



HILLINGDON
LONDON



Notice of Hearing Licensing Sub Committee

Councillors on the Sub-Committee:

Dominic Gilham (Chairman)

Lynne Allen

Judy Kelly

Date: THURSDAY, 2 APRIL 2015

Time: 2.00 PM

Venue: COMMITTEE ROOM 6 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

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Published: Friday, 27 March 2015

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<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=300&Year=2014>

Putting our residents first

Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

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Agenda

- 6 Further information relevant to the application for a variation of premises licence for the Horse and Barge, Moorhall Road, Harefield.
 - Agenda from the Licensing Sub-Committee North held on 17 July 2013.
 - Minutes from the Licensing Sub-Committee North held on 17 July 2013.
 - Decision Notice from the Licensing Sub-Committee North held on 17 July 2013.

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Agenda Item 8

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

Committee	Licensing Sub-Committee (North)
Officer Contact	Sharon Garner – Licensing Officer 01895 277230
Papers with report	<ul style="list-style-type: none">• Appendix 1 – Review application served by Environmental Protection Unit• Appendix 2 – PART 2 supporting evidence• Appendix 3 – Representations from local residents• Appendix 4 – Letter from TLT, Solicitors for Freeholder• Appendix 5 – Copy of the Premises Licence• Appendix 6 – List of Responsible Authorities• Appendix 7 – Map of the area
Ward(s) affected	Harefield

SUMMARY

To consider an application for a Review of a premises licence under Part 3 Section 51 of the Licensing Act 2003, made by the Responsible Authority being the Council's Environmental Protection Unit, the enforcing authority for public nuisance in respect of **THE HORSE & BARGE, MOORHALL ROAD, HAREFIELD UB9 6PE.**

RECOMMENDATION

That the Licensing Sub-Committee review the licence.

INFORMATION

1. An application for a Review of the premises licence for The Horse & Barge made by Responsible Authority being the Council's Environmental Protection Unit, was received on 4th June 2013 relating to the following licensing objectives:-

Prevention of Public Nuisance

2. Copies of the application were sent to all the Responsible Authorities as required by the Licensing Act 2003.

A copy of the application is annexed to this report as **Appendix 1** with supporting evidence by way of statements from Officers from the Noise Team and other documentation marked as **Appendix 2 in Part 2.**

3. In accordance with the legislation, a poster giving details of the application was displayed at the premises for 28 days and checks were made by the Council's Licensing Officers to ensure that the poster was still correctly displayed.

4. As required by the legislation, a poster was also displayed on the Civic Centre notice board for 28 days and the details were listed on the Council's website.
5. The legislation provides for other Responsible Authorities and/or other persons such as residents to support the Review application. The period for Responsible Authorities and other persons to support the application expired on 2nd July 2013.

Five representations were received from Local Residents in support of the Review.

Copies of the representations are annexed to this report as **Appendix 3**.

A letter was received from TLT Solicitors on behalf of Star Pubs and Bars, the freeholders of the premises.

A copy of this letter is annexed to this report as **Appendix 4**.

6. The premises is a public house situated in a rural area of Harefield and is licensed to provide regulated entertainment, late night refreshment and the sale of alcohol.

The premises has been licensed under the Licensing Act 2003 since November 2005 and the current premises licence holders, Reilly & Blackwood LLP have held the premises licence since September 2011.

Prior to Reilly & Blackwood LLP having the premises licence, there were a number of conditions imposed by the licensing sub-committee at a hearing held on 28th April 2006, as detailed in annex 3 of the premises licence, following an application to vary the premises licence when the premises were operated as 'St James at the Horse & Barge' by different premises licence holders.

A copy of the current premises licence is annexed to this report as **Appendix 5**.

LEGAL IMPLICATIONS

7. The licensing authority must review the premises licence where it is alleged in an application for review by a Responsible Authority or other persons that any of the licensing objectives are being undermined.
8. "Relevant representations" are those which :–
 - Are relevant to one or more of the licensing objectives;
 - Are made by a Responsible Authority or other persons within the prescribed period;
 - Are made by the holder of the premises licence in response to an application for a review of the said premises;
 - Have not been withdrawn; and
 - If made by other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are –

- The prevention of crime and disorder;

- Public safety;
- The prevention of nuisance and
- The protection of children from harm

Each objective must be considered to be of equal importance.

9. The Licensing Sub-Committee must also consider the London Borough of Hillingdon's Licensing Policy when what action, if any, to instigate. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act must prevail.

10. Members are required to have regard to the Home Office Guidance in carrying out the functions of Licensing Authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

11. The Sub-Committee may decide to: –
- Take no action
 - Modify the conditions of the licence by altering, omitting or adding any condition;
 - Issue a formal warning, recommending an improvement within a specified time frame;
 - Exclude a licensable activity from the scope of the licence;
 - Remove the designated premises supervisor;
 - Suspend the licence for a period not exceeding three months; or
 - Revoke the licence.

For this purpose the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

12. The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

In deciding what remedial action if any it should take, the Sub-Committee must direct its mind to the causes or concerns which the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

It is of particular importance that any detrimental financial impact that may result from a Licensing Authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

13. **Conditions**

Conditions will not be necessary if they duplicate a current statutory requirement.

Members are also referred to the Home Office guidance on conditions, specifically section 10 which states that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardized conditions which ignore these individual aspects should be avoided. Licensing Authorities and other Responsible Authorities should be alive to the indirect costs that can arise because of conditions.

Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

14. **Notification of Determination**

Where the Licensing Authority determines an application for review it must notify the determination and reasons for making it to: –

- The holder of the licence;
- Any person who made relevant representations;
- The chief officer of police for the area (or each police area) in which the premises are situated

15. **The Role of the Licensing Sub-Committee**

Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety, public health and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of the Licensing Authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities

taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from Responsible Authorities and other persons. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

Responsible Authorities, other persons and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.

