

CENTRAL BEDFORDSHIRE COUNCIL

Record of a Licensing Sub-Committee hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 held at Room 15, Priory House, Monks Walk, Shefford on Tuesday, 5 August 2014

Licensing Sub-Committee Composition

Cllrs: Mrs A Barker
R D Berry (Chairman)
A Shadbolt

Members' Interests

There were no declarations of interest.

Name of Applicant

Mrs Theresa Jackson.

Premises Address

The Vicars Inn, 68 Church Lane, Arlesey, Beds., SG15 6UX.

Names of Parties (including the applicant, observers and persons who have made any relevant representations together with any persons representing each party)

Cllr A Barker (Central Bedfordshire Council)
Cllr R D Berry (Central Bedfordshire Council)
Cllr A Shadbolt (Central Bedfordshire Council)

Mrs M James – Principal Public Protection Officer (Licensing) (Central Bedfordshire Council)
Mr L Manning – Committee Services Officer (Central Bedfordshire Council)
Miss L McShane – Legal Services Manager – Commercial (Central Bedfordshire Council)

Mrs T Jackson (Applicant)
Mr G Jackson (Applicant's son)

Mrs S Strickland (Objector)
Mr N Strickland (Objector's son)

Names of Parties submitting representations and indications of their representations

Mrs Strickland objected to the application on the grounds of prevention of public nuisance (noise disturbance).

Procedure for the Hearing of Applications under the Licensing Act 2003

The procedure for the hearing of applications made under the Licensing Act 2003 was noted.

The Four Licensing Objectives

The four Licensing Objectives were noted.

Public Nuisance

An extract from chapter 2 of the amended guidance issued under Section 182 of the Licensing Act 2003 which provided guidance relating to Public Nuisance was noted.

Application for Variation of a Premises Licence under The Licensing Act 2003 at The Vicars Inn, 68 Church Lane, Arlesey, Beds

The Sub-Committee considered a report from the Community Services Director which asked Members to determine an application for a variation to the Premises Licence for the Vicars Inn, 68 Church Lane, Arlesey, Bedfordshire, made under the Licensing Act 2003, to which an objection had been received from a member of the public.

The variation sought the following:

- To extend the hours for the playing of recorded background music indoors only from 12.00 hours – 23.00 hours to 12.00 hours – 24.00 hours Monday to Sunday
- To extend the hours for the provision of late night refreshment both indoors and outdoors from 12.00 hours – 23.00 hours to 12.00 hours – 24.00 hours Monday to Sunday
- To extend the hours for the supply of alcohol for consumption both on and off the premises from 12.00 hours – 23.00 hours to 12.00 hours – 24.00 hours Monday to Sunday
- To extend the hours the premises were open to the public from 12.00 hours – 23.00 hours to 12.00 hours – 24.00 hours Monday to Sunday

The Chairman introduced the Members and officers present. The applicant and objector then introduced themselves and those persons accompanying them.

The Chairman outlined the procedure to be followed.

The Principal Public Protection Officer (Licensing) introduced the Community Services Director's report. Copies of the Land Registry current title plan, the Applicant's application form to vary the Premises Licence and the objection received from a member of the public in the form of a representation were attached to the report at Appendices A, B and C respectively.

The Chairman then invited Members to ask questions of the Principal Public Protection Officer (Licensing). In response to a query from the Chairman the Principal Public Protection Officer (Licensing) confirmed that there had been no recorded noise complaints against the premises since the Licence was granted and no representations had been made by any responsible authority concerning the application.

The Principal Public Protection Officer (Licensing) had no points requiring clarification.

The Chairman invited the applicant to introduce her case. The applicant explained that she wanted to vary the Premises Licence to extend the public opening hours because the domino and cribbage teams sometimes found it necessary to play for longer than the current public opening hours permitted. The application was therefore to ensure that the teams could continue to play within authorised opening hours. She added that the recorded music to be played during the extended opening hours would be background music only.

No witnesses were called by the applicant.

No documentary evidence was produced by the applicant.

