

## LICENSING SUB-COMMITTEE HEARING

## Members' Notes &amp; Record of determination



RE: Coachmakers Arms, 117 High Street, Newport Pagnell

10 November 2005

<b>Constitution of the Sub-Committee:</b>	Councillors McKenzie, Tamagnini-Barbosa and Wicker	
<b>Chair</b>	Councillor Wicker	
<b>Legal Advisor:</b>	I Ali	
<b>Committee Manager:</b>	J Partridge	
<b>Licensing Officer:</b>	E Fisher C Affleck	
<b>Applicant/ Applicants Representative:</b>	Mr T Morgan Licensee	Escape Pubs
<b>Relevant Authority Officers:</b>	L Poizat	Thames Valley Police
<b>Interested Parties</b>	Mr Johnson Mr Sanders Ms Walker represented by Cllr E Henderson	
<b>Documentation:</b>	Report of Licensing Officer and annexed representations. Additional Information concerning conditions proposed by the applicant following consultation.	
<b>Apologies:</b>	Councillor Hoyle	

Prior to the commencement of the hearing the Chair read an opening statement, which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

At the close of the hearing the Chair informed all parties of their rights of appeal to the decision which had been made by the Sub-Committee.

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<b>Signature:</b>	
<b>Chairman:</b>	Councillor P Wicker
<b>Date of Hearing:</b>	10 November 2005

LICENSING SUB COMMITTEE



Members' Record of Determination

Re. Coachmakers Arms, 117 High Street, Newport Pagnell

10 November 2005

**1. Findings of Fact**

The Sub-Committee accepted the following findings of fact from the evidence available:

1. That there was evidence of a present noise nuisance from groups congregating outside the premises
2. That the premise had been in breach of their licence as they had regularly held performances of karaoke
3. That there had been no representation in respect of the application by Thames Valley Police although they had been called to the premises by Scotel Services management on two occasions over a period of five years.
4. That following a representation from Environmental Health the applicant had agreed conditions to satisfy those representations.
5. That the applicant had agreed orally at the hearing to accept conditions as follows:
  - a) That live music and karaoke be limited to Thursdays, Fridays and Saturdays.
  - b) That live music and karaoke must finish no later than 2330hrs.
6. That there was air conditioning on the premises, which would allow for all windows and doors to be closed during performance of all regulated entertainment.
7. That the applicant had stated that they would be willing to install a sound-limiting device on the premises. It was also agreed that the applicant would maintain a log of instances where music levels were considered to be unacceptable.
8. That drug activity had been evident outside of the premises but this was outside the pub and there was no evidence that it related to this premise specifically. The Sub-Committee did however appreciate that Ms Walker felt intimidated by the situation, which may have led to her not complaining about these premises previously.

**2. Full text of unanimous decision on the application**

RESOLVED

1. That the application be granted subject to conditions which were in summary as follows:
  - (a) That Karaoke and live music be permitted on Thursdays, Fridays and Saturdays to finish no later than 2330hrs subject to a sound-limiting device being installed on the premises set in consultation with Environmental Health. A log was to be maintained and kept on the premises for review on request of the Licensing Authority.
  - (b) That hours for the sale of alcohol be as follows:
    - Mondays to Sundays 1100hrs to 2300hrs with 30 mins drinking up time
    - A further additional half-hour into the morning for all statutory holidays including the preceding Friday, Saturday and Sunday of a bank holiday Monday and the preceding Thursday for Good Friday.
    - A further additional hour every Christmas Eve
    - A further additional hour every Boxing Day
  - (c) That all windows and doors be closed during all regulated entertainment.

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Signature:		
Chairman:		Councillor P Wicker
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- (d) That outside drinking areas shall not be used after 2300hrs. Before this time the management will assess noise from these areas and if it is likely to cause unreasonable annoyance to neighbouring properties will take action to reduce noise levels to an acceptable level, including the option of garden closure.
- (e) That door staff be provided on Thursday, Friday and Saturday nights to ensure the quiet and orderly exit of patrons from the premises.
- (f) That signage is placed prominently requesting patrons to leave the premises quietly.

The licence document would also be subject to any mandatory conditions, embedded restrictions and operating schedule conditions as appropriate.

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### **3. Reasons for decision**

*(An explanation of why:*

- when applying the findings of fact to the statutory provisions, Secretary of State's Guidance, the authority's Statement of Licensing Policy and, above all, promotion of the licensing objectives, a particular conclusion is reached to grant, grant with conditions other than standard conditions, or refuse the application.*
- if facts were in dispute and it is not clear from the "Findings of Fact" box above, which facts were disputed and, in coming to the finding of fact, the extent to which the parties and witnesses were believed or disbelieved and the information on which the Panel relied in reaching its decision.*

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No legal advice was given to the Sub-Committee whilst in closed session.

The Sub-Committee appreciated that persons living in the vicinity of the area were entitled to a certain quality of life and this was balanced against the need to run a commercial business.

The Sub-Committee was satisfied that those conditions imposed on the licence address those concerns raised by the representations made to the Licensing Authority.

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Signature: <i>Patricia Wicker</i>	
Chairman:	Councillor P Wicker
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