16. **FINANCIAL IMPLICATIONS**

Members should be aware that the Residents Services does not have a budget for provision for costs, should the applicant be successful in appealing to the Court against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

BACKGROUND DOCUMENTS:

The Licensing Act 2003

Guidance under Section 182 of the Licensing Act

Statement of Licensing Policy

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HILLINGDON
LONDON

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Muhammad Islam
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Horse & Barge Moorhall Road Harefield	
Post town Harefield	Post code (if known) UB9 6PE

Name of premises licence holder or club holding club premises certificate (if known) Reilly & Blackwood LLP Horse and Barge Harefield UB9 6PE

Number of premises licence or club premises certificate (if known) LBHIL 356/05
--

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible

authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Muhammad Islam Principal Environmental Health Officer Environmental Protection Unit 3S/02 Civic Centre High Street Uxbridge UB8 1UW
Telephone number (if any) 01895 277401
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The Council has received several complaints about loud music breakout from this premises causing disturbance to local residents. Officers responding to out of hours noise complaints have witnessed statutory noise nuisance as defined in the Environmental Protection Act 1990 (EPA) on 4 separate occasions. The situation has not improved despite several communications by officers from the Environmental Protection Unit with the premises including a site meeting with the premises manager by officers from the licensing and environmental Protection unit. The premises is therefore failing to promote the licensing objective of Prevention of Public nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

Between 12th November 2011 to 26th May 2013, the Council's out of hours Antisocial Behaviour and Investigation Team (ASBIT) received 9 complaints. Statutory noise nuisance was witnessed on 4 separate occasions.

Summary of the investigation

12th November 2011

Complaint was received concerning noise from amplified music. Officers from the ASBIT visited the complainant at 22:04 hours. Loud music was clearly audible outside the complainant's premises half a mile away from Horse & Barge. Music was also audible inside complainant's premises but was not statutory noise nuisance. Officers then visited Horse & Barge and asked the manager to reduce the volume.

13th November 2011

At 00:30 hours a further complaint was received but the officers could not contact the complainant. At 01:11 hours officers were called out to the first complainant and attended at 01:25 hours. Officers witnessed loud music with heavy, repetitive bass inside the complainant's premises which in their opinion was a statutory noise nuisance (SNN) making sleep impossible.

29th November 2011

Environmental Protection Act 1990-Section 80 notice served on Reilly & Blackwood LLP, Horse & Barge, Moorhall Road, Harefield UB9 6PE by recorded delivery. Notice prepared and served by Paul Connor.

9th December 2012

Statutory Nuisance- Breach of Notice

ASBIT officers visited a complainant at 00:50 hours following a complaint. Bass beat were audible in complainant's living room and was continuous through the visit. In the officers opinion, the music was loud enough to have made sleep or relaxation in the property very difficult. Officers then visited the Horse & Barge at 00:58 hours and spoke with the manager, Mr Blackwood and advised to lower volume and bass.

12th December 2012

A formal written warning letter was prepared and sent to Mr Dominic Littlewood as the manager of the premises.

29th December 2012

ASBIT officers responded to a complaint about loud music and visited the complainant at 23:50 hours. Low level music was audible inside complainant's premises but was not loud enough to be SNN. Officers then visited Horse & Barge to speak to the organisers of the party. The party was moved from a temporary marquee into the main building.

30th December 2012

A complaint was received about loud music all night but no visit was made on this occasion.

31st March 2013

ASBIT officers visited a complainant at 23:55 hours following a complaint. Loud amplified music was slightly audible but not a SNN. Officers then visited Horse & Barge and requested bass was lowered.

28th April 2013

Statutory Nuisance- Breach of Notice

A complaint was received at 00:56 hours. Officers from ASBIT visited the complainant at 01:38 hours and witnessed strong constant bass beat in complainant's living room. The music was loud enough to be a SNN as in the opinion of the visiting officers it would have made sleep or relaxation

in the property very difficult.

Officers then visited Horse & Barge and asked the door supervisor to reduce bass.

4th May 2013

A call was received from a complainant at 21:25 hours to let ASBIT officers know that there was loud music earlier on but has gone down now.

17th May 2013

It was decided to issue with a simple caution to deal with the breach witnessed on 28th April 2013 and a simple caution letter was sent by recorded delivery addressed to Company Secretary, Reilly & Blackwood LLP, Horse & Barge, Moorhall Road, Harefield, UB9 6PE. The letter informed that a breach of the notice issued on 29th November was witnessed and that an offence has been caused. The letter asked that if that if a simple caution was acceptable, they should contact the case officer within 7 days of receipt of the letter by phone, letter or email. To this date no formal response has been received from Horse & Barge.

26th May 2013

Statutory Nuisance- Breach of Notice

ASBIT officers visited a complainant at 01:45 hours following a complaint. Officers witnessed bass line from the pub was constant and in their opinion was at a level that would make sleep impossible. The officers then visited Horse & Barge and spoke to the manager and security and advised them that the music was a SNN must be reduced.

Copies of letters, witness statements and EPA 1990 notice attached to this application

Please

tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please

tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

HF JJA

Date

4/6/13

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government (Access to Information) Act 1985 as amended.

Document is Restricted

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Horse and Barge Licence Review - representation from residents

1 message

Doreen McIntyre

To: Sharon Garner <sgarner@hillington.gov.uk>

28 June 2013 13:19

Cc: Cllr Richard Barnes <Rbarnes@hillington.gov.uk>

Dear Ms Garner

Thank you for the opportunity to make a representation on this much needed-licence review. We live in one of the two houses immediately opposite the Horse and Barge on Moorhall Road.

We wholeheartedly support the review on the grounds of prevention of public nuisance, as we have been suffering for many years from noise emanating from these premises. We can hear the thumping music in our garden when we are trying to relax and throughout our house where it regularly keeps us awake into the small hours of the morning. This is stressful enough each time it happens, but the cumulative effect of having to deal with this over such a protracted period makes it even worse. We are starting to dread weekends, even Bank Holidays and Christmas, because we know what the Horse and Barge has in store for us. This is not how village life should be - or life anywhere, for that matter.

As Council records will show, we have repeatedly had to call out the noise team because of loud music from the nightclub-style events this pub now runs as its main activity. Often advertised as having "banging sound systems", these certainly live up to their name. Nightclub-level music belongs in premises that are built or adapted to contain the noise, not in the conservatory of a village pub in a conservation area next to a bird reserve. However, we feel that insulation is not the issue - we feel that the 3am licence that currently applies to the premises is wholly inappropriate for this area and is the main root of the current problems. We would further point out that the premises regularly runs events even beyond this hour, rarely properly covered by a Temporary Events Notice.

