

Minutes**LICENSING SUB COMMITTEE (SOUTH)****11 November 2013**

Meeting held at Committee Room 3a - Civic Centre, High Street, Uxbridge UB8 1UW

	<p>Committee Members Present: Councillors David Yarrow (Chairman), Josephine Barrett, Mike Bull and Janet Gardner (Labour Lead)</p> <p>Also Present:</p> <p>Sean Deakin Adams – Licence Holder Craig Deakin Adams – Licence Holder Steven Lynsley Frost – Fuller, Smith & Turner – Applicant</p> <p>LBH Officers Present:</p> <p>Ian Meens – Licensing Officer Roland Oliver – Environment Protection Officer Tim Brown – Legal Services Gill Oswell – Democratic Services</p>
6.	<p>APOLOGIES FOR ABSENCE (Agenda Item 1)</p> <p>Apologies had been received from Councillor Peter Kemp.</p>
7.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (Agenda Item 2)</p> <p>There were no declarations notified.</p>
8.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (Agenda Item 3)</p> <p>It was confirmed that all items would be heard in public.</p>
9.	<p>CANCEL LICENSED PREMISES/CLUB GAMING MACHINE PERMIT FOR NON-PAYMENT OF ANNUAL FEES (Agenda Item 5)</p> <p>ST CLARETS CATHOLIC SOCIAL CLUB, BOTWELL LANE, HAYES</p> <p>The Sub-Committee received a request to cancel the Licensed Premises/Club Gaming Machine Permit for non-payment of annual fees for the above premises.</p> <p>The recommendation to cancel the Gaming Permit was moved seconded and agreed.</p> <p>Resolved – That the Licensed Premises/Club Gaming Machine Permit was cancelled.</p>

10.	APPLICATION TO VARY PREMISES LICENCE - ANGEL PUBLIC HOUSE (Agenda Item 6)
	<p>THE ANGEL PUBLIC HOUSE, UXBRIDGE ROAD, HAYES – VARIATION OF THE PREMISES LICENCE</p> <p>The Sub-Committee considered an application by Fuller Smith and Turner plc to vary the premises licence for The Angel Public House. The variation proposed the extension of hours for the sale of alcohol, live music, performance of dance and late night refreshment until 03.00 hours and opening hours until 03.30 hours on Fridays and Saturdays. (all other licensable activities, permits hours and opening hours to remain as existing).</p> <p>The Licensing Officer introduced the report to the Sub-Committee.</p> <p>The Designated Premises Manager (DPM) stated that the extension to the premises licence would allow freedom to run more events, which were currently organised using Temporary Event Notices (TENs). He further stated that this year they had run a reggae night on a TEN once a month; it was not the intention to use the extended hours every Friday and Saturday night. If the variation was granted it would free up the TENs for use for community activities.</p> <p>The DPM informed the Sub-Committee that the only TEN that had been objected to by EPU was for an event until 03.00 am, the objection was withdrawn as it was agreed to hold the event until 02.00 am. The DPM stated that no other objections from the EPU or the Police had been received to any TENs at the premises and was not aware of any complaints from residents or businesses. The reggae nights had been held for the past 18 months with no complaints received from neighbours.</p> <p>The DPM advised that the events held on the TENs were not advertised as 03.00 am finish and reiterated that it was not the intention to use the extended hours every weekend.</p> <p>The EPU officer advised the Sub-Committee that their concerns in relation to the potential for increased noise nuisance and crime/disorder due to the later opening time of 03.30 am. This was due to additional time for patrons to consume alcohol, which increased the risk of noise and disturbance from people who were intoxicated, both when using and when leaving the premises. The officer further confirmed that no complaints had been received about noise from the premises but noted that the TENs were not every week. If the variation of hours was agreed there was the potential for the extended hours to be used every week thus increasing noise and disturbance.</p> <p>In response the DPM stated that there was a plan in place to mitigate any noise nuisance when customers leave the premises, which included the following:-</p> <ul style="list-style-type: none"> ○ closing the bar at 02.45, ○ removing all patrons from premises by 03.10, ○ using plastic glasses from 02.30 and ○ having two staff outside the premises arranging taxis for patrons and supervising their exit. <p>Then DPM then informed the members that the windows of the function room were sound proofed and noise levels on function nights were monitored by staff. It was also confirmed that DPM had, had contact with local residents and met with them to discuss concerns, if a noise limiter was made a condition of the licence this would be installed.</p>

One of the objectors addressed the meeting stating that residents of the neighbouring caravan park can hear noise from the premises at night, even with their televisions on. There are very old and very young people living on the site who are sensitive to noise. The caravan park was immediately adjacent to the premises and caravans by their nature have little sound insulation. The objector further stated that residents had not complained in the past because they attempt to be good neighbours and understand the premises is a business, but the current application for opening until 03.30 each Friday and Saturday night would cause too much disturbance.

