

RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

**HEARING DECISION NOTICE**

Applicant: The Spirit Group Limited  
Premises : The Rose and Crown, Green Road, Thorpe Green, Surrey

Hearing date: 20 July 2005

Sub Committee:  
Cllrs AJ Davis, Mrs PI Broadhead, Mrs J Norman

This was an application ( as amended at hearing ) for:

1. Conversion of the existing Justices licence
2. Variation

The variation applied for was to:

1. To allow accompanied children under 16 to be permitted in the bar area in line with what is permitted under the Licensing Act 2003
2. Extend hours from 10.00am each day to 10.30pm on Sundays, 12.00pm on Mondays to Thursdays and and 01.00am on Fridays and Saturdays with drinking up time of 20 minutes. The terminal hours to be extended by one hour on St David's Day, St George's Day, St Patrick's Day and St Andrew's Day, for statutory bank holiday weekends, for the Thursday before Good Friday and for Christmas Eve and on occasions of local national or international significance or for charitable events but limited to not more than twelve such occasions in each year and then with not less than seven days prior notice to the Police and the Police being in agreement.
3. The provision of live music limited to "two in a bar" and recorded music. Live music to be provided in the area adjacent to the main entrance.
4. The provision of late night refreshment
5. to allow credit sales

The Applicant agreed to delete dancing and karaoke from the application.

The Applicant was represented by Miss Iraina Sabic of Counsel together with Mr Andrew Gilchrist the Manager of the Rose and Crown. Representations were received from the Police and the Environmental Health Department of Runnymede Borough Council. 53 letters of representation were received from interested parties. Officers from the Police and Environmental Health attended as did a number of interested parties some of whom addressed the hearing.

The application concerned the Rose and Crown Public House which the Sub-Committee heard was a historic listed building situated in a quiet semi-rural area 60per cent of the trade of which was food related.

Continued overleaf:

The main issue of concern identified by the Sub-Committee was that of public nuisance. There was concern that with extended hours and the provision of live and recorded music neighbours would be disturbed by noise late into the night, whether from the premises or from traffic movements associated with the premises, and there was a concern that there would be a heightened risk of anti-social behaviour to the detriment of the amenity of the vicinity.

The Sub-Committee noted that there had been no complaints to the Police or to Environmental Health as to noise or other issues and residents had not been able to refer to incidents of anti-social behaviour although two did say they had been disturbed by noise and one by lights from the pub.

The Sub-Committee had regard to the measures the Applicant would or had already put in place to deal with noise nuisance and the submissions of Miss Sabic as to the need for conditions which in her view could not be supported. It was her submission that there was no evidence of current problems, that conditions should not be imposed in contemplation of what might be and should action become necessary at some time in the future then this could be by review. The Sub-Committee was in no doubt, however, that the provision of live and or recorded music late at night had the potential for considerable nuisance and distress to neighbours. The view was expressed that whilst a degree of noise might be acceptable until 11.00pm it was a very different matter after that when people could reasonably expect to be going to bed, and particularly so in a quiet area such as Thorpe Green.

The Sub-Committee had concerns with the adequacy of the measures identified by Mr Gilchrist for the control of noise late in the night and as to how sufficient measures could be put in place in a building of the age of the Rose and Crown. It was noted that the building had only single glazed windows.

In reaching their decision the The Sub-Committee had regard to the Code of Guidance issued under Section 182 of the Licensing Act 2003, their Licensing Policy, the submissions of Miss Sabic on behalf of the Applicant and the representations received. The Sub-Committee was particularly concerned as to the way in which the application had been drawn and wished it brought to the attention of the Applicant that the very considerable differences between the application as submitted and as amended had caused distress and concern to neighbours and had probably resulted in representations being made which might not otherwise have been made. The Sub-Committee was not impressed either that the plan accompanying the application had not been completed in accordance with regulations. From the information provided by the applicant at the hearing the Sub-Committee concluded that the premises, for the purposes of the application, are as shown on the plan which is attached to this notice. The premises are outlined in red and the area in which live music is to be provided is crosshatched in red.

**Decision:**

1. Conversion application approved.
2. Variation Application ( as amended ) approved subject to the following conditions which are considered necessary to meet the Licensing objectives and in particular the prevention of public nuisance:

continued:

- 2.1 Recorded music ( as presently permitted in licensed premises under Section 182 of the Licensing Act 1964 ) to be permitted until the terminal hour for the sale and supply of alcohol, provided that windows, doors are kept shut and any external speaker system is disabled from 11.00pm and the level of noise emanating from the premises is not such as to be audible at the boundary of the Rose and Crown with its nearest neighbour
- 2.2 Live music to be permitted until 10.30pm on Sundays, 11.30pm on Mondays to Thursdays and 12.00pm on Fridays and Saturdays and 01.00am on the special days/occasions applied for provided that windows and doors are kept shut after 11.00pm and the level of noise emanating from the premises is not such as to be audible at the boundary of the Rose and Crown with its nearest neighbour
- 2.3 On days when the sale of alcohol is authorised until 01.00am or later last entry to the premises shall be at 11.30pm

The following although not conditions are advised:

- 2.4 The Applicant to agree with the Licensing Officer signage to be placed at the exits of the premises to request patrons to leave quietly and to consider the interests of the neighbouring residents
- 2.5 The applicant's staff patrol the car park at regular intervals to ensure that patrons are leaving quietly
- 2.6 That bottles and other consumables likely to make a noise on disposal are not disposed of to waste bins after 11.00pm
- 2.7 The Manager of the Rose and Crown fully engage with Pubwatch attending meetings ( or deputing a staff member to do so ), displaying their publicity material prominently on the premises and taking appropriate action against offending customers as required.

**Reasons:**

The conditions are imposed for the prevention of public nuisance. In balancing the competing interests of the Applicant with those of the residents the Sub-Committee was concerned to ensure that noise from the premises and from patrons leaving is minimised and not a nuisance to neighbours in accordance with the Council's Licensing Policy which seeks to minimise loss of amenity of neighbours. The Sub-Committee in decoupling the terminal hours from those for which live music is permitted were concerned to ensure a controlled and orderly dispersal of patrons from the premises over a period of time.

**Appeals:**

If the applicant or any person who made a relevant representation wishes to appeal against this decision an appeal must be made to the North West Surrey Magistrates Court at Woking within 21 days of the receipt of this Notice.

**Dated: 25 July 2005**