The noise problems from the premises' own activity are further aggravated by the additional traffic noise created by late hours opening. Public transport in this area stops completely before midnight, meaning that most customers have to rely on private cars or taxis. Few if any local people frequent the late night events, which have often been advertised as having up to 500 tickets for sale. As local residents we value some respite from Moorhall Road's normal daytime traffic in the evening hours so it is particularly annoying to have a wholly unnecessary set of late night traffic introduced to the area.

Another consideration is the large outdoor area which creates a problem when used for amplified music, at any time of the day. On one memorable occasion we had a series of heavy metal tribute bands performing live in the garden throughout the day and evening, but it is also annoying when music is relayed from the bar through the external speakers.

In addition to the music and traffic noise problems, we have additional problems from customers wandering out of the premises along the canal towpath with their drinks. As our house is directly on the towpath at the lock, we are used to voices outside but not late at night when it can be quite alarming as well as intrusive. Anti-social behaviour at closing time occurs from time to time - people arguing, things being smashed up - again this gets more and more upsetting the later it occurs.

The licence-holder has been unresponsive to our on-the-spot complaints during noisy events when he has the opportunity to turn the music down, and the noise abatement order served on him has not stopped the nuisance. He has never held the annual community liaison meeting required as a condition of the current licence.


A final point we would like to make is that Harefield does not have a night-time economy (and does not want one). Public transport and, importantly, police cover, is planned on that basis. Even Hillingdon's noise team only operates till 2am. The Horse and Barge's 3am licence is an anomaly in this area, and the problems it is causing are a disproportionate drain on council resources.

We therefore ask that the permitted hours for the premises be made consistent with the character of the area, and that strong conditions be imposed in relation to effective noise prevention whenever the premises are open. We feel that 11am - 11pm would be appropriate hours for licensable activity, mindful of the fact that the premises could use the TEN system for occasional special events. Conditions on noise prevention should include a prohibition on amplified music in the outdoor areas at any time, and requirements to ensure that noise is inaudible at neighbouring premises along the lines of the conditions that were imposed at the last review of this licence. We further ask that the kind of community liaison outlined in the current licence conditions continues to be required.

In conclusion, we would love to see the Horse and Barge become the kind of successful village pub that enhances an area, as other pubs do in Harefield and surrounding villages. Harefield is full of residents, local businesses, community groups and visitors that would make great use of such a pub. At the moment its late-night, noise-led offering just alienates the very people that could help it thrive.

We are quite willing to expand on any of the points we raise in person if that is helpful.

Yours sincerely

Doreen McIntyre and John McKeon


Licence review

Horse & Barge

As a local resident I am concerned at the permitted hours for the Horse & Barge 3am is unreasonable and unsuitable for this area

Harefield is a village community.. there is no night time economy and none is wanted. There are alternative urban centres where such late night music may be appropriate Here there is no Council or police back up in the early hours, and by then the damage has been done, with sleep disturbed , with anxiety caused by making a complaint for fear of repercussions

Over the recent years residents have objected to the Horse & Barges noise.. a few years ago approximately 50 local residents signed a petition which we put to Hillingdon to try to counter the nuisance. It now is recurring.

Public nuisance

I have been disturbed by traffic leaving the Horse & Barge in the early hours along Moorhall and Moorfield Road when they have an advertised disco
I have heard noise from drunks along the canal towpath late at night on those nights

My house backs on to the canal and late night music has been audible here ; the website advertises dance parties until the early hours and I dread when those events are on..

It is also inappropriate for loud music to be permitted in the pub garden : this is a tranquil area.. people come here to walk, enjoy nature, bringing narrowboats up the canal . the Horse & Barge used to be more akin to the Coy Carp which has a thriving business meeting local needs.. without music..

Sadly I now recommend friends to go there to the Coy Carp (formerly the Fisheries) whereas I used to be able to recommend the Horse & Barge..

Their noisy gigs have brought noise nuisance, litter, anti social behaviour.. and I feel an increased likelihood of petty crime from drunken behaviour..exiting the pub has led to cars revving, shouting..

This is a tranquil rural area, in green belt, with Broadwater Lake which is an SSSI locally, .

Continuing to allow regular late night loud music with consequent traffic, anti social behaviour threatens this rural area

The Horse & Barge has been poorly managed.. warnings have been given but disregarded with repeat patterns of loud music.

I ask that the Council restricts the hours on any evening to 11pm , and prohibits live and music in the garden at all times.. this would be in keeping with the locality and manageable if conditions on noise prevention are imposed which should include a prohibition on amplified music in the outdoor areas at any time, and requirements to ensure that noise is inaudible at neighbouring premises be enforced actively given the track record of the management.

Marjorie Fox [REDACTED]

Horse and Barge Licence Review - urgent - Monday, 1 July 2013

1 message

carpediem@waitrose.com <carpediem@waitrose.com>

30 June 2013 10:18

To: sgarner@hillington.gov.uk


Dear Ms Garner,

Re: Horse and Barge Licence Review - 1 July 2013

I was one of those who attended the packed Council meeting some years ago to protest about the intention of the Horse and Barge to have a nightclub and, as I understand it, this was allowed on certain conditions, none of which has been met. This is and was clearly an anti-social move in such a quiet rural area and this pub which has lost its original character of being a community-pub with no music has gone gradually downhill and is now a place that I would certainly not recommend. At one time and for many moths they were advertising a car-cleaning service which they were not allowed to do.

I live along the canal and have been frequently disturbed by the loud music on such nights and would now avoid walking along the nearby canal path to avoid not only the pounding music but the unruly behaviour that one sees outside the pub. This pub has become a blight on the area, it does not attract local people who would prefer the quiet atmosphere of The Coy Carp further along the canal, it is mostly an empty shell during the week and only attracts people on their loud music evenings. The pub is simply an anomaly here, it sits opposite a nature reserve, the buses stop before midnight and even the local taxi service is unwilling to service them due to their gross and sometimes violent behaviour.

If this pub is to continue, I would ask that the hours are brought into line with other pubs in the area and close at 11 pm. No outside music should be played and any inside music needs to be contained with proper noise prevention equipment.

I reiterate that this is an ugly addition to the peaceful character of Harefield and I would ask you to make the necessary and strong conditions on this review and ensure that the original agreement of a regular, yearly, liaison with the local community takes place.

