

DECISION NOTICE
RUNNYMEDE BOROUGH COUNCIL
THE LICENSING ACT 2003
LICENSING SUB-COMMITTEE

Applicant: Pub "n" Bars Plc

Premises: The Armstrong Gun, 49 Victoria Street, Englefield Green, Surrey, TW20 0QX

Hearing Date: 26 September 2005

Licensing Sub-Committee: Councillors D Parr, Mrs J Norman and Mr C Knight

Application:

1. Conversion of the existing Justices' On Licence
2. Variation simultaneously, under the terms of Schedule 8 and Section 34 of the Licensing Act 2003 to extend hours, provide films, indoor sporting events, live and recorded music and anything of a similar description, the provision of facilities for the making of music, the provision of facilities for dancing and late night refreshment.

Representations:

The Applicant was represented by Mr Stephen Thomas. The Licensee, Stewart John Gordon and the Applicant's Area Manager, Mr Roberto Martinez were also in attendance.

Representations were received from the Environmental Protection Authority on both public safety and noise nuisance grounds and from 43 interested parties of whom a number attended and four spoke against the application.

The Applicant submitted at the hearing a bundle of six letters in support of the application.

The Applicant at the outset of the hearing requested to amend the application as follows:

1. Applicant will provide a lobbied entrance to the rear exit of the premises.
2. Garden area to be closed at 23.30 hours every day.
3. The application to permit dancing to be withdrawn.
4. The application to permit karaoke to be withdrawn.
5. The kitchen to be closed and not in use when live music is provided.

Mr Thomas submitted that the application was in accordance with Guidance which was to provide greater freedom to business, greater choice for patrons and encouraged the provision of live music. The hours sought were those agreed by the trade and the Police and were the "pub-watch" hours. He further submitted that Mr Stewart was a strong licensee who combined good management of the premises with a desire to work with local residents. Noise had only ever been a concern when live music had been provided in the garden and not when provided within the premises. Public safety issues were addressed by the applicant keeping the kitchen shut when live music was being provided. Other issues of noise nuisance were addressed by the Applicant undertaking to provide a lobby area to the rear exit and in withdrawing elements of the application. The Applicant could not be responsible for littering not under its control and equally could not be responsible for the behaviour of all persons passing the premises.

The Licensing Sub-Committee noted that there were a number of takeaway premises in the area, a number of other licensed premises and numbers of persons not necessarily associated with the premises passing through the area.

Mr Peter Burke of Environmental Protection advised the Licensing Sub-Committee of the lengthy history of noise nuisance and complaints associated with the premises. The Licensing Sub-Committee noted a Noise Abatement Notice had been served in 2004. He considered the amended application addressed public safety concerns and these were withdrawn. His principal concerns were noise nuisance arising from use of the garden and the escape of noise from the premises which did not have the benefit of secondary double glazing. He considered the lobby to the rear exit would be beneficial in reducing noise emission to the garden but would request a condition that all windows and doors be kept closed when live and recorded music was being provided.

The concerns expressed by interested parties were as to noise, particularly late at night, both from within the premises and from the external garden area, the impact of noise on near neighbours, anti-social behaviour of customers, failure on the part of the licensee to properly control the clientele, to observe licensing hours and to co-operate with residents. They were concerned also that an extension of hours could draw students and lead to binge drinking. The position adopted by the interested parties was that the only outcome acceptable to them was a contribution of existing hours and conditions, however, on questioning of these by the Licensing Sub-Committee it was clear their main concern was that of noise disturbance from the garden and late at night.

The Licensing Sub-Committee noted that there were a number of residential properties in close proximity to the premises and that there was a clear potential for noise disturbance to them and to other properties.

The Licensing Sub-Committee, having carefully considered the application, the representations from interested parties, the Council's Policy and Guidance issued under the Licensing Act 2003 determined the application as follows:

Policy and Guidance issued under the Licensing Act 2003 determined the application as follows:

1. Application for conversion approved as no relevant representation received from the Police.
2. Application for variation approved subject to the following conditions:
 - i) Terminal hours for supply of alcohol:
Monday to Thursday - 11.30pm
Friday and Saturday - 12.00 midnight
Sunday - 10.30pm
 - ii) Hours premises to be open to the public:
Monday to Thursday - 12.00 midnight
Friday and Saturday - 12.30am
Sunday - 11.00pm
 - iii) Terminal hours for provision of late night refreshment:
Hours as for supply of alcohol.
 - iv) Terminal hours for provision of indoor sporting events, films, live and recorded music (juke box only) and anything of a similar description and provision of facilities for making music:
Monday to Thursday - 11.00pm
Friday and Saturday - 12.00 midnight
Sunday - 10.30pm
 - v) No live or recorded music is permitted in the garden area or on the pavement to the front of the premises.
 - vi) The garden area to be closed to all customers and external illumination of it to be turned off at 11.00pm.

- vii) All windows and doors to be kept closed at all times when indoor sporting events, live, recorded music and anything of a similar description (eg quiz nights) and provision of facilities for making music is being provided and at all times after 11.00pm.
- viii) Noise break out from the premises to be controlled as such a level as not to be audible at the boundary of the premises with its nearest neighbour after 11.00pm and at all other times aT such a level as not to constitute noise nuisance.
- ix) Appropriate signage be displayed at all exits requesting patrons to disperse quietly and with consideration for the occupiers of neighbouring properties.
- x) Bottles and glasses to be disposed of in such a manner as not to cause nuisance or disturbance to neighbours and in any event not after 11.00pm and not before 8.00am.
- xi) The Applicant to take appropriate measures to ensure that patrons do not drink on the pavement to the front of the premises.
- xii) The Applicant to take appropriate measures to ensure an orderly dispersal of customers and to supervise dispersal from the premises at closing time to ensure minimal disruption to near neighbours from customers congregating at the front of the premises or of near neighbouring properties.

Reasons for the Imposition of Conditions:

The prevention of public nuisance and in particular noise nuisance at night and to ensure an orderly and graduated departure of customers.

Appeals:

If the Applicant or any person having made a relevant representation is dissatisfied with this decision then they can challenge the decision by making an appeal to the North West Surrey Magistrates Court at Woking within 21 days of receipt of this Notice.

Dated: 26 September 2005