

**LICENSING SUBCOMMITTEE
(2003 ACT)**21 July 2008
10am – 11.50am**Present:** Councillors Benstead, Stuart and Upstone (Chair)**08/lic/11 Declarations of Interest**

No declarations of interest were made

08/lic/12 Procedure to be Followed

The procedure for hearings of the subcommittee set out on the agenda was noted

08/lic/13 Application to Vary Premises Licence: The Red Bull, Barton Road**Present for this application:****For the Applicant:** Simon Stephens -Young (Applicant)**Interested Parties:** Sian Reid, Christopher Hammond, Entiquio Quintana, Barbara Ottley, Mr M Cook, John Hunter, and Oliver and Rita Gaggs

The hearing: The Licensing Officer presented her report and outlined the application being made. A total of 44 representations had been received from 'interested parties' with most concerns relating to noise disturbance and the residential nature of the area.

In response to concerns expressed by the Environmental Protection Manager the applicant had agreed to the following conditions being added to the operating schedule and to being placed on the licence under the prevention of public nuisance objective (to replace existing conditions 5-7).

The prevention of public nuisance

1. Regulated entertainment consisting of live music or recorded music may be held in the ground floor bar and in the first floor function room between 10.00 and 23.00 on any day, but on not more than eight occasions throughout the year.
2. When regulated entertainment is taking place, all external doors and windows shall remain closed, with the exception of the entrance doors, used for access and egress but which shall not be propped open, but shall be kept closed, so far as possible.
3. Regulated entertainment consisting of unamplified music may be held in the rear patio area on Saturdays and Sundays only, but not both in the same week, between midday and 18.00, provided that performances shall not last for more than 3 hours on any day. With a maximum of two outdoor events throughout the year
4. When regulated entertainment is taking place, the licence holder, or a person appointed by the licence holder, shall monitor sound breakout from the premises so as to minimize its effect on neighbouring residential properties.

A further representation had been received after the 28 days consultation period but the other Responsible Authorities had made no representations.

The Licensing Officer confirmed that the applicant had held a meeting with local residents in June to discuss the issues

The Applicant then presented his case. He confirmed that the meeting with residents had been very productive and as a result he would be willing to accept changes to the application

In response, the Chair confirmed that Members would not be considering a changed application, but would proceed on the assumption that the applicants suggested changes would be considered as conditions that he would be happy to accept. It was also noted that the Committee would still be considering all representations

The following are the applicants suggested changes to the application:

Section E: Live Music (indoors and outdoors)

- Mon-Sun 19.00 – 23.00
- Acoustic level outdoor music Sat & Sun 12.00 – 18.00 (on 2 occasions per year, not in same week and not for more than 3 hrs)
- 8 live sessions per annum (instead of 4 live and 4 karaoke)
- All doors and windows to remain closed

Section F: Recorded Music

- Fri and Sat 10.00 – 00.30 (last 30 minutes to remain background music)

Section J: Provision of facilities for dancing (indoors and outdoors)

- Mon-Sun 10.00 – 00.00
- Outdoor dancing limited to Sat or Sun 12.00 – 18.00 (on 2 occasions per year, not in same week and not for more than 3 hrs)

Section K: Provision of facilities for entertainment

- Fri and Sat 10.00 – 00.00

Section M: Supply of alcohol

- Mon-Thurs 10.00 – 23.30
- Fri and Sat 10.00 – 00.30
- Sun 10.00 – 23.30
- Till 00.00 Bank Holiday Sunday, Xmas Eve and Boxing Day and other event days

Section O: Hours premises are open to the public

- Mon-Thurs 07.00 – 00.00
- Fri and Sat 07.00 – 01:00
- Sun 07:00 – 00.00
- Non-standard and seasonal variation - To close 30 minutes after sale of alcohol (as in section M)

Non – seasonal and other event days

- To be reduced from 30 to 20

The applicant commented on the following main issues raised by residents:

Parking

- Agreed that parking in Newnham was an issue but felt that the pub did not contribute
- The large pub car park was very rarely full to capacity
- Issues regarding St Johns Ambulance were unfounded. The applicant held regular meetings and had a good relationship with St Johns Ambulance

Noise disturbance

- The downstairs windows had been replaced to help contain the noise
- Regularly walked the neighbourhood to check noise level of pub
- Agreed to lower function capacity from 150 to 100
- Invested money into the pub to provide a safer, more family orientated environment

The Principle Environmental Health Officer confirmed that conditions had been agreed with the applicant and since the meeting with residents they had been amended further.

In light of this, and the fact that no complaints had been received regarding noise disturbance in the past few years, the revised application was deemed acceptable.