Yours sincerely,

Rose-Marie Adams

Licence Review Horse and Barge Public House

1 message

JAMES BALCOMBE [REDACTED]
Reply-To: JAMES BALCOMBE [REDACTED]
To: "licensing@hillington.gov.uk" <licensing@hillington.gov.uk>

1 July 2013 11:06

I have been advised that Hillingdon Council are providing residents an opportunity to make a representation on a welcomed licence review regarding the Horse and Barge Public House, Moorhall Road, Harefield.

We have lived in Hillside, Harefield for eleven years and have witnessed a number of changes to this establishment many were positive. Unfortunately, since the current landlord has been in post during the past couple of years these changes have been very negative.

During the week the Horse and Barge rarely gives the impression it is open for business, I note that the premises is often closed and in darkness during the evening.

What it does offer is a succession of bands and late night discos during the weekend, from a premises that is inadequately designed to sympathetically host such functions. We can hear the music in our garden, this must be extremely stressful for the residents who live closer by as the sound is unpleasant and intrusive and carries on to the early hours. Harefield is a village, the Horse and Barge is located in a peaceful natural area and close by is a bird sanctuary.

The events are advertised on unsightly banners outside the premises. The landowner has also taken the opportunity to paint the front of the premises covering the natural brick in grey paint. It does give the impression that it is trying to be a night club, along with other business interests and not a public house. There was a time when a car wash operated from the car park, since removed. The car park is advertised for use of football supporters travelling to Wembley at £5 a vehicle. Not the role of a local pub.

The 3am licence creates anti social road noise, music noise and people noise and not from local residents. For some years the Horse and Barge was frequented by locals but this is no longer the case. I am also aware that the licence holder has been un cooperative to requests to turn the music down. The licence holder does not comply with conditions of his licence with community engagement meetings nor have regular visits from the council noise team and a noise abatement order prevented him from considering the effects of the events he hosts on the local community. Recently there was police intervention at the premises. This type of activity surely highlights the fact that the Horse and Barge as it is currently run is a public nuisance at a cost to the tax payer.

During the review please can you make consideration for permitted hours for the premises be sympathetic with the area i.e. 1100 - 2300 hours. These hours would slot in with other public services that are available to Harefield. I also believe that the land lord should be made more accountāble for his actions when causing a stressful living environment to the local community.

If I can be of any further assistance or you need any points raised clarified please do not hesitate to contact me.

Yours sincerely

Karen Balcombe

[Redacted signature]

Horse and Barge Licence Review

1 message

Matt Holt <[REDACTED]>
Reply-To: [REDACTED]
To: licensing@hillington.gov.uk

2 July 2013 13:29

To whom it may concern,

Thank you for the opportunity to add our representation to the licence review for the "Horse & Barge". We live directly opposite the premises and have experienced noise disturbance on many occasions - both on the dates identified in the review application and numerous other occasions. It has not been unusual for noise to be a disturbance in our bedroom at the back of the house till as late as 3 or 4am, which has often woken and greatly agitated our three young children. I am aware of the conditions of the current licence which amongst other things state that noise should never be audible in our property, even with our windows open. I can assure you that we have lost count of the number of times this condition has been broken in the last 18 months or so. Similarly conditions relating to people drinking outside late at night, music played outdoors after midnight, the presence of signs on the premises asking for noise to be kept to a minimum, and the requirement to hold an annual residence liaison meeting have also been largely or completely ignored.

I have met or talked by phone with Mr Blackwood on numerous occasions with a mixture of results. In the worst instance a member of his door staff was incredibly rude and aggressive to my wife (who was eight months pregnant at the time) at around 3.30am despite the fact she was simply pointing out that as the event was still going on they were in breach of their licence. On other occasions Mr Blackwood has been more polite and seemingly accommodating, and on occasion has even turned down the sound at our request. However far more often he has ignored us, or claimed to be doing something about the problem and then completely failed to do so. Certainly things improved for a short while at the time the noise abatement order was served but this was short-lived and too often we found Mr Blackwood an evasive and frustrating individual to deal with - often lying that the sound level had been dropped or was below the statutory requirement when it clearly wasn't. He has continued to advertise events as finishing after 3am despite being fully aware that he's in breach of the licence doing so, and as far as I can tell, rarely with a TEN in place.

However, despite our frustrations with Mr Blackwood and his repeated breaking of the terms of his licence, our main issue is not with him but with the terms of the licence itself. The 3am live entertainment provision seems bizarre in the extreme as there is little or no local demand for it in the immediate area. What this means is that those events are attended largely by people who have no interest or care for the local community - this leads to the knock on problems of litter, disturbance from people leaving, access to our property being blocked by cars (I once returned from work at 1am and was unable to gain access to my property by car without first experiencing a long wait while the owner was found inside), etc etc. Even more so as these events, by Mr Blackwood's own admission, are organised and run by external promoters who similarly have no allegiance to the area and couldn't care less about the experiences of the local community. The existence of this licence and its 3am entertainment provision means the property is always likely to be taken on by someone seeking to run it in the way Mr Blackwood has done, rather than seeking to turn it into the kind of lively local pub we'd all love to see and which thrives so well elsewhere in Harefield and further along the canal. It is a prime property from this point of view, in an area where people are more than happy to travel a short distance for a decent pub with a good lunch - the other pubs of this sort locally are massively over-subscribed. However the absurd nature of the current licence - given the needs of the area - makes it unlikely that someone is going to take the time and effort to make it work in that way. The other side effect of it essentially being run as a part-time nightclub - which it currently is - is that the pub sits closed or empty a great proportion of the time which does nothing to alleviate the problem and makes the pub a depressing rather than uplifting site.

The current licence seems like a well-meaning but unrealistic attempt at a compromise - live music being allowed till 3am but not being in the least bit audible from the nearest properties - seems an unlikely vision to achieve and it is for this reason we would ask for a more radical change to the hours and terms of the licence.

To be honest it is a huge relief to finally see this licence review taking place, from our point of view its been a long time coming. We whole-heartedly support it and sincerely hope the licence will be significantly changed to adequately reflect the needs of the area.

I would just like to finish by adding that I'm more than happy to elaborate on any of our experiences either by email or in person.