The second objector then addressed the Sub-Committee stating that he had a petition of 80 names against this application, with 95% of those contacted willing to sign. He requested that the Sub-Committee look at social factors when determining the application, as in his view there must be a limit on the scope for premises to disturb local residents' sleep and welling being. He also stated that human rights should be considered as part of this application as residents have a right to a peaceful night sleep.

The Sub-Committee were then advised that the local area already had problems associated with this premises and other licensed premises in the local area. This was due to patrons causing vandalism and noise and disturbance in the local park, which would be heightened by an additional two hours of drinking time, potentially every Friday and Saturday if this application was granted.

Both objectors agreed that the premises was currently well managed, but expressed a fear that if the current DPS left the premises, the extended hours could have greater impact if less experienced management took over.

In response to the above comment the representative from Fuller Smith and Turner plc stated that they would work with any DPS and use its control as premises licence holder to ensure the premises was well run. He also informed the Sub-Committee that if the application was granted there was always the opportunity for responsible authorities to review the licence should any issues arise.

The representative from Fuller Smith and Turner plc also stated that they would not be happy with a condition for a noise limiter to be installed as at present there was a lack of evidence to warrant this, due to no complaints being received on any TENs.

The EPU Officer advised that noise limiters were quite common and were useful as a proactive step to prevent premises ever receiving complaints or noise abatement notices.

In conclusion, the objector stated that the potential for twice-weekly opening until 03.30 would cause too much disturbance and the caravans next door have no insulation and are occupied by families, so the impact would be severe.

The EPU officer raised serious concern about the potential for noise nuisance and disorder if the application was granted increased hours. It was suggested that there would be no objection to a one-hour increase in current premises opening times along with installation of a noise limiter.

In conclusion the DPM stated they understood residents concerns and were willing to work with the local community. The main reason for this application was to free up TENs for other purposes and not to increase the frequency of late night events.

A member of the Sub-Committee, who was also a ward councillor for the area, noted that she had never received any complaints about the premises. However, she had concerns about the location of the caravan park and that noise was audible from the premises at night.

The Sub-Committee adjourned to consider all the relevant representations made available to it. After the Sub-Committee had made its deliberations all representatives were invited back into the meeting.

Resolved – That the decision of the Sub-Committee was to vary the premises licensable activities times for:

- Sale of alcohol: Friday and Saturday between 10.00 hours and 02.00 hours the following day
- Live music and provision of facilities for dancing: Friday and Saturday between 20.00 hours and 02.00 hours the following day
- Late night refreshment: Friday and Saturday between 23.00 hours and 02.00 hours the following day

And to vary premises opening hours: Friday and Saturday between 10.00 hours and 02.30 hours the following day.

All other opening hours and times for licensable activities are to remain as per the existing licence.

In addition, the Sub-Committee determined to add an additional condition to the premises licence:

“A noise limiting device shall be installed and used when any music is provided. This condition shall not apply in instances when background music is played. The Licence Holder shall ensure that an acoustic sound engineer carried out acoustic sound test on the premises. The sound engineer shall ensure that a noise-limiting device is installed and set to the satisfaction of the Environmental Protection Unit. If the noise limiting device malfunctions or fails to work, the premises must inform the Environmental Protection Unit within 24 hours and regulate noise levels in accordance with any instructions received from Environmental Protection Unit.”

For the avoidance of doubt, all other conditions are to remain as per the existing premises licence.

The Sub-Committee stated the following reasons for its decision:

- That evidence was received from residents; in particular evidence from Mr Stout on behalf of residents of the immediately adjacent caravan park, that noise from the premises is already audible at night, causing disturbance and nuisance. It was accepted that any increase in opening hours without mitigation would cause unacceptable disturbance and nuisance to caravan park residents.
- That the nearby residents of the caravan park are particularly noise sensitive due to the close proximity to the premises, the age of residents and the lack of sound insulation available to caravans.
- That the premises had effective management and there have been no reported complaints about the use of the premises on any TENs.

	<ul style="list-style-type: none"> That due to evidence from residents on existing noise and evidence from EPU on the use of a noise limiting device (recommended by EPU), that the installation of such a device would protect residents from potential noise nuisance and allow the premise to properly monitor noise. An additional condition on this was deemed necessary, proportionate and was supported by the evidence provided at the hearing, if hours were to be increased. That EPU objected to the application and provided evidence of potential noise nuisance and disturbance. EPU however stated that an extension of time of one hour for licensable activities and opening hours on Friday and Saturday night of coupled with the installation of a noise-limiting device would be acceptable to alleviate their concerns.
	The meeting, which commenced at 14.00 p.m., closed at 15.15 p.m.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Oswell on 01895 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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