

LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination



RE: 091795 VERVE VENUES, Harben House, Newport Pagnell.

13 November 2006

Constitution of the Sub-Committee:	Councillors Box, Brock, and McKenzie
Chair	Councillor Brock

Legal Advisor:	I Ali
Committee Manager:	J Sloan

Licensing Officer:	C Affleck
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Applicant/ Applicants:	Verve Venues
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Representative:	J Birch
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Members of Public	3
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Documentation:	Report of Licensing Officer and annexed representations. Additional Documents: Photographs of the Premises Email correspondence between J Birch and Newport Pagnell Town Council. Plan of Premises. Correspondence between General Manger of Harben House and objectors.
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Apologies:	None
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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.

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

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Chairman:	Councillor Brock
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1. Findings of Fact

~~The Sub-Committee accepted the following findings of fact from the have been given.~~

- (a) That this was a variation to existing premises licence.
- (b) That there had been no representations from responsible authorities.
- (c) That the representation from Mr Nelson had been withdrawn.
- (d) The Premises was located in a predominantly residential area.
- (e) There have been incidents of noise and light breakout from the Premises.
- (f) That the applicant has put forward and agreed to a number of conditions to address the representations made.
- (g) That there are parking concerns in the immediate vicinity of the premises, particularly along Severn Drive.
- (h) That the applicant has agreed to amend the application to the sale of alcohol to residents and with the deletion of: "Bona fide guests".

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2. Full text of unanimous decision on the application

RESOLVED

That the application be granted.

Conditions.

1. Within one month from 13 November 2006, to amend the sign at the vehicular entrance to the premises to include a statement 'Persons visiting the venue must not park on the approach roads' (or similar statement).
2. Within seven days of 13 November 2006 to provide a notice on the reception desk at Harben House: 'Persons visiting the venue must not park on the approach roads.'
3. That signage be displayed prominently requesting patrons to leave the premises quietly.
4. With immediate effect to provide additional wording in the correspondence confirming bookings to advise patrons that they must park within the grounds of the premises.
5. That all windows and doors be kept closed during any regulated entertainment.

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.

That as part of the awareness program the Sub-Committee would anticipate and expect that a contact number for the venue be made available to all residents in the vicinity of the Premises.

That the Sub-Committee is mindful of the balancing exercise that it has to carry out when looking at the competing interests of the applicants rights to trade and those of the residents to peaceful enjoyment of their homes. The Sub-Committee hope that the management of the Premises are mindful of their impact on the community and work together with the community to ensure this impact is minimal.

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