

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 7 November 2005 at 2.00 pm.

Membership of the Sub-Committee (all Members present) – Councillors Mrs Stratford (Chairman), Bhart and O’Sullivan.

Officers:	M Dudfield (Solicitor)	}	Advising the Sub-
	J D Best (Senior Democratic Services Officer)	}	Committee
	Mrs T Poke (Central Services Manager)	}	Representing the Licensing Authority

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. LICENSING HEARINGS PROCEDURE

The hearing was undertaken in accordance with the agreed Licensing Hearings Procedure.

3. APPEAL HEARING – THE HORSE AND JOCKEY, 20 WEST BAR STREET, BANBURY

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	Mr A Charman	}	Thames Valley Police –
	PC K Small	}	Responsible Authority
	Mr P Reis	-	Licensee of the Horse and Jockey – the applicant
	Mr S Porter	-	Solicitor for the applicant
	Mr D Cox	-	Interested party making representations

The Central Services Manager stated that an application had been received on 13 September 2005 from Mr P Reis, Licensee of the Horse and Jockey, 20 West Bar Street, Banbury for a variation of the Premises Licence issued under the Licensing Act 2003.

The report set out:-

- (1) details submitted by the applicant which set out support for the promotion of the four licensing objectives, ie: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm;
- (2) the representations received from Mr D Cox and Ms E Bishop as interested parties;

- (3) that the Head of Environmental Services had no objection to the grant of the variation subject to standard conditions PN6, PN7, PN12, PN17 and PN18 (as amended see below for further details) and two non-standard conditions;
- (4) that the Police had no objection to the grant of the variation subject to conditions CD.12 and PN.24.

The application set out the variations to the Premises Licence which related to the provision of live music, recorded music and facilities for making music and dancing (indoors) every day from 11:00 to 00:00.

Mr P Reis, the Licensee of the Horse and Jockey, spoke in support of the application and indicated that a state of the art sound system had been installed in the premises and that the system included a noise limitation device. The major speakers had been located to face the town centre so sound was directed away from the property occupied by Mr Cox and Ms Bishop (the third party objectors). Mr Reis also mentioned that no complaints had been received from the occupiers of the premises immediately adjacent to the public house or from the Police. There had not, in addition, been any problems with disorderly conduct when customers left the premises. Mr Reis confirmed that the noise levels from the sound system had been measured by Mr Lowther on 29 October 2005. This had shown that the general background music and music with a heavy bass sound fell within the maximum noise level requirements of the Council; readings had been taken on three other separate occasions with the same result. Mr Reis in his concluding comments confirmed that measures would be in place to keep amplified music within the noise level tolerances specified by the Council and as such this should help to limit noise nuisance problems.

Mr R Lowther, on behalf of the Head of Environmental Services, indicated that he had held meetings with the Licensee and his Solicitor to discuss the recommended conditions aimed at counteracting possible noise nuisance problems in the event of the approval of the variation application. He confirmed that a number of visits had been made to the premises to measure noise levels. Mr Lowther went on to explain that in his opinion the following conditions should be imposed:-

- (1) PN.6 – noise limiting devices should be installed, fitted and maintained in such a manner as to control all sources of amplified music or speech at the premises;
- (2) PN.7 – the noise limiters should be set to maintain the maximum level to the satisfaction of the Licensing Authority at all times when regulated entertainment took place;
- (3) PN.12 – all doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech were taking place with the exception of the front door when it was required to be open for ventilation purposes;
- (4) PN.17 – the outdoor drinking area should not be used by customers after the hours of 23:00 and the area be vacated and the lights in that area be adjusted to conform with the Institute of Lighting Engineers design guidance to reduce light pollution;
- (5) PN.18 – entertainment must be held internally only and no music or speakers should be provided to the external areas of the premises;

- (6) Regulated entertainment involving the use of amplified sound should not take place later than 23.00 hours on any day; and
- (7) Regulated entertainment should only take place using the 'house' equipment and no other equipment whatsoever.

During questions it was clarified that the sound system limiter for the house equipment could be calibrated to meet the noise limitation requirements specified by Mr Lowther and that a second device would be installed by Mr Reis to limit noise levels when performers/artists used their own sound equipment for musical or speech based performances. Mr Reis indicated his agreement to the provision of seals on both sound systems as a way of ensuring that the agreed calibrated noise levels were not exceeded.

Mr Charman, of Thames Valley Police, indicated that there were no police objections to the grant of the variation subject to the imposition of two conditions CD.12 (participation in the Pubwatch Scheme) and PN.24 (the Designated Premises Supervisor or a nominated representative to receive and respond to complaints throughout the duration of all noisy events). PC Keith Small confirmed that attendance at Pubwatch meetings was not mandatory although efforts should be made by Mr Reis or his representative to attend. In addition, it was open to Mr Reis to ask another business to represent him at meetings if attendance proved to be difficult or impossible.

Mr Cox as an interested party confirmed that he was opposing the variation application although he stated that there had been a noticeable decrease in noise levels since August. Mr Cox indicated that he agreed with the conditions suggested by the Head of Environmental Services. He felt however, that music should not be allowed after 23:00 and that there should be no live music, only background music, on Sundays to Thursdays as those days were part of the working week when people went to bed earlier and noise had a greater impact on local residents.

The Sub-Committee then retired to consider the application in accordance with Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005. On the return of the Sub-Committee the decision was announced and it was

RESOLVED that the application be granted until 00:00 on Friday and Saturday, Bank Holiday Sundays and Mondays, Christmas Day, Boxing Day and New Years Eve and New Years Day and until 23:00 on Sundays to Thursdays subject to the following conditions:-

- (1) PN.6 - the existing noise limiting device to be maintained to control all in-house sources of amplified music and speech at the premises. In addition a further noise limiting device to be installed fitted and maintained to control all sources of amplified music and speech arising from use of equipment provided by performers;
- (2) PN.7 - both noise limiters shall be set so as to maintain the maximum level to the satisfaction of the Licensing Authority at all times when regulated entertainment takes place. Both devices to be sealed after calibration;
- (3) PN.12 - all external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place except for the front door to the premises when it is required to be open for ventilation

purposes;

- (4) PN.17 - the outdoor drinking area must not be used by customers after 23:00 and the area must be vacated. In addition the lighting in this area to be subdued to a level consistent with that adopted by the Institute of Lighting Engineers;
- (5) PN.18 - entertainment to be held internally only and no music or speakers shall be provided to external areas of the premises. No regulated entertainment involving amplified music and speech to take place until the appropriate noise limiters have been set in accordance with PN.7;
- (6) CD.12 - the Licence Holder or Designated Premises Supervisor shall become actively involved in the Pubwatch Scheme and a representative shall attend Pubwatch meetings;
- (7) PN.24 - the Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

REASONS - the Sub-Committee has considered the stated operating wishes of the application against the concerns of the objector. The matters raised by the responsible authorities are agreed. In limiting approval to Fridays, Saturdays and the Bank Holidays, the Sub-Committee is meeting the main operating requirements of the applicant. The restriction to 23:00 on normal Sundays to Thursdays provides for there to be a lesser impact on local residents during the normal working week. Temporary event notices can be used by the applicant to cover special events should the need arise.

4. **END OF PROCEEDINGS**

The proceedings ended at 3.20 pm.