



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

**OUSEBANK HOUSE, OUSEBANK STREET, NEWPORT PAGNELL
NEW PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003
(‘THE ACT’)**

19 OCTOBER 2020

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

Legal Advisor: Meurig Tiley
Committee Manager: Jane Crighton

Licensing Officers: Simon Teesdale Licensing and Business Manager
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

CHAIRMAN	Councillor Legg
SIGNATURE	
DATE	19 October 2020

1. Reason for Hearing

The Licensing Officer advised the Sub-Committee that a hearing was necessary to determine an application for a New Premises Licence under Section 17 of the Licensing Act 2003 in respect of Ousebank House, Ousebank Street, Newport Pagnell, for the following licensable activities:

(a) Live Music

20.00 to 23.59 hours on Friday

12.00 to 00.30 hours on Saturday

12.00 to 22.00 hours on Sunday

(b) Recorded Music

12.00 to 22.00 hours, Monday to Thursday

12.00 to 00.00 hours on Friday

11.00 to 00.00 hours on Saturday

11.00 to 22.00 hours on Sunday

(c) Sale of Alcohol on and off the Premises

11.00 to 00.00 hours, Monday to Thursday

11.00 to 01.00 hours on Friday

11.00 to 01.30 hours on Saturday

11.00 to 23.00 hours on Sunday

The Licensing Officer informed the Sub-Committee that the premises had previously been known as the Royal British Legion who had held a Club Premises Certificate. However, the relationship between Royal British Legion and the premises was due to cease and a community interest company had been set up to acquire the lease for Ousebank House, which had resulted in the application for a New Premises Licence being submitted.

2 Considerations

During the consultation process, objections had been received from four interested parties and the Licensing Authority.

CHAIRMAN	Councillor Legg
SIGNATURE	
DATE OF MEETING	19 October 2020

The representation submitted by the Licensing Authority had subsequently been agreed by the applicants and the proposed conditions would form part of the operating schedule.

The remaining four representations raised concerns regarding noise and behaviour of patrons, live and recorded music, the rear door to the premises and the supply of off-sales of alcohol.

The applicants informed the Sub-Committee that the hours applied for had been reduced to that of the Club Premises Certificate with the exception on a Saturday when an additional 30 minutes had been applied for; a condition to close the rear door at 10.00 pm was not unreasonable but had requested this be extended during the summer months to increase ventilation; a sensor light had been installed in the car park for the safety of customers; it was not their intention to host discos during the week; live entertainment would consist of small bands and they looked forward to serving the community.

3. Decision

The Sub-Committee carefully considered all the evidence before it, including the applicants' comments and all the representations, and resolved:

That the application for a New Premises Licence be granted, with the following conditions:

- (a) that Condition 3 on the operating schedule be amended to read that off-sales may only be sold or supplied to patrons for consumption whilst seated at the two tables at the front of the licensed premises, as highlighted on the plan attached at Annex 4 to the licence;
- (b) that a new condition be added to the operating schedule to prohibit smoking at the rear of the licensed premises and a designated smoking area be established at the front of the premises; and
- (c) that Condition 18 on the operating schedule be amended to read that the rear door of the premises be permitted to open during warm weather and the Licensing Officer and Legal Officer work in conjunction with the applicants to establish an agreed temperature parameter. However, if this was to prove too difficult, a further meeting of the Sub-Committee be convened to implement the condition.

CHAIRMAN	Councillor Legg
SIGNATURE	
DATE OF MEETING	19 October 2020

4. Reasons

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

It noted that the premises already held a Club Premises Certificate to supply alcohol and provide live and regulated entertainment to members and guests, and the hours and activities applied for were predominantly the same as those of the Certificate.

The Sub-Committee noted that a history of complaints had been recorded in respect of the premises over the last ten years relating to noise nuisance from entertainment within the Club and nuisance caused by patrons at the front and rear of the premises.

It noted that, in some cases, breaches of the licensing objectives had been found and further conditions had been imposed on the Club Premises Certificate in 2012, which included the implementation of a noise limiter.

The Sub-Committee noted the concerns of the interested parties of the adjoining property in relation to anti-social behaviour and patrons drinking and smoking in the rear of the premises. The Licensing Authority had no evidence whether these problems were caused by patrons of Ousebank House and the possibility remained that they were caused by patrons from other establishments.

The Sub-Committee noted that the applicants had collaborated well with the Licensing Authority and that the operating schedule was extremely comprehensive.

5. Appeal

An appeal must be commenced by notice of appeal given by the applicants 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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