There were no questions by the members of the Sub-Committee.

The Chairman invited the objector to introduce her case. The objector explained that before purchasing the property next door to The Vicars Inn she had made enquiries and established that it was a small, quiet pub with a family atmosphere. However, the application had given rise to concerns because her family's bedrooms were the back of the house and the Vicars Inn car park was to the rear of the pub. Sometimes the car park was noisy when the pub's customers left. She stressed that this was not due to the rowdy nature of the customers but simply because the car park was so close to her property. The impact of this disturbance would be substantial if the opening hours were increased because the family rose at 6.00 a.m. during the working week. The objector then queried whether the recorded background music would be permitted outside the pub before stating that that she could understand if the variation applied to Friday and Saturday evenings. She referred to incidents of anti-social behaviour and minor criminality in the area late in the evening though she emphasised that she was not linking these to the pub or its clientele. The objector stated that whilst she was the only person who had

formally raised concerns it had become apparent from her discussions with local residents that others were unhappy with the proposed variation. Last, she stated that she had found the public notice advertising the application to be misleading and incomplete.

No witnesses were called by the objector.

No documentary evidence was produced by the objector.

A number of questions were then raised and clarification sought.

A member of the Sub-Committee referred to the claims of noise generated at closing time in The Vicars Inn car park but the absence of any recorded complaints. In response the objector confirmed that noise did occur but it could be tolerated at present because of the current opening hours. An extension by an hour on every evening of the week would be problematical. In response to a further question she stated that she had not discussed her concerns with the applicant but she and her family had tolerated the disturbance as an irritation. Further, by formally objecting to the formal application rather than raising the matter with the applicant she was complying with the requirements of the formal procedure.

In response to a query by the Chairman it was noted that late night refreshment was available to be consumed outside the pub and taken away. The applicant confirmed that the pub had a beer garden but that customer usage was monitored and customers moved inside between 9.00 p.m. and 9.30 p.m. In response to a query from a Member she added that there were also smoking areas at the premises and that both were closely monitored. It was noted that the dominos and cribbage teams played on Monday and Thursday evenings and that the pub's clientele were, in general, above 25. The applicant stated that anyone under 18 had to be accompanied and supervised by an adult over 21.

Arising from an earlier comment by the objector a Member sought clarification on the content of the public notice. The Principal Public Protection Officer (Licensing) read out a copy of the notice and acknowledged that it lacked information on the proposed times or gave sufficient details. The objector stated that, at first, she had assumed the notice was advising a renewal and had only learnt otherwise after contacting the Council.

In response to a query from the objector the Chairman assured her that licence was specific to the applicant and a future licence holder would have to justify the hours of operation requested. Following further comment the objector stated that the existing signs in the pub asking customers to leave quietly were being ignored.

The Chairman asked the applicant if she wished to modify or withdraw her application in any way and she stated that she did not wish to do so.

There were no closing submissions.

The Sub-Committee adjourned in private to make its decision. The Legal Services Manager - Commercial remained with Members in the meeting room to advise as necessary. The Hearing reconvened when the Sub-Committee had finished its deliberations and could announce its decision.

Decision

Following the consideration of the information before it the Sub-Committee decided that the application for a variation of a Premises Licence for The Vicars Inn, 68 Church Lane, Arlesey, Bedfordshire, made under the Licensing Act 2003, should be approved subject to the following conditions:

- The closing hours for the premises should be as follows:
Monday–Sunday – Licensable activities until 24:00 hours
- The garden of the premises is not to be used by the public after 23:00 hours
- The Licensee shall erect and maintain notices within the premises advising the public not to disturb the local residents when leaving the premises.

In coming to its decision the Sub-Committee took into account the following:

- The Licensing Act 2003
- The Secretary of State's Amended Guidance issued under Section 182 of the Licensing Act 2003 in June 2013
- Central Bedfordshire Council's Statement of Licensing Policy
- The merits of the application and the representations received from Mrs Strickland as a local resident.

(Note: The meeting commenced at 10.00 a.m. and concluded at 10.55 a.m.)