons and also the undertaking of regulated entertainment (in the form of live and recorded music) in that space until 1am on Saturday and Sunday mornings *et al.*

Given the proximity of a number of dwellings to 19 Walton Terrace I believe that the above proposal would not promote the *prevention of public nuisance* objective set out in the Act. In forming this opinion I have been informed by the following publication: *Good Practice Guide on the Control of Noise from Pubs and Clubs* published by the Institute of Acoustics (2003). In particular, I am mindful of the provisions reproduced over page:

**Music, Singing and Speech Originating from Outside Buildings  
(Entertainment Noise)**

- 3.5 The levels of noise from these sources can often be high because there is no building envelope to attenuate the sound. Examples of this are use of beer gardens; receptions and parties held in marquees; and barbecues and parties held in the open.

**Use of Gardens and Play Areas**

- 7.8 Careful consideration should always be given to the siting of gardens and play areas, intended for the use of patrons, in order to minimise the risk of disturbance to neighbours. The use of gardens and external play areas from which noise disturbance has arisen, or may arise, should not commence before the start of normal trading hours and should normally cease at dusk or at 21:00 hours, whichever is the earlier.

It can be noted that the existing Premises Licence condition relating to the beer garden of The Bricklayers Arms PH already permits its later use than the terminal hours recommended within the above guidance document (for information, dusk on the 21<sup>st</sup> June 2024 in Aylesbury is 22:15).

I have also considered the mitigation measures set out in Section 16 of the application as regards the control of noise. I believe that they are vague (for example use of a sound level meter is cited but no maximum permissible sound pressure level is proposed) and/or are likely to be materially ineffectual (such as the use of signage).

I have approached the applicant, Mr Power, with view to eliciting more effective and reliable control measures but, unfortunately, they have not been forthcoming. Accordingly, I would recommend that the Licensing Authority refuses this application.

If you would like to discuss this case please do not hesitate to contact me.

Yours sincerely,



Mr A Godman  
Environmental Health Officer

cc: Applicant