

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **LICENSING SUB COMMITTEE** held at Council Chamber, Priory House, Monks Walk, Shefford on Monday, 27 July 2009

PRESENT

Cllr D Bowater

Cllr T Green

Apology for Absence: Cllr G Summerfield

Substitutes: Cllrs L Birt (In place of Cllr G Summerfield)

LS/09/20 **Apologies for Absence**

Apologies for absence were received from Councillor Summerfield and Councillor Birt was present as his substitute.

LS/09/21 **Election of Chairman**

Councillor Birt was proposed, seconded and duly elected as the Chairman for the meeting.

LS/09/22 **Welcome**

The Chairman introduced the Sub-Committee and welcomed everyone to the meeting.

LS/09/23 **Members' Interests**

(a) **Personal Interests:-**

Councillor Bowater indicated that he had previously met an objector from Harlington Parish Council. However, as this was on the basis of acquaintanceship rather than a friend this did not amount to a personal interest.

Councillor Birt indicated that he had several years ago encountered one of the objectors but this did not amount to a personal interest.

(b) **Personal and Prejudicial Interests:-**

None.

LS/09/24 **Procedures for Hearings of Applications for Authorisations under the Licensing Act 2005 by the Licensing Sub-Committee**

The procedures were set out in the agenda which had been circulated prior to the meeting. The Chairman drew attention to the procedures.

LS/09/25 **Name and Address of Applicant**

Admiral Taverns (Cygnet) Ltd
The Old Sun Public House
34 Sundon Road
Harlington LU5 6NQ

LS/09/26 **Names of Parties Present (including applicant, observers and persons who have made relevant representations together with any person representing each party)**

Mr Butler – Landlord, The Old Sun Public House
Mr M Collins – Representative of Admiral Taverns
Mr J Harfield – Harlington Parish Council
Mrs Bishop – local resident
Observer – local resident accompanying Mrs Bishop (did not speak)

LS/09/27 **The Application**

The application was submitted by Admiral Taverns (Cygnet) Ltd to vary an existing premises licence for the premises known as The Old Sun Public House, 34 Sundon Road, Harlington, LU5 6NQ.

The application sought to allow the extension of opening hours of the premises to permit the sale of alcohol from the present hours of 11.00 to 23.00 Monday to Sunday to new hours as follows:-

- Monday to Thursday 11.00 – 23.59
- Friday and Saturday 11.00 – 02.00
- Sunday 11.00 – 23.00

and provide for regulated entertainment including films, live music and recorded music.

A copy of the application form was attached to the report at Appendix A.

LS/09/28 **The Four Licensing Objectives**

The Chairman drew attention to the four Licensing Objectives which were set out in the report.

LS/09/29

Licensing Act 2003 - Determination of Application to Vary a Premises Licence

The Licensing Sub-Committee received and considered an application submitted by Admiral Taverns (Cygnet) Ltd for the premises known as The Old Sun Public House, 34 Sundon Road, Harlington. The landlord of The Old Sun and his solicitor attended the meeting.

The Chairman outlined the procedure to be followed and persons representing each interest were in turn given the opportunity to speak and to ask questions.

The Licensing Officer introduced the item and explained the changes to the current licence which had been requested. It was noted that these related to the hours of supply of alcohol and cooked food, and provision of entertainment including films, recorded and live music. The details of the application were set out on pages 17, 20, 21, 28 and 29 of the agenda circulated in advance of the meeting. He also drew attention to the conditions recommended by the Environmental Health team and by the Police Licensing Officer which had been agreed by the applicant to be added to any varied licence granted.

The landlord made representations in support of the application. He alluded to the current position of 2 pubs closing each week and gave his view that it was necessary to look after the remaining ones. He considered that this application helped to revive the viability of The Old Sun Public House. He said that supportive comments had been made to him by local people. He indicated that he understood concerns regarding excessive noise and explained that currently no music was permitted in the garden and this would not change, and live music inside the building would be acoustic only, for example Folk music evenings. He also explained that he did not intend to open late every weekend but wanted the licence to be in place so he could respond to customers' requests.

Mr Butler added that since taking over the running of The Sun Inn he had stopped the use of illegal drugs there and had reduced the noise levels. He considered that it was now well managed. He understood that complaints had been made prior to his management of the pub but that no formal complaints had been made since he took it on, despite some late nights having occurred under temporary arrangements.

In response to a question Mr Butler commented that car parking was not a problem as few cars used the car park and there was always plenty of space. Taxi drivers were encouraged to stop at the front of the building to minimise the impact of door-closing on local residents. He added that parking could be available at the Village Hall and he was willing to install signs accordingly if this was required. A comment was made later at the meeting that although there were some events at the Village Hall when the car park was available in the evening, the car-park might be shut after 10.30pm on some evenings.

