



LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination

The Craufurd Arms, 59 Stratford Road, Wolverton Variation to a Premises Licence 28 March 2017

Constitution of the Sub-Committee:	Councillors Geaney and Wallis
Chair	Councillor Morris

Others Present:

Legal Advisor:	John Hosker
Committee Manager:	Jane Crighton

Licensing Officers:	Simon Teesdale	Licensing Team Leader
	Ed Fisher	Senior Practitioner

Applicant/Licence Holder /Licence Holder's Representative Unrepresented.	Piers Warne	TLT Solicitors
	Julian Searle	Partnership Development Manager
	Jason Hall	Partner (Crauford Arms)
	Max Harvey	Partner (Crauford Arms)

Also Present:	8 members of the public
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Documentation:	Report of Licensing Officer and documentation
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Apologies:

Disclosures of interest:	None
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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.

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The Sub-Committee considered an application to vary a premises licence for the Craufurd Arms, 59 Stratford Road, Wolverton. In summary, the application was mainly to increase the hours for certain types of regulated entertainment to match the hours in place for the supply of alcohol. In brief there were five main matters being applied for:

1. an extra hour on the licence for Sunday nights before a bank holiday;
2. an increase in hours for Christmas Eve into Christmas Day;
3. an addition to the licensable activities to add boxing and wrestling;
4. to permit recorded music to be played to 2am on Saturday and Sunday mornings; and
5. to extend activities (other than the supply of alcohol) on New Year's Eve/Day.

In addition to the documents contained in the Sub-Committee report the Senior Practitioner (Licensing) referred to papers lodged since the report was sent out and sent by the residents who had made representations against the application; these papers included a letter received the evening before the meeting that the Sub-Committee permitted to be taken into account in their consideration of the matter. Two of the members had attended the site visit.

Members noted the written submissions against the application; they noted in particular the concerns relating to music being played in the early hours (in what would be by then a quieter area) and the view that people may be noisier if leaving a premises playing music. In relation to the recent written submissions members were concerned about the foul language used by the current DPS when mentioning the application on his Facebook page. Members also noted that the submissions against the application referred to disturbance by people leaving the licenced premises in the early hours at the weekend - which was stated to have to have occurred since the previous extension of hours had been granted. Members took particular note of the comments under the heading "Current Problems with the licence" set out in the most recent submission.

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However, the Sub-Committee accepted submissions made by Mr Warne on behalf of the applicant that dealt with the relevant issues raised. Members also noted the various written representations received in support of the application; and they put due weight in particular on the supportive verbal statements made at the meeting by Mr Bagnall, Mr Quin, Ms Jones and Ms Newnham.

Members took note of the reasons put forward by Mr and Mrs Nunn for their non-attendance at the meeting. However, the sub-committee put less weight on their written submissions than on the oral submissions given at the meeting; neither Mr nor Mrs Nunn were present to answer queries in relation to their submissions.

Findings

The representations against the application related to noise nuisance. The main door to the premises is closed from 9pm. People who wish to smoke are directed to a particular area at the rear of the premises. There are no speakers on that part of the premises nearest to the objectors' property. There is an individual employed by the applicant who carries out sound checks. The management plan was drawn up by the applicants in consultation with council officers and is adhered to.

In relation to particular representations against the application members found that:

- (a) Officers were content in the way that record keeping, for instance regarding the complaints log, was being kept.
- (b) It is not proven at all that the sound of empty bottles being disposed of in the early hours is emanating from the premises; evidence was presented to indicate that this noise was caused by the local Working Men's Club.
- (c) The applicant does undertake sound checks and keep relevant logs - including pre-event sound checks (bands do not practice beforehand).
- (d) The windows downstairs at the premises cannot open (only windows upstairs).
- (e) The staff carry out their duties correctly and efficiently; relevant records are kept.
- (f) Evidence presented indicated that nuisance, when and if it did occur, was not caused by patrons of the premises or failings in the management of the premises.
- (g) The foul language exhibited on a copy Facebook page submitted by the objectors was placed on a private account and was not connected to the applicant's premises Facebook page - and the words used and expressions made or implied were not condoned by the applicant.

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Decision

That the application be approved as submitted (and set out in the report) subject to the following conditions that the Sub-Committee considers, in all the circumstances, are appropriate for the promotion of the licensing objectives - in particular the prevention of public nuisance:

1. The police and Milton Keynes Council be notified a minimum of 14 days in advance of any boxing/wrestling (or similar) event.
2. The door to the premises that opens onto Stratford Road is not to be used after 9pm (except in emergency).
3. Wrestling or boxing (or any similar licensable activity) is only to take place in the Function Room.
4. The present condition 3.16 is to be reworded to include recorded music in addition to amplified live music.
5. The noise limiting device in the main bar to be set at levels approved by an Environmental Health Officer of the authority.

The extra condition 1 above was worded by the Police. The wording of the further conditions 2 to 5 above is to be set by the Senior Practitioner (Licensing).

The Sub-Committee also noted that, in relation to these particular premises, officers would investigate and take appropriate action whenever any possible breach of the premises licence conditions occurred (regardless of the time of day).

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