

LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination



RE: 93542 The Coachmakers Arms, 117 High Street, Newport Pagnell

4 April 2007

Constitution of the Sub-Committee:	Councillors Brock, Latham and McKenzie	
Chair	Councillor Brock	
Legal Advisor:	I Ali	
Committee Managers:	J Sloan	
Licensing Officer:	E Fisher	
Applicant/ Applicants	N Perry R Hurst	
Representative:	C Davis	
Responsible Authority	N Bentley	Environmental Health Officer
Interested Parties	Councillor I Carman	Newport Pagnell Town Council
Members of the Public:	2	
Documentation:	Report of Licensing Officer and annexed representations Additional photographs of the premises	
Apologies:	None	
Disclosures of interest:	None	

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.

Milton Keynes Council

Page 1 of 4

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1. Findings of Fact

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

- (a) The premise is located in a dense residential area.
 - (b) There have been previous breaches of the License conditions since 2005.
 - (c) The current Licensee took over the premises in June 2006.
 - (d) There had been a number of noise complaints from members of the public regarding music and fireworks on the 26 August 2006 and 16 September 2006 after the hours of 11pm.
 - (e) Local residents sleep is currently being disturbed by regulated entertainment at the premises and general disturbance outside the premises.
 - (f) Incidents of a sexual nature, drug abuse, underage drinking, broken glass and urination in the street have been observed by local residents.
 - (g) At present the sound limiter is only applicable to live entertainment etc.
 - (h) The applicant will remove Karaoke from the operating schedule.
 - (i) The applicant had agreed conditions with the Thames Valley police relating to the use of toughened glass for the service of both alcoholic and non-alcoholic drinks.
 - (j) The applicant would accept the conditions submitted by Environmental Health who withdrew their representation.
 - (k) There is at present no licensable activities to be held in the outside areas.
 - (l) The applicant was currently the Deputy Chair of the Newport Pagnell Bar Watch Committee.
 - (m) The Town Council has received some complaints regarding noise and public nuisance.
 - (n) The applicant has taken active steps to alleviate previous problems associated with the premises.
 - (o) The applicant was willing to provide local residents with the pub phone number and his mobile number.
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Page 2 of 4

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2. Full text of unanimous decision on the application

RESOLVED


That the application be granted in part subject to the following conditions in addition to those already in place, and subject to detailed wording agreed with the Licensing Authority

1. The conditions as agreed with Environmental Health
2. All relevant regulated entertainment is to be fed through a sound limiter calibrated by Environmental Health.
3. To increase the sale of alcohol and regulated entertainment, by regulated entertainment, on Fridays and Saturdays by one hour only until 12.00midnight with the closing hour increased to 12.30am.
4. An extra hour on Christmas Eve and Boxing Day (until 01.00am where this falls on a Friday / Saturday with a closing time of 01.30 and until 12.00midnight on any other night for sale of alcohol and recorded music with a closing time of 12.30am).
5. That Good Friday and Christmas Day be treated as any other day in respect of licensing hours for the sale of alcohol and recorded music.
6. That a telephone number be prominently displayed at the entrance to allow residents to make any complaints to the DPS or responsible person.
7. All other conditions are to remain as they are except where they are inconsistent with the above conditions.

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

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Page 3 of 4

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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.*

Legal advice was not given in deliberation.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report DCMS Guidance and its own licensing policy.

The Sub-Committee felt that although many of the representations raised were valid, some were beyond the control of the applicant.

The Sub-Committee appreciated the efforts made by the applicant to improve the premises and is very encouraged that the applicant and local residents now seem more willing to communicate with each other as a result of this application.

In light of representations from the local residents, the Sub-Committee was not minded to grant all the hours applied for, but due to the balancing act the Sub-Committee is required to have regard to it was felt that a additional time could be granted with the safeguard that all parties present do have a right to review the license.

The Sub-Committee were satisfied that the conditions imposed would address the representations made.

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Page 4 of 4

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