Regards,

Matt Holt

[Redacted signature]

One Redcliff Street
Bristol BS1 6TP
T +44 (0)117 917 7777
DX 7815 Bristol

www.TLTsolicitors.com

Our ref 303L/MP01/CS03/60951/3934
Your ref



APPENDIX ④

London Borough of Hillingdon
Civic Centre A357
High Street
UXBRIDGE
UB8 1UW
For the attention of: Licensing Section

By special delivery

Direct tel +44 (0)117 917 8815 Date 28 June 2013
Direct fax +44 (0)117 917 7566 Email Piers.warne@TLTsolicitors.com

Please note telephone calls may be recorded for training or regulatory purposes

Dear Sirs

Our client - Star Pubs and Bars
Horse & Barge Uxbridge Moor Hall Rd Harefield Uxbridge UB9 6PE
Application for review of premises licence

We act on behalf of Star Pubs and Bars, the landlords for the above Premises.

We confirm that we are instructed in respect of this matter and would be grateful if copies of all future correspondence could be sent directly to us.

Please could you forward to us copies of any representations to the application as and when they are received.

Please treat this letter as a representation on behalf of the landlord to the above application. The representation is made on the ground of all four licensing objectives but in particular Prevention of public nuisance, the basis for this review. Our representation is that as landlords we will be able to assist the Committee in relation to the operation of the premises, management and meetings with various parties leading up to the review. We trust this is sufficient for now but reserve the right to comment further once we have had sight of any further representations.

Currently, our **inconvenient** dates for the review hearing are as follows and we would be grateful if these could be avoided:

- 9 to 23 July 2013 inclusive

We will let you know if there are any other dates as soon as possible.

The premises licence holder will be attending the hearing and will be legally represented.

Offices in London, Bristol and Piraeus.

TLT LLP is a limited liability partnership registered in England & Wales number OC 308658 whose registered office is at One Redcliff Street Bristol BS1 6TP.

A list of members (all of whom are solicitors or lawyers) is available for inspection at that address.

TLT LLP is authorised and regulated by the Solicitors Regulation Authority under ID 406297.



In due course we will provide details of who will be attending and we anticipate that the BDM and/or the designated premises supervisor/Lessee will be in attendance.

We are not currently in a position to comment specifically about the application as at this stage we do not have sight of any additional representations that may be received whether from responsible authorities or interested parties.

For the short term we trust that is satisfactory.

Yours faithfully



TLT LLP



PREMISES LICENCE

Ref: SG/127/LBH

Premises Licence Number: LBHIL 356/05

This Premises Licence has been issued by Stephanie Waterford on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature: _____ Date: 29th September 2011

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -	
The Horse and Barge Moorhall Road	
Post Town - Harefield	Postcode – UB9 6PE
Telephone number – 01895 834806	

Where the licence is time limited, the dates -
N/A

Licensable activities authorised by the licence –

Sale by retail of alcohol (indoors and outdoors).

Provision of live music, recorded music, performances of dance, anything of a similar description, provision of facilities for music and dancing and anything of a similar description (indoors and outdoors).

Provision of late night refreshment (indoors and outdoors).

The times the licence authorises the carrying out of licensable activities –

Sale of alcohol:

Monday to Saturday, from 11.00 hours until 03.00 hours the following day.

Sunday, from 11.00 hours until 01.00 hours the following day.

Sale of alcohol from the External Bar Facility:

To be used from the Monday which precedes Good Friday until the last day in September, between the hours of –

11.00 hours and 23.30 hours, Sunday to Thursday

11.00 hours and 24.00 hours, Friday and Saturday

Provision of regulated entertainment and facilities for making music and dancing and anything of a similar description:

Monday to Saturday, from 11.00 hours until 03.00 hours the following day.

Sunday, from 11.00 hours until 01.00 hours the following day.

Provision of late night refreshment:

Monday to Saturday, from 23.00 hours until 03.00 hours the following day.

Sunday, from 23.00 hours until 01.00 hours the following day.

The opening hours of the premises –

Monday to Saturday, from 08.00 hours until 03.30 hours the following day.

Sunday, from 08.00 hours until 01.30 hours the following day.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies –

On and Off supplies

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence –

Reilly & Blackwood LLP
Horse and Barge
Moorhall Road
Harefield
Middlesex
UB9 6PE

Registered number of holder, for example company number, charity number (where applicable) –

OC364762

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol –

Joanna Reilly
Horse and Barge
Moorhall Road
Harefield
Middlesex
UB9 6PE

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol –

2006/03483/LAPER – London Borough of Hammersmith and Fulham

Annex 1 – Mandatory Conditions

Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence
- 4.(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2– Conditions consistent with the operating Schedule

The premises licence holder shall ensure that the following licence conditions are fully complied with:

Prevention of Crime and Disorder

- Toughened glasses shall be used.
- A CCTV system shall be installed to cover the premises internally and externally.
- No open containers shall be removed from the premises including the garden.
- Proof of age cards shall be used.
- To be a member of Pubwatch.

Public Safety

- Measures shall be taken to minimise over crowding and this shall be monitored by bar staff.
- All staff shall be trained in respect of the emergency evacuation procedure.

Prevention of Public Nuisance

- A noise limiting system shall be installed and used.
- The main entrance exit doors have lobbies to prevent the escape of noise.
- Notices shall be displayed asking patrons to leave quietly.

Protection of Children from Harm

- Generally, no children under the age of 16 shall be allowed in the main bar after 21.00 hours.
- Notices shall be displayed indicating age restrictions to be imposed by internal management.
- No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, shall be provided at the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. All doors and windows shall remain closed during regulated entertainment as far as reasonably practicable and having regard to Regulation 6 Workplace (Health, safety and Welfare) Regulations 1992, which requires effective and suitable provision to be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.
2. The level of amplified entertainments shall be controlled to ensure that to the satisfaction of the Director of Planning, Environment, Education & Community Services, that music played in the licensed premises is inaudible within the nearest residential property with the windows of those premises open.
3. The noise from entertainment shall only be barely audible at a point or boundary to be agreed with the Council's Environmental Protection Unit.
4. A sign shall be displayed in the beer garden/on the frontage instructing patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.
5. Signs shall be displayed close to the exit instructing patrons to respect the neighbours and to behave in a courteous manner when leaving.
6. The beer garden/frontage shall be closed and patrons requested to come inside the main structure of the premises at a time to be agreed with the Council's Environmental Protection Officer, but no later than the time specified for the end of alcohol sales in the external bar area.
7. When the premises turns out, the designated premises supervisor or other, as appropriate, shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.
8. The management shall provide information to patrons on local taxi companies and a call arrangement shall be made available to facilitate efficient egress from the premises. Every effort shall be made to ensure that customers wait for taxis within the premises
9. There shall be an annual consultation with residents and interested parties to address any concerns they may have about noise disturbance or any other nuisances emanating from the premises.

