

Licensing Sub-Committee – 30 April 2013

Minutes of the meeting of the **Licensing Sub-Committee** held on **30 April 2013** when there were present:-

Cllr M Maddocks
Cllr R A Oatham

Cllr D J Sperring

VISITING MEMBERS

Cllr Mrs A V Hale
Cllr I H Ward

OFFICERS PRESENT

A Law	- Solicitor
P Nellies	- Licensing Officer
M Howlett	- Principal Environmental Health Officer
S Worthington	- Committee Administrator

134 APPOINTMENT OF CHAIRMAN

Cllr M Maddocks was appointed Chairman of the Sub-Committee.

135 PROCEDURE FOR LICENSING HEARING

The Sub-Committee noted the procedure to be followed during the hearing.

136 LICENSING APPLICATION – LICENSING ACT 2003

Oaklees, Unit 1, 68-72 West Street, Rochford

The Sub-Committee considered an application for a review of a premises licence made under section 51 of the Licensing Act 2003 with respect to a premises known as Oaklees, Unit 1, 68-72 West Street, Rochford, SS4 1AS. Members had before them the report of the Head of Environmental Services setting out the details of the application received from the interested party, together with comments received from the Principal Environmental Health Officer.

The applicant, in support of the application, stated that the building in which Oaklees was sited was not fit for purpose. It was previously a car showroom, single-glazed at the front of the building and had no sound proofing.

The applicant emphasised that he and his wife did not hear music emanating from the premises, but rather the bass noise. He paid particular reference to the fact that his large, bedroom windows were in the line of sight of the roof of Oaklees. He was able to hear the bass noise until 0100 hours and claimed that it resonated through his head, even with two pillows over his head trying to block out the sound. He claimed that the problem was such that he and his wife had been sleeping in their lounge on Friday and Saturday evenings as

they