



MINUTES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

FRIDAY, 25 AUGUST 2006

COMMITTEE MEMBERS PRESENT

Councillor Howard
Councillor Mrs Jalili
Councillor Mrs Percival
Councillor Turner (Vice-Chairman)

Councillor Wheat
Councillor Mrs Wheat (Chairman)
Councillor Williams

OFFICERS

Clerk to the Committee
Head of Environmental Health and Licensing
Environmental Health Practitioner (2)
Assistant Solicitor
Committee Support Officer

13. APOLOGIES

Apologies for absence were received from Councillors Parkin, Mrs. Radley and Shorrock.

14. DECLARATIONS OF INTEREST

No declarations of interest were made.

15. MINUTES OF MEETING HELD ON 2ND JUNE 2006

The minutes of the meeting held on 2nd June 2006 were approved as a correct record of the decisions taken.

16. LICENSING ACT 2003: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR THE BULL AND SWAN, ST. MARTINS, STAMFORD

Decision:-

That the application for the variation of a premises licence in respect of The Bull and Swan, St. Martins, Stamford be agreed as applied for with the following conditions:

1. *That outdoor entertainment should be limited to Friday, Saturday and Sundays only;*
2. *That outdoor entertainment should only be permitted between 1st April and 30th September (inclusive) each year;*
3. *That outdoor entertainment should cease no later than 22:00;*
4. *The noise level should not exceed an appropriate level agreed with the Environmental Health Department and confirmed in writing.*

The Committee had before them the Head of Environmental Health and Licensing's report ENV358 in relation to an application to vary a premises licence to permit outdoor entertainment in respect of the Bull and Swan, St. Martin's, Stamford. A full copy of the application was attached at appendix 1 including a plan showing the location of the premises. The Council's Environment Team, on the grounds of noise nuisance, made representation against the application. A letter of objection to the application was also received. Twenty letters had been received in support of the application. Seven letters were deemed invalid, as the senders did not meet criteria to qualify as "an interested party". The valid letters of support and the objection, with representations made by the Environment Team, were attached as Appendix 2.

The Clerk to the Committee, in introducing the application clarified the speakers for and against the application. The Chairman sought and received confirmation that the applicants had received and understood the procedure that would be followed.

In introducing the report, the Environmental Health Technician stated that the application was for the variation of a premises licence to permit outdoor entertainment. The applicant's premises licence was granted during the transitional period in 2005. The application submitted did not include outside entertainment. Temporary Event Notices (TEN) had been used to ensure the continuation of outdoor entertainment when it became apparent that a suitable licence was not held.

The applicant stated that if applied for in the transitional period, the application for outdoor entertainment would have been granted as the continuation of a previous activity. The number of artists would be limited to a maximum of four. Most entertainment would take place on Friday and Sunday evenings. The applicant stated that no one had contacted the pub or the licensee to object to noise. In response to a question from the Environmental Health Practitioner, it was estimated that outdoor entertainment would run between mid-April and mid-September. The applicant anticipated that outdoor events would be held one Sunday in four. Members of the Licensing Committee asked questions, which included the number of TENs that had been used since the application for variation had been made and the times artists performed when a TEN was in use. The applicant referred to two dates when music caused concern to the pub's leasee, one of those occasions was July 14th 2006. No record of the previous date had been retained.

The Environmental Health Practitioner responsible for the representation made

on behalf of the Environment Team stated that a complaint about noise nuisance had been made at the end of June by a resident who lived close to the premises. Arrangements were made to monitor the sound and an audio recorder was installed to record the entertainment on July 14th 2006.

The applicant had requested a copy of the recording, however, this was not made available and the applicant had not had the opportunity to review its contents. The applicant agreed to hear the tape during the meeting before they decided whether to accept it as evidence.

When the tape had been played, the Assistant Solicitor advised the Committee that in the interests of full disclosure and uncorroborated evidence the hearing could be deferred so the applicant could engage expert witnesses to respond to the evidence or that the evidence could be disregarded. The Environmental Health Technician was unable to provide the decibel level of the noise because of a fault with the equipment. At the request of the applicant, the Committee agreed to disregard the taped evidence. The Environmental Health Practitioner stated that one complaint had been made against the Bull and Swan. Sound recording equipment was installed approximately two weeks after the complaint was made. Mrs. Evans stated that she felt the noise level exceeded acceptable limits because no attenuation was evident in the sound.

A spokesman for the local resident stated that they had endured noise problems from the Bull and Swan for a considerable period and had in the past approached the Landlord. They questioned whether the premises had a licence for outdoor entertainment and following enquiries with the licensing authority, discovered that no licence was held. Members asked questions to clarify representations made in the local resident's letter of objection, about the occurrences on which complaints were made and the response received. The Assistant Solicitor advised that further information provided was inadmissible on the grounds of hearsay.

In summing up, the Environmental Health Practitioner reminded the Committee about the representations received for and against the application and stated that they would have to decide whether to grant the application as applied for, grant the application with conditions attached or refuse the application for variation. The applicant re-emphasised the number of letters supporting the application. The officers, applicants and members of the public left the room.

Before the Committee began their deliberations on the application, they received legal guidance from the Assistant Solicitor. The application was considered in conjunction with the licensing objectives and the Committee discussed the case of each speaker. It was proposed, seconded and agreed that the licence should be granted as applied for but with conditions that limited outdoor entertainment to Fridays, Saturdays and Sundays from 1st April 2006 to 30th September until 10.00pm. The Committee also agreed that noise-limiting equipment should be used.

The officers, applicants and members of the public returned to the meeting and were informed that when they considered the application, the Committee had

been advised to disregard the recorded evidence and the hearsay evidence of the interested party. They were also advised to regard the application on its merits, taking into account the licensing objectives and the District Council's Licensing Policy. The Clerk to the Committee notified the applicant of the decision as noted above. The Environmental Health Practitioner advised the meeting that there was no way to restrict the volume level of outdoor entertainment with a noise limiter, consequently the Committee agreed to amend this condition to read that noise levels should not exceed a certain level set in consultation with the District Council's Environmental Health Department and agreed in writing. The applicant was advised that the licence could be requested for review at any time by any interested party.

17. CLOSE OF MEETING

The meeting closed at 11:18.