Annex 4 – Plans

The Horse and Barge

The licensed areas of the premises as detailed on the drawing annexed hereto:-

Plan number: LBH 725/06

Drawing Number: 05010-12

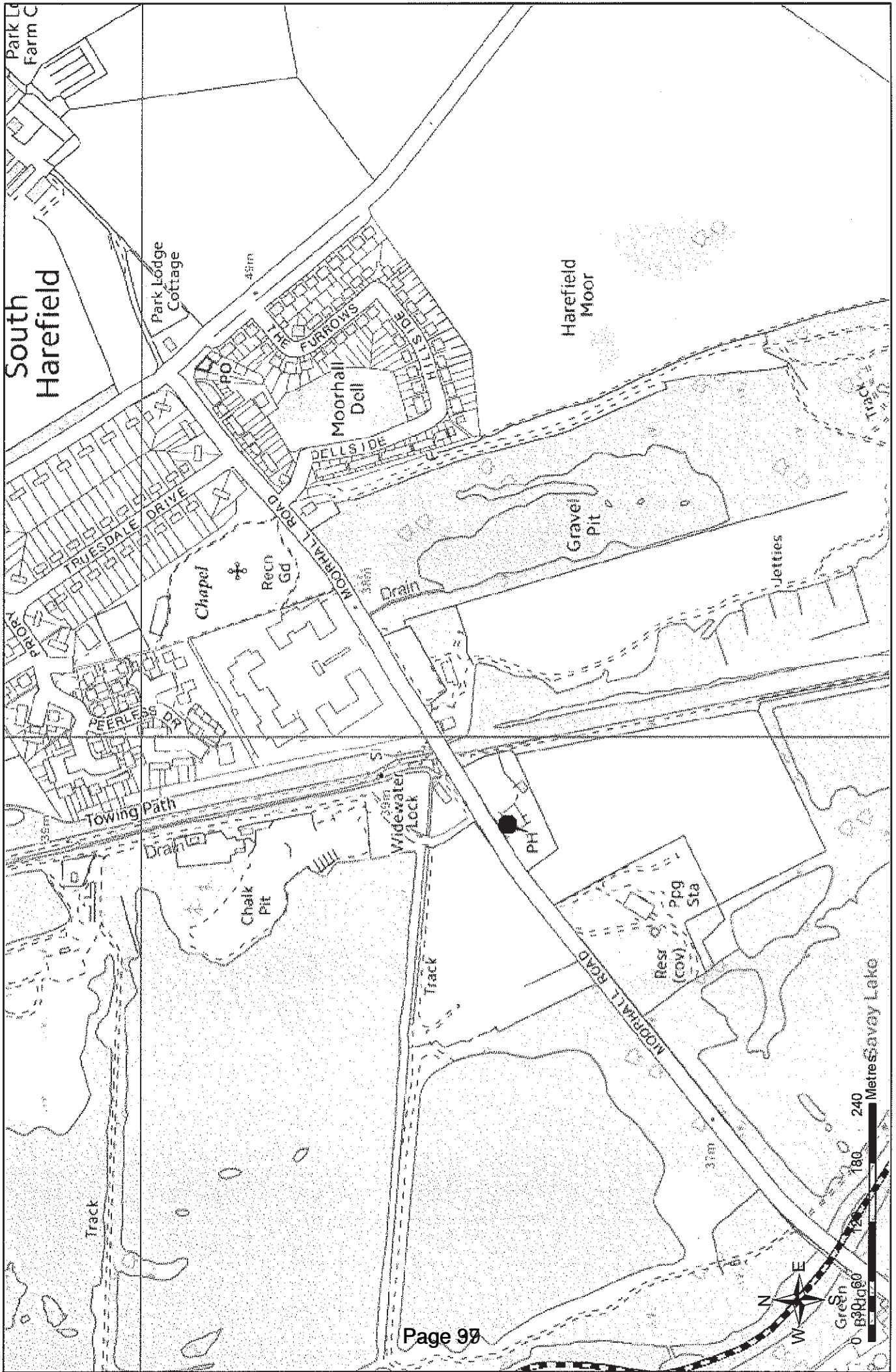
APPENDIX 6

RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the original application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre A357 High Street Uxbridge UB8 1UW licensing@hillington.gov.uk <i>Licensing Authority</i></p>	<p>Chief Officer of Police c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn PC Ian Wares licensing-xh@met.pnn.police.uk <i>Hillingdon Police Enforcement</i> *for all areas except Heathrow</p>
<p>Chief Officer of Police (Licensing) Heathrow Police Station Unit 3, Polar Park Bath Rd Sipson, West Drayton Middlesex UB7 0DG <i>Heathrow Police Enforcement</i> *for Heathrow area only</p>	<p>Fire Safety Regulation: North West Area 1 London Fire Brigade 169 Union Street London SE1 0LL Attn: North West Area Team hillingtongroup@london-fire.gov.uk <i>Hillingdon Fire Authority</i></p>
<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07 Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW PHewitt@hillington.gov.uk <i>A body involved in the Protection of Children from Harm</i></p>	<p>Food, Health and Safety Team London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthcp@hillington.gov.uk <i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Trading Standards Officer tradingstandards@hillington.gov.uk <i>Enforcing Authority under the Weights and Measures Act 1985</i></p>	<p>Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthepu@hillington.gov.uk <i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>
<p>Head of Planning and Enforcement London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW planning@hillington.gov.uk <i>The Planning Authority</i></p>	<p>Sharon Daye NHS Hillingdon London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW SDaye@hillington.gov.uk <i>Health Authority Body</i></p>

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Minutes

LICENSING SUB COMMITTEE (NORTH)

