

ITEM 04

Licensing Sub-Committee

27 February 2012

Report of: Licensing Officer
Application: The Royal British Legion, Newport Pagnell
Application 116410
Reference No:

1. APPLICATION

Summary of application

This is an application to vary the club premises certificate for the Royal British Legion, located on Ousebank, High Street, Newport Pagnell. A copy of the application is included in **Annex A**. A plan of the locality is included at **Annex C**.

Existing Activities

The Royal British Legion at Newport Pagnell has held a club premises certificate under the Licensing Act 2003 since 2005. The permitted licensable activities are provided below:

Supply of alcohol; Films; Live Music; Recorded Music; Activity similar to Live Music/ Recorded Music or Performance of Dance; Provisions of facilities for Making Music; Provision of facilities for Dancing; Provision of entertainment facilities similar to Making Music/ Dance.

Times for Supply of alcohol:

New Years Eve 10:30 (11:00 Sundays) to 03:00 New Years Day

Good Friday 10:30 to 00:00

Christmas Day 11:00 to 01:00

Christmas Eve and Boxing Day 10:30 to 01:00

On other days of the year as follows:

Monday to Saturday 10:30 to 01:00

Sunday 11:00 to 00:00

Alcohol may also be supplied during the live televised transmission of sporting events of national or international interest

Times for Regulated Entertainment:

Monday to Saturday 11:00 to 23:00

Sunday 11:00 to 22:30

New Years Eve 10:30 (11:00 Sundays) to 03:00 New Years Day

The terminal hour may be extended by one hour on the following days:

Christmas Eve; Boxing Day; Bank Holiday Mondays; the Friday, Saturday, Sunday immediately preceding a Bank Holiday Monday

The opening hours of the club:

Monday to Saturday 09:00 to 01:30

Sunday 09:00 to 00:30 (0130 if on Xmas Eve, Xmas Day, or Boxing Day)

New Years Eve 09:00 to 03:30 New Years Day

Proposed hours and activities

This variation application seeks to extend the terminal hours for live music, recorded music and provision of entertainment facilities for dancing to 00:30 on Saturday evenings (early hours of Sunday Morning) only.

2. BACKGROUND INFORMATION

The premises is located on Ousebank which is at the end of the High Street before Northampton Road. It is a reasonable distance from the town centre. The High Street is relatively busy with a number of licensed premises. The premises is situated amongst residential buildings and is adjacent to Ousebank Gardens.

There has been a history of complaints associated with the premises from Jo Field, whose property backs on to the premises. A previous variation application was withdrawn when opposed by Ms Field; more on this is detailed under section 5 of the report.

Ten Temporary Event Notices were served during 2011, the majority of which extended the sale of alcohol and regulated entertainment until midnight.

Details of licence reviews:

None

3. PROMOTION OF LICENSING OBJECTIVES

The applicant has not added any additional measures to promote the licensing objectives. The club premises certificate, **Annex B**, details the current conditions.

4. RESPONSIBLE AUTHORITIES

The applicant has agreed controls with Environmental Health to prevent public nuisance, see **Annex D**. These will be formed as conditions on the club premises certificate upon any grant.

There have been no other objections from the responsible authorities.

5. INTERESTED PARTIES

1 representation against the application has been received, from a resident whose property directly adjoins the premises, see **Annex E**. The issues raised are that due to the close proximity between the two premises, regulated entertainment at a later hour will further exacerbate nuisance previously experienced. The representation also details nuisance from customers using the smoking area, namely noise from customers and cigarette smoke. And refers to the withdrawal of the previous application submitted on the 15.3.2010, which sought to extend hours for regulated entertainment to 00:00 on Saturdays.

Furthermore, as part of the representation, it is alleged that the club has been exceeding its existing authorised hours for regulated entertainment, these details are provided and form part of the "Diary of Disturbance." Therefore it is questioned whether, if the application is granted, that regulated entertainment would thus be unduly provided past 00:30.

At the time of committee the Licensing Officer will provide information on the findings in relation to unauthorised regulated entertainment.

One resident has provided a representation in support of the application advising that no problems have been personally experienced from entertainment provided. And when using the smoking area, has not witnessed disturbance from other smokers or from inside the premises itself.

This is included at **Annex F**.

6. POLICY CONSIDERATIONS

Licensing Authorities Statement of Licensing Policy

Guidance issued under Section 182 of the Licensing Act 2003

7. OFFICERS OBSERVATIONS

The Sub-Committee should be aware that the history of complaints recorded against the premises in relation to noise from regulated entertainment and use of the smoking area, is from 1 complainant, whom in this instance is the

objector.

It may be that the problems mentioned in the representation cannot be controlled by the additional conditions agreed with Environmental Health due to the close proximity between the club and the objector's residence.

The applicant may wish to consider any further methods by which they could prevent the occurrence of the issues mentioned in the representation and offer to explain the issue of unauthorised regulated entertainment.

The Sub-Committee is reminded that it has the power to grant or refuse the application in full, but also to grant in part, or to further condition.

8. ASSOCIATED PAPERS

None

Contact Officer

For further information on this application please contact Kieran Evans on telephone 01908 25 2647 or e-mail: kieran.evans@milton-keynes.gov.uk