



**LICENSING SUB-COMMITTEE HEARING
MEMBERS' RECORD OF DETERMINATION**

OUSEBANK HOUSE, OUSEBANK STREET, NEWPORT PAGNELL

**DETERMINATION OF A LICENSING CONDITION ON A NEW PREMISES LICENCE
UNDER SECTION 17 OF THE LICENSING ACT 2003 ('THE ACT')**

26 NOVEMBER 2020

Constitution of the Sub-Committee: Councillors Marlow and Trendall
Chair Councillor Legg

Legal Advisor: Meurig Tiley
Committee Manager: Jane Crighton

Licensing Officers: Adam Ward Licensing Officer

Applicants/Licence Holders James Campbell Ousebank House
 Sue Greenwood Ousebank House

Also Present: Mr and Mrs Marsh (Interested Parties)

Documentation: Report of the Licensing Officer and documentation.

Apologies: None

Disclosures of interest: None

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1. Reason for Hearing

The Licensing Officer advised the Sub-Committee that a hearing was necessary to determine a licensing condition on a new Premises Licence under Section 17 of the Licensing Act 2003 in respect of Ousebank House, Ousebank Street, Newport Pagnell.

The Licensing Officer informed the Sub-Committee that an application for a premises licence for Ousebank House had been granted by a Sub-Committee held on 19 October 2020, subject to conditions, one of which related to the rear door of the premises being permitted to open during warm weather.

2 Considerations

The interested parties informed the Sub-Committee they had submitted proposed conditions regarding the rear door of the premises, which included that the door remain closed at all times except for the hours between 10.00 am and 10.00 pm when reasonably necessary for health and safety reasons; the annual Duck Race event or in the event of an emergency; that the door be opened when the internal temperature was measured at 30⁰C or above; that the applicants take regular temperature readings during the hours of business which would be logged and available for inspection by the Licensing Officer.

The applicants informed the Sub-Committee that the rear door to the premises was used by patrons, entertainers and suppliers entering from the car park; this was the only disabled access to the premises; a sensor light above the rear door was necessary for the safety of those leaving the premises; the last complaint regarding noise had been received in 2013; a proposed 30⁰C was not a comfortable temperature for staff and patrons; 25⁰C was more reasonable, it was preposterous to expect temperature readings to be taken every 30 minutes; and they were unable to convert the internal door to a stable door due to it being a fire door.

3. Decision

The Sub-Committee carefully considered all the evidence before it, including the applicants' comments and the representation from the interested parties, and resolved:

1. That the rear door of the premises not be used by patrons to enter or exit the premises at any time and the door remain closed at all times, except for:

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- (i) on any occasion between 10:00 am and 10.00 pm when the natural ambient temperature, i.e. without the use of any heaters, radiators, etc., inside the public area of the premises is measured at, or above, 25⁰C;
 - (ii) the Premises Licence Holder take reasonable steps to monitor the internal temperature and to close the door as soon as practicable after the temperature is below 25⁰C;
 - (iii) on the occasion of the annual Duck Race event, which only occurs once in any one period of twelve months, and unless condition (i) applied, be closed at 6.00 pm; and
 - (iv) in the event of an emergency.
2. That the applicants and interested parties work together to build a better working relationship.
 3. That a review of the conditions take place in six months' time.
 4. That the applicants remove the insulation from the air vents to see what impact this would have on noise disturbance.

4. Reasons

The Sub-Committee heard from the applicants and carefully considered the submissions from the interested parties on this matter.

It noted that, at the meeting of the Sub-Committee held on 19 October 2020, one of the conditions imposed when granting the Premises Licence was the Licensing Officer and Legal Officer work in conjunction with the applicants to establish an agreed temperature parameter as to when the rear door of the premises be permitted to open. However, if this proved too difficult then a further meeting of a Sub-Committee be convened to implement the condition.

The Sub-Committee noted that, following complaints of noise in the past, the applicants had limited options for ventilation. The windows to the left of the rear door, which faced Ousebank Gardens, were double glazed and they had also used insulation in the air vents to prevent noise escape.

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It noted that the Licensing Officer had proposed that the rear door be permitted to open when the temperature reached 25⁰C or above but had to be closed by 10.00 pm, but the applicants had wished for the door to remain open for a further period of time if the temperature remained above 25⁰C.

The Sub-Committee noted that the interested parties had refused the proposed temperature parameter as they feared the rear door would be opened continually throughout the Spring and Summer, and proposed a temperature of 30⁰C as being acceptable and suggested that the applicants should consider other measures to ventilate the premises, i.e. fans and air conditioning.

5. Appeal

An appeal must be commenced by notice of appeal given by the applicants or persons who made a relevant representation to the designated officer for the Magistrates' Court within the period of 21 days beginning with the day on which the applicant was notified by the Sub-Committee of the decision appealed against.

Should they choose to appeal this decision, they are advised to seek independent legal advice prior to doing so.

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