17 July 2013

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) Lynne Allen Judy Kelly Carol Melvin Brian Stead</p> <p>LBH Officers Present: Beejal Soni, Legal Advisor Stephanie Waterford, Licensing Manager Francesca Burke, Community Safety Officer Sharon Garner, Licensing Officer Muhammad Islam, Principal Environmental Health Officer Faisal Said, Community Safety Officer Adam Stitson, ASBIT Investigations Manager Nadia Williams, Democratic Services Officer</p> <p>Also Present: Mr Dominic Blackwood and Mrs Joanna Reilly-Blackwood (Reilly & Blackwood LLP - Horse and Barge Premises Licence Holder)</p> <p>In attendance: Mr Michael Reilly (Reilly & Blackwood LLP, Partner) Ms Sarah Le Fevere, Barrister (Star Pubs and Bars) Mr Lee Taylor, Business Development Manager (Star Pubs and Bars)</p>	
32.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>	Action by
33.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Lynne Allen declared a non-pecuniary interest in item 5, Application for a Temporary Street Trading Shop Front Licence, by virtue of the application being in her ward and having communicated with the applicant in the past. Cllr Allen withdrew from the meeting and did not take part in the decision of this item.</p>	Action by
34.	<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 (<i>Agenda Item 3</i>)</p> <p>It was confirmed that item 5 marked Part 2 would be heard in private</p>	Action by

	and item 6 marked Part 1 would be considered in public.	
35.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>No items had been notified in advance or as urgent.</p>	Action by
36.	<p>APPLICATION FOR A TEMPORARY STREET TRADING LICENCE - SHOP FRONT (<i>Agenda Item 5</i>)</p> <p>The officer introduced the report and in respect of an application for a Temporary Street Trading Licence - Shop Front.</p> <p>The applicant did not attend the meeting.</p> <p>Decision</p> <p>That the application for Temporary Street Trading Licence - Shop Front be refused on the grounds of misconduct.</p>	<p>Action by</p> <p>Beejal Soni Legal Advisor</p>
37.	<p>APPLICATION FOR THE REVIEW OF A PREMISES LICENCE (<i>Agenda Item 6</i>)</p> <p>The Licensing officer introduced the report in respect of an application for the review of a premises licence made by the Council's Environmental Services (A Responsible Authority) under the Part 3, Section 51 of the Licensing Act 2003.</p> <p>Five letters of representation in respect of the application had been received from local residents in support of this review.</p> <p>DECISION</p> <ol style="list-style-type: none"> 1. Conditions 2, 3, 6 and 9 of Annex 3 of the Officers report (implemented in 2006) were removed. 2. The following conditions were added/modified: <ol style="list-style-type: none"> a) Sales of alcohol, provision of regulated entertainment and facilities for making music and dancing and anything of a similar description and provision of late night refreshment shall cease at 0100 hrs the following morning Monday to Sunday; b) The garden (by which is meant licensed and/or patio area) shall be cleared of patrons by 22h00; c) All patrons should vacate the premises by 01h30 Monday to Sunday; d) Sale of alcohol by retail shall be indoors only; 	<p>Action by</p> <p>Beejal Soni Legal Advisor Stephanie Waterford, Licensing Service</p>

	<p>e) Emergency exit doors are to be fitted with alarms;</p> <p>f) The Licence Holder must ensure that the Designated Premises Supervisor (DPS) or a named designated person is on site to monitor noise levels;</p> <p>g) The DPS or designated person shall ensure that on receipt of a request from the Environmental Protection Unit (EPU), the noise level of any music on the premises shall be reduced for the playing of music or shall cease if in the opinion of the EPU, a Statutory Noise Nuisance is being, or is likely to be, caused;</p> <p>h) The Licence Holder shall ensure that an acoustic sound engineer carries out the acoustic sound tests on the premises. The sound engineer shall ensure that a noise limiter is set to the satisfaction of, and in the presence of the EPU;</p> <p>i) The licence holder shall convene regular resident liaison meetings to discuss residents' concerns. EPU and Licensing Service shall also be invited to these meetings.</p>	
<p>The meeting, which commenced at 2.00 pm, closed at 4.49 pm.</p>		

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 276454. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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HILLINGDON
LONDON

Licensing Sub-Committee

Decision Notice

Application by the London Borough of Hillingdon
Environmental Protection Unit Seeking a
Review of the Premises Licence of The
Horse and Barge, Moorhall Road, Harefield

Hearing: 17 July 2013

Sub-Committee: Cllr Dominic Gilham (*Chairman*)
Cllr Lynne Allen
Cllr Judy Kelly
Cllr Carol Melvin
Cllr Brian Stead

Legal Adviser: Beejal Soni

Licensing Officer: Sharon Garner

Committee Clerk: Nadia Williams

Chairman.....
Cllr Dominic Gilham

Dated: 17 July 2013

This notice confirms the decision of the Licensing Sub-Committee made at a public hearing on Wednesday, 17 July 2013

THE APPLICATION

This was an application initiated by the Environmental Protection Unit seeking a review of the Premises Licence of the Horse and Barge, Moorhall Road, Harefield on the grounds of the Prevention of Public Nuisance

ATTENDANCE

Sharon Garner, of the Licensing Service presented the report to the Sub-Committee. The Environmental Protection Unit was represented by Muhammed Islam. Doreen McIntyre, an interested party, was present and addressed the hearing. Rose-Marie Adams and Karen Balcombe, also Interested Parties, advised that they would not be attending the hearing but requested that their written representations be taken into account.

The premises licence holder, Reilly and Blackwood LLP was represented by its partners – Mr Dominic Blackwood and Mrs Joanna Reilly-Blackwood. The freeholder, represented by Sarah Le Fevre, was present at the hearing but did not address the Sub-Committee.

THE HEARING

At the start of proceedings, the Legal Advisor notified the Sub-Committee that owing to a typographical error, written representations from Mr P Stone were received outside of the time allocated for the receipt of submission. She advised the Sub-Committee that they held the discretion with regard to admitting the late representations, that all parties had been given advance sight of the representations and recommended that they be admitted. The Sub-Committee elected unanimously to admit the late representations. The meeting adjourned briefly to afford Councillors the opportunity to consider the representations.

Mrs Garner introduced the report to the Sub-Committee, and provided guidance on photographs that had been enlarged and placed on view for all attendees of the hearing.

Mr Muhammad Islam of the Environmental Protection Unit (“EPU”) then addressed the Sub-Committee on behalf of the Reviewing Authority. He advised that on 29 November 2011 a Noise Abatement Notice was served on the premises. This was breached on 9 December 2012, 28 April 2013 and 26 May 2013. An informal letter was sent to the Premises Licence Holder advising them to abide by terms of the licence. This was followed up with a formal warning letter on 12 December 2012. No response received to this communication. Consequently a decision was made to review the premises.