A representative of Harlington Parish Council, Mr Harfield, commented on the application. He advised that the site of The Old Sun was small, surrounded on three sides by residential dwellings. He indicated that car doors closing, people chatting and taxis departing until 2.00am could interfere with amenity. He

observed that kerbside parking was not available in addition to the car park and that the Village Hall car park could shut on some evenings at 10.30pm. In response to a question he commented that matters had improved since the current landlord took over in that the clientele had changed and it was more of a family pub now.

A local resident, Mrs Bishop, commented that while she did not object to the pub she had experienced considerable noise from it in the summer time. Noise from the karaoke evening inside the pub had disturbed residents on 27 June 2009, although no formal complaint had been made. She considered that there should not be any form of music in the garden because people sang along to it and this was disturbing to nearby residents in their gardens. She observed that the play area outside the pub led to doors opening and noise emerging and being tunnelled down the close. People could be noisy when they left, including those walking home.

The landlord provided information that the karaoke evening had been conducted indoors. The windows of the pub could not be opened due to the sills having been painted over many times. Whilst the external doors had old-fashioned automatic closing devices these could be upgraded.

Mrs Bishop commented that a sound cut-off system could be investigated for use so as to prevent excessive levels of music.

The Sub-Committee adjourned with its Solicitor and Democratic Services Officer to deliberate upon the application.

DECISION

That having taken into account the Licensing Act Guidance issued under Section 182 of the Act and representations from the Applicant and other parties, the application to vary the premises licence at The Old Sun Public House, Harlington, be granted to Mr Butler subject to the following conditions:-

1. that hours for supply of alcohol shall be as follows, plus half an hour drinking up time:
 - a. Monday to Thursday 11.00 – 23.59
 - b. Friday and Saturday 11.00 – 01.00
 - c. Sunday 11.00 – 23.00
 - d. Christmas Eve and New Year's Eve 11.00 – 2.00
2. there may be no amplified music played in the gardens of the premises;
3. amplified music within the premises must be subject to an automatic sound limiter;
4. music external to the premises must cease by 19.00;
5. music within the premises must cease by 23.30;
6. all external doors including the external door to the kitchen must be fitted with upgraded automatic closers;
7. that consideration be given to the installation of air conditioning within the premises;

8. ingress and egress notwithstanding, all external doors and windows to the premises are to be kept closed during internal entertainment events that involve amplified music or speech and unamplified music;
9. prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect the local residents and to leave the premises and area quietly;
10. the placing of bottles into receptacles external to the premises must not take place between 1900 and 0900 hours
11. noise from entertainment events (involving music, speech and singing) shall not give rise to nuisance at neighbouring residential premises;
12. no amplified music/speech is permitted outdoors and unamplified music/speech is permitted outdoors up to 6 times in any calendar year starting 1st January each year. Music outdoors shall be limited between 12.00 and 19.00 hours and shall not occur on consecutive days or weeks. Central Bedfordshire Council shall be notified of these events 14 days in advance;
13. a responsible person shall be assigned the responsibility of dealing with any noise complaints and liaising with the representatives of Central Bedfordshire Council. The appointed person must be present throughout the duration of the event and the contact details of this individual should be provided to Central Bedfordshire Council not less than 14 days prior to the event;
14. prior to the permitted live outdoor unamplified music, notification shall be given to neighbouring residents 7 days in advance of the event with a contact number for them to call should they experience problems with noise from the event;
15. to put in place a written policy to prevent the sale of alcohol to persons under the age of 18. The policy will require any person under the age of 21 to produce a recognised proof of age card accredited under the proof of age card standards scheme (pass) or if such a card is not available, a photo driving license or passport indicating that they are over 18 years of age;
16. all staff must be suitably trained to the operating procedures for refusing service to any person who is drunk or underage or appears to be underage;
17. for the sale of alcohol written authorisation must be given to ensure that individuals comply with the following:- persons authorised must be clearly identified. The authorisation must specify the acts that may be carried out by the authorised person. There must be arrangements in place for the personal licence holder to monitor the authorised activities on a regular basis;
18. open containers of alcohol (glasses/bottles) must not be taken from the premises;
19. the use of areas external to the premises for the consumption of alcohol, other refreshment or food must cease by 2300 Monday to Saturday and 2230 Sunday;
20. the licensee to become an active member of Pubwatch.

Chairman.....

Date.....

(Note: The meeting commenced at 2.00 p.m. and concluded at 3.15 p.m.)