

Runnymede Borough Council

LICENSING SUB-COMMITTEE

25 November 2004

Members of the Committee present: Councillors D.W. Parr (Chairman), Mrs. J. Norman (Vice-Chairman), A.J. Davis, P.A. Greenwood and B.J. Relph

Members of the Committee absent: None

MINUTES

The Minutes of the meeting of the Sub-Committee held on 26 October 2004 were confirmed and signed as a correct record.

DECLARATIONS OF INTEREST

Mr. B. Bennett advised that he had previously been involved in the preparation of the case for Runnymede Borough Council in the appeal by Mrs. Lowe, the Applicant's ex-wife, against a Noise Abatement Notice served on the premises.

APPLICATION FOR AN ANNUAL MUSIC, SINGING AND DANCING LICENCE - THE CRICKETERS PUBLIC HOUSE, 32 ROWTOWN, ADDLESTONE

The Committee received and considered an application for an Annual Public Entertainment Licence from Mr. P.R. Lowe in respect of "The Cricketers" Public House, 32 Rowtown, Addlestone, Surrey.

The Applicant, Mr. P. Lowe, attended in person with his Counsel Mr. Matthew Pascal. Two persons in support of his application were present and gave evidence.

Seven objectors to the application were also present and, with the agreement of the Sub-Committee Mr. B. Hamill, one of their number, spoke on their behalf.

Mr. Bennett explained the procedure that would be followed during the meeting.

The Applicant made his application through Counsel. Mr. Lowe explained that, due to matrimonial difficulties, he had been obliged to leave the premises in April 2003 and had not returned to them until 31 March 2004. During that period, his wife, Mrs. Lowe, had sole responsibility for the running of the premises.

Mr. Lowe then gave an explanation for the noise complaints that had occurred in April and July 2004. He advised that he had now fitted air conditioning to the premises and believed that this measure would reduce the necessity for the windows and doors to be opened. This should reduce the sources of noise emission. As regards the type and frequency of events should the Licence be granted, he envisaged that either discos or live music would be staged once or twice a week on Fridays and/or Saturdays. Events would cease at 11 p.m. Regarding car parking he believed that the facilities were adequate and only busy on Sunday afternoons every 5-6 weeks when there was a necessity for significant numbers of patrons to park on the public highway. In response to questions he confirmed that his application was restricted to the licensing of indoor areas only, on a twice weekly basis, with a limit of 130 persons attending.

He also confirmed that a few private parties had been held with admission by special invitation or ticket and on one occasion an Officer of the Council had gained admission and bought a drink. These events were typically birthday parties or marked special occasions such as Christmas Eve or New Year's Eve.

Members of the Sub-Committee then asked a number of questions relating to the premises. They were informed that the public house was built c1890 and was an established business. Concern was expressed with regard to the possibility of 130 persons being present since the applicant confirmed

that he had not yet carried out any risk assessments in relation to emergency situations including evacuation. The ability to monitor the actual numbers of patrons attending was also raised. No noise meters had yet been fitted since Mr. Lowe was awaiting the decision on this application before incurring further expenditure.

The Proper Officer then presented his report. An additional five letters in support of the application and three objecting to it were tabled and considered with those already before the Sub-Committee. The Police and Fire Authorities had been consulted and no adverse comments had been received.

Mr. Hamill then spoke on behalf of the objectors who raised the following points:

- 1) The Notice Of Application was wrongly displayed at first until corrective action was taken after intervention by the Council;
- 2) There was a discrepancy as to how many events per week would take place and whether the holding of "private parties" was a means of circumventing the licensing laws. The Objectors were fearful of the potential number of events that would actually be held with resulting disruption to them;
- 3) The Licence, if granted, would permit music for a twelve-hour period : 11 a.m. - 11 p.m. Possible disruption would continue for a further 35 minutes after last orders to allow patrons to finish their drinks and then leave the premises;
- 4) The public house was situated in a quiet residential area and the Objectors feared an increase in the disturbance from noise, vandalism including littering with broken bottles and with road safety also being compromised by increased numbers of cars being parked on the highway;
- 5) The acoustic properties of the premises were thought to be inherently poor being an older building with only part double-glazing;

In commenting on these objections the Applicant's witnesses spoke of the steps taken to involve the neighbours in events by means of personal invitations particularly mentioning a Jazz Band where residents of the retirement home adjacent to the premises had been invited with several attending and where there had been no complaints of noise. Mr. Lowe stated that he was a member of Pub-Watch, was taking active steps to prohibit drugs, under-age drinking and anti-social behaviour. It was noted, however, that the area was a "rat-run" for gangs of local youths and it was not certain how much anti-social behaviour was directly caused by patrons of the public house leaving the premises although one Objector spoke of a person leaving the public house garden and then urinating in a bush.

It was acknowledged by Mr. Hamill that the public house was well run and there was no objection to the on-licence. He confirmed that he had patronised the public house since the current Licensee had taken over but, he, together with the other Objectors, remained fearful of the potential disruption to the peaceful enjoyment of their property that was likely to be caused by the granting of this Licence. Noting that public houses must cause some disruption to their immediate neighbourhood the Applicant and Objectors disagreed as to what was an acceptable level.

Members established from questioning that the front of the building was not double-glazed and that this was a potential source for significant noise emissions. The position of the Objectors' properties in relation to "The Cricketers" public house was noted and Members discussed the roads, parking and traffic usage in the area.

In his closing statement Mr. Hamill for the Objectors summarised his earlier points and emphasised the fears of the potential disruption to the peaceful enjoyment of neighbouring properties as a direct result of the granting of the Licence. He commented, in response to a question, that it would be preferable for residents to be notified by the Council of such applications rather than to rely upon the display of statutory notices. The Sub-Committee asked the Officers to investigate this further.

Mr. Pascal for the Applicant spoke of the inevitable changes which happened to neighbourhoods during the passage of time and that there would always be some disruption arising from the location of a public house. He suggested that "The Cricketers" was a well run public house, and would not attract unduly large volumes of people should the Licence be granted since it was not situated in a

town centre. Parking was adequate and the Licensee had taken steps to reduce noise emissions. Mr. Lowe was also anxious to strike a balance between service to his customers and neighbourly relations with local residents.

The Applicant, Objectors and Council Officers with the exception of the Council's legal advisor then withdrew. After consideration the Sub-Committee -

RESOLVED that -

an Annual Music, Singing and Dancing Licence for The Cricketers Public House, 32 Rowtown, Addlestone, be granted initially for 6 months subject to the Regulations and General Conditions for the time being in force made by the Licensing Authority and with the following conditions as set out below:-

- i) The frequency of entertainments to be no more than twice a week finishing at 11 p.m. with the premises cleared by 11.30 p.m;**
- ii) The maximum number of persons permitted to be restricted to 80;**
- iii) The Applicant to display event dates in advance and to the front of premises;**
- iv) The Applicant to install a noise meter, as set out in the e-mail advice from Mr. M. Stigwood attached to the Agenda, within one month;**
- v) The Applicant to carry out a Risk Assessment for dealing with emergency situations and to submit the results to the Council's Head of Environmental Protection for evaluation and at his discretion the lifting of the cap on the number of persons that may be permitted but not to exceed 130;**
- vi) Provision of more signs asking patrons to leave the area quietly and to have regard for the peaceful enjoyment of neighbouring homes**

(The Applicant was reminded that Noise Abatement Notices were still in force relating to general noise and amplified music and breach of condition might result in a fine of up to £20,000).

Chairman

(The meeting ended at 1-10pm)