

**MINUTES  
ALCOHOL AND ENTERTAINMENT  
LICENSING COMMITTEE  
WEDNESDAY, 4 MAY 2011**



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**COMMITTEE MEMBERS PRESENT**

Councillor Pam Bosworth (Chairman)  
Councillor Christine Brough  
Councillor George Chivers  
Councillor Mike Exton

Councillor Reginald Howard  
Councillor Mrs Margery Radley  
Councillor Frank Turner (Vice-Chairman)  
Councillor Mike Williams

**OFFICERS**

Licensing Officers (PJR & PH)  
Solicitor (PR)  
Committee Support Officer (JD)

**OTHER MEMBERS**

Steve Thick – Applicant  
Richard Wormald – Applicant  
Peter Fox – Objector  
Andrew Watson – Objector

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**38. APOLOGIES**

Apologies for absence were received from Councillors Broughton, Wheat & Russell.

**39. DECLARATIONS OF INTEREST**

None were declared.

**40. LICENSING ACT 2003: VARIATION OF PREMISES LICENCE - OLDE BARN HOTEL, MARSTON, NR GRANTHAM**

Application for variation of licence in respect of the Old Barn, Marston

The Solicitor introduced the Committee and officers present and clarified the speakers. Present were the applicants; Mr Steven Thick (Old Barn Marston), Richard Wormald (Solicitor TLT) and two interested parties; Mr Peter Fox and Mr Andrew Watkin – local residents.

In introducing report number ENV522, the Licensing Officer gave a short summary of the application. The application was for the variation of a premise licence for an extension to the licensing hours to 0200hrs seven days a week. There were a number of representations from interested parties. The applicant had considered the representations and written to interested parties with new proposals reducing the hours applied for to 0100hrs and proposing additional conditions.

The original application also asked for late night refreshment to be added for residents and their bona fide guests until 0500 hours, 7 days a week so perhaps they will be able to confirm whether they wish the hours for this activity to remain as applied for.

The Committee were asked to consider the application bearing in mind the four licensing objectives.

Cllr Bosworth asked if there were any questions.

Applicant – no,

Panel – no.

***The Applicant presented their case.***

The Old Barn is a country hotel, ideal venue for wedding's, Christmas parties etc. A later application has now been made with a change. At present, the Old Barn are operating on an old licence which is 7/8 years old with PPL conditions. The applicant asked the Committee to loosen the ties in terms of hours. The hotel has traded well with no complaints to the Environmental Health Team or Noise Pollution Team, no objections from the Environmental Health Department. No complaints to Police, there have been no episodes of disturbance. They are commercially strong. Request hours that have been endorsed to be opened up until 1 o'clock and removal of PDL licence. A letter has been written and sent by the Applicant to the residents informing them that doors and windows will be closed during live entertainments (condition 2). They have thought more about the noise spillage and noise pollution control monitor is to be fitted so can be controlled, with help of Environmental Protection Team. Give the local residents a dedicated telephone number of the DPS so they can telephone if they have concerns about the noise levels. The applicant does not feel that they are asking for particularly late hours. The residents have shown some concern about traffic – the applicant cannot do a lot about that.

Smoking (condition 3) will take place in the central courtyard after 11 o'clock.

Doors and windows will be closed,

Noise monitor fitted

Dedicated phone line for the locals

Should be sufficient to meet the application.

The Chair asked PJR if she had any more questions.

PJR (licensing officer) asked the applicant to clarify their late night refreshments, the applicant replied it is open to all guests including the in house guests who can stay at the bar and have asked for late night refreshment until 5 o'clock.

The Chair asked if there were any questions from the panel. Councillor Williams asked if there will be an extension every night. The applicant replied not every night but they have the flexibility and have applied for Temporary Events in the past and have received no complaints.

Councillor Exton asked if there were any restrictions on times of fire work displays, PJR informed him that this is not covered under the licensing act and would come under Environmental Health if there was a problem with noise pollution.

Councillor Howard asked what time breakfast begins, the applicant replied 6 o'clock in the morning.

The Chair asked if windows and doors had been opened previously. The Applicant replied he has not been at the hotel very long but as far as he is concerned he is aware that they have been opened previously but in future will be closed.

The Chair asked if the smoking area was a new area and was it the on A1 side of the hotel or the south? The applicant replied that there are two smoking areas and they are internal courtyards overlooked by bedrooms but this will be an internal management matter for them to deal with.

Mr Fox (objector) asked how the noise limiter would work. The Applicant replied that it is quite a sophisticated device and is wired into the amplifier and cannot be tampered with. Environmental Health would ensure that it is fitted corrected and will set the correct noise levels from neighbouring properties.

The Chair asked if there were any other questions.

Mr Fox (objector) there is an issue with the traffic, it is a C class road but is used as a main thoroughfare to the A1 and there have been two deaths on the road.

### ***Case from the Interested Parties***

Mr Watson lives in the village and the Old Barn is 300 metres to the south of the village and there is one field between them. Recently Mr Watson saw a very small advertisement in the paper regarding the application to extend the licensing hours he then sent an email to the villagers of Marston and received back 100% objection to late night noise from disco's, public disorder and traffic which was also supported by the Parish Council. They can clearly hear music, distinct rhythmic beats, and cannot relax until 11 o'clock when the current licensing hours finish. A two o'clock limit would be totally unacceptable. Mr Watson has emailed the new proposal which is now 0100 hrs; they do not support any extension beyond 1100 hrs. They do not believe that keeping doors and windows closed will help.

The Chair asked if there were any questions.

Mr Watson said there have been noise problems going back years but they have not made any official complaints.

Have you liaised with the owners at all Mr Watson – no.

The Chair said there is a public house in the centre of village of Marston, have there been any problems from that premise? Mr Watson lives next door to the pub and has not had any problems “it is just a village pub”.

Mrs Bosworth said the objections are coming from the residents living closest to the hotel.

*"Closing Statement from the Licensing Officer - PJR*

After hearing what has been said today the steps open to the committee are -

Modify the conditions to the licence

Reject the whole or part of the application

When considering the application you must give appropriate weight to:

The steps necessary to promote the four licensing objectives

The representations presented by the interested parties

The guidance issued under section 182 of the Act and our own licensing policy

The applicant had nothing to add.

The Objectors, Applicants and Licensing Officers left the room

## **DECISIONS**

A vote was taken and it was unanimously in support of approval of the variation. The members considered the representations of the parties and considered that there was insufficient evidence of any undermining of the licensing objective relating to public nuisance. The Committee were mindful that the applicant was new to the premises and was trying to run the business responsibly. The applicant had suggested proposed conditions and limited the scope of the variation to go some way to addressing the residents' concerns and the committee found the same approach helpful. The Committee was satisfied that the remaining licensing objectives were being promoted but asked that the applicant be reminded to continue a constructive dialogue with local residents to manage any issues in the future. They also asked that the residents be reminded of their ability to ask for a review of the licence if problems occur with the new managers of the hotel.

## **Decisions**

The Objectors, Applicants and Licensing Officers returned to the meeting.

The committee has come to a decision and the variation is allowed subject to extra conditions as detailed in the letter from the applicant dated 26<sup>th</sup>

April 2011 and in addition a noise limiter to be installed and a telephone number for the hotel to be provided to Residents so that they can call the hotel in the case of noise nuisance. Mr Rushworth reminded the Residents that the licence can be brought back and a reviewed if problems occur in the future and asked that the applicants continue to have a dialogue with local residents.

Finally the solicitor to the Committee reminded the parties that the decision of the Committee could be appealed to a Magistrates court within a period of 21 days from the date that the written decision is notified to them.