He advised that the EPU has received regular complaints about the premises, especially when events took place on the premises. He suggested that the noise nuisance from the premises could be addressed by a reduction of the licensing of hours and a modification of conditions such that the DPS assesses noise when regulated entertainment takes place; written record of noise checks are kept; a noise assessment is carried out by an acoustic engineer with recommendations reported to the EPU.

In response to queries from the Sub-Committee and Legal Adviser; he advised that the EPU was willing to view a report from an acoustic engineer and comment on it. He agreed with queries from the Sub-Committee that officers could be present during any noise calibration setting if so directed by the Sub-Committee.

Mrs McIntyre then addressed the Sub-Committee. She advised that the complaints with regard to noise from the premises were longstanding although the nature of the activity leading to the noise nuisance had changed. Previously the noise from the premises comprised of hubbub and general conversations at loud volumes; such noise nuisance lasting until approximately 23h00. She advised that recently, the music and the nature of events held at premises means that the premises operate as a nightclub and the noise nuisance is a combination of both noise generated by patrons as well as music that one would associate with nightclub premises. She advised that the premises held scheduled and sporadic events with consistently high levels of noise generated. She advised that residents in her area find their personal garden areas unusable, especially in the summer when noise nuisance peaks. Mrs McIntyre advised that there was no particular pattern to the noise with nuisance

occurring both during the day from 15h00 and at night. She further advised that the Canal and Bridge amplify noise so that premises along the line where hers are located have to deal with enhanced noise nuisance. She also advised that her home is a listed building which meant they were unable to insulate or soundproof the premises against the noise. She advised that in the recent past she visited the premises around Christmas, contacted managers and relayed a number of complaints with EPU a number of times. During daytime when noise nuisance occurred she advised that the Metropolitan Police Services were also contacted in total on two to three occasions. She is aware that discussions have taken place with regard to stricter enforcement of noise limiters, but was sceptical as to whether a noise limiter would be able to reduce sound such that it would be bearable to residents.

The Licence Holder was then given the opportunity to address the Sub-Committee. Joanne Riley-Blackwood addressed the Sub-Committee in her capacity as Premises License holder partner and Designated Premises Supervisor. She advised that her husband, also a partner in the business, Dominic Blackwood, patrolled the perimeter of the premises regularly in order to ensure most levels were not exceeded; and met with Mrs McIntyre on at least two occasions. She advised that they were acting in compliance with existing licence conditions which required them to monitor noise nuisance from the licensed premises to another residential premises in the opposite direction. This residential premises was insulated and not a listed building. Consequently, when taking over the properties they were advised to ensure that noise levels did not increase 94 decibels from the nearest house which was called "Moor House". She also advised that they have arranged with Halfords Taxis to regularly send 4 to 5 cars to ensure that patrons leave the premises speedily and without causing nuisance to residents in the area. Following the start of review proceedings, the Premises Licence Holders now realise that they need to be checking noise from "Lock Cottage" as well as "Moor House"; even though the licence on requires them to check noise nuisance from "Moor House" only.

She advised that the premises operate two events per month as laid out in her representations. She suggested that it would be suitable to ensure that an acoustic sound engineer calibrated noise levels and prepared a report recommending the

setting of noise levels, including the noise limiter level. She also suggested that the existing licence be reviewed by the Sub-Committee so that enforceable conditions were placed under licence. She also confirmed that as Premises Licence Holders they were willing to reduce their licensed hours until 02h00 so that the premises operating times mirrored those of the Out Of Hours Noise Service.

She advised that the premises is open every day and that they did not have any intention of hosting rowdy “youngster events”. The capacity of the premises varies between 110 and 180 people. The garden is also quite sizeable and there are times when the “grooving” events which hosts soul music, attract up to 220 persons. She advised that the premises had already taken steps to reduce noise nuisance including acoustic insulation on windows, closing the garden area at 22h00 and ensuring that the 3 emergency exits are closed but not locked. Her husband advised that there have been occasions when these emergency exits have been opened causing noise to escape. In response to questions from Councillors he advised that these exits were not alarmed.

In response to further questions from a Legal Adviser, Mrs Blackwood-Riley confirmed that the premises had access to an outdoor bar which did not operate. She invited the Sub-Committee to consider removal of the outdoor bar as they currently were not utilising it and had no intention of doing so in the future.

The Licensing Sub-Committee then adjourned to consider its decision.

THE DECISION

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of that Act, the Council’s Statement of Licensing Policy and the Licensing objectives. The Licensing Sub-Committee has come to the following decision:

The conditions on the premises licence for the Horse and Barge is hereby modified as follows:

- 1. Conditions 2, 3, 6 and 9 of Annex 3 (implemented in 2006) are hereby removed;**
- 2. The following conditions are hereby added/modified:**
 - a. Sales of alcohol, provision of regulated entertainment and facilities for making music and dancing and anything of a similar description and provision of late night refreshment shall cease at 0100 hrs the following morning Monday to Sunday;**
 - b. The garden (by which is meant licensed and/or patio area) shall be cleared of patrons by 22h00;**
 - c. All patrons should vacate the premises by 01h30 Monday to Sunday;**
 - d. Sale of alcohol by retail shall be indoors only;**
 - e. Emergency exit doors are to be fitted with alarms;**
 - f. The Licence Holder must ensure that the DPS or a named designated person is on site to monitor noise levels;**
 - g. The DPS or designated person shall ensure that on receipt of a request from the EPU the noise level of any music on the premises shall be reduced for the playing of music or shall cease if in the opinion of the EPU, a Statutory Noise Nuisance is being, or is likely to be, caused;**
 - h. The Licence Holder shall ensure that an acoustic sound engineer carries out the acoustic sound tests on the premises. The sound engineer shall ensure that a noise limiter is set to the satisfaction of, and in the presence of the Environmental Protection Unit;**
 - i. The license holder shall convene regular resident liaison meetings to discuss resident's concerns. EPU and the Licensing Service shall also be invited to these meetings.**

RIGHT OF APPEAL

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision. A copy of the appeal should be sent to the Council's Licensing Service.

You will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.

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