Members put a number of questions to the applicant - these included:

Q) *It is stated that the lease was transferred to you in May 2008. Were you at the premises prior to this?*

A) I was previously working under Enterprise Inns as a tenant but took over the lease in October 2007

Q) *Have you ever called the police to the premises?*

A) Not to the premises, but they were called to a fight in Millington Road

Q) *Is most of your trade local? Do the majority come by foot or cycle?*

A) Some customers drive to the premises in the early evening – but the majority after 8pm is by foot

Q) *Will all outdoor music be acoustic?*

A) Yes

Q) *Have you consulted the residents of Hardwick Street regarding parking issues?*

A) Newnham does have parking problems but I don't believe they are related to the pub as we have a large car park. Parking was discussed in full with all residents at the meeting

Q) *Have the residents seen your proposed changes before today's meeting?*

A) No, the revisions have been worked on since the meeting

Members asked the Legal Representative whether parking issues could be considered when making a decision and they were informed that this was not a licensing issue. It could not be tied in with licensing objectives and could therefore not be taken into account.

The interested parties retired at 10.40am to discuss the proposed changes to the application and returned at 10.45am to make their representations.

Sian Reid commented that as the area is predominantly residential there was a lot of concern regarding additional noise and disturbance. Whilst the applicant had addressed some of the issues through the suggested changes there was still concern over the

amount of live or recorded music being proposed. It was also noted that it would have been beneficial to see the proposed changes *prior* to the meeting.

Chris Hammond and Entiquio Quintana agreed that additional noise, parking issues and the increased opening hours were still of concern to local residents.

Barbara Ottley stated that the current noise from the pub was considerable and the patio area and car park acted as a 'sound box' - any extension to the opening times would cause yet more disturbance for local residents. It was also stated that litter and broken glass was an issue.

Mr M Cook felt that noise from the live music on the patio, especially during the summer months when residents would want to have their windows open, would cause a nuisance.

John Hunter noted that, whilst the applicant's revisions had help address concerns, Newnham was still predominantly a family area and increased licensing hours could be a problem. It was also stated that the pubs new windows were not double-glazed.

Oliver Gaggs felt heartened by the meeting and highlighted the need for a good local pub in Newnham. The Red Bull had not been well run in the past but the current landlord seemed to be aiming to attract local residents – which was good.

With local residents traveling out of Newnham for good food it was felt that a broader menu would encourage local residents to support the pub.

Members of the Sub-Committee retired at 11.05am to consider the application and returned at 11.45am with a verdict

The Decision: In reaching the decision on the application the Subcommittee considered the material presented, the written representations made, the Council's Statement of Licensing Policy and the Statutory Guidance under the Licensing Act 2003

Accordingly, it was decided:

Sale/supply of alcohol (on and off the premises)

Mon – Thur & Sun 10:00 to 23:30

Fri & Sat 10:00 to 0:30

Non-standard timings and seasonal variations

From 10.00 on New Years Eve until 00.00 on New Years Day.

Until 00.00 on any Sunday of Bank Holiday Weekends, Christmas Eve, Boxing Day and up to 20 other event days per annum

Hours premises are open

Mon – Thur & Sun 07:00 to 00:00

Fri & Sat 07:00 to 01:00

Non-standard timings and seasonal variations

From 10.00 on New Years Eve until 00.00 on New Years Day

Until 00.00 on any Sunday of Bank Holiday Weekends, Christmas Eve, Boxing Day and up to 20 other event days per annum. An additional 30 minutes wind down period is requested in para 5, page 2 and part P of application

Films (indoors)

Mon – Sun 07.00 to 00.00

Non-standard timings and seasonal variations

From 10.00 on New Years Eve until 00.00 on New Years Day.

Until 00.00 on any Sunday of Bank Holiday Weekends, Christmas Eve, Boxing Day and up to 20 other event days per annum.

Indoor Sporting Events, anything of a similar description to live music, recorded music or performance of dance (indoors)

Mon – Sun 10.00 to 00.00

Non-standard timings and seasonal variations

From 10.00 on New Years Eve until 00.00 on New Years Day.

Until 00.00 on any Sunday of Bank Holiday Weekends, Christmas Eve, Boxing Day and up to 20 other event days per annum.

Live Music (indoors and outdoors)

Mon – Sun 19.00 to 23.00

(max 8 live sessions per annum, including up to 2 occasions per year outside Sat-Sun 12.00 – 18.00hrs, not in the same week and not for more than 3 hrs)

Non-standard timings and seasonal variations

None – except on New Years Eve

Recorded Music, Provision of facilities for entertainment of a similar description to making music and dancing (indoors)

Fri & Sat 10:00 to 00:00

Non-standard timings and seasonal variations

From 10.00 on New Years Eve until 00.00 on New Years Day.

Until 01.00 on any Sunday of Bank Holiday Weekends, Christmas Eve, Boxing Day and up to 20 other event days per annum

Provision of facilities for dancing (indoors and outdoors)

Mon – Sun 10.00 to 00.00 (indoor)

Sat & Sun 12.00 to 18:00 (outdoors – 2 occasions annually, not in the same week and not for more than 3 hrs)

Non-standard timings and seasonal variations

From 10.00 on New Years Eve until 00.00 on New Years Day.

Until 00.00 on any Sunday of Bank Holiday Weekends, Christmas Eve, Boxing Day and up to 20 other event days per annum

Removal of terms, conditions or restrictions

The removal of all embedded restrictions inherent in the Licensing Act 1964, The Cinematography (Safety) Regulations 1955 and the Children And Young Persons Acts.

The Meeting concluded at 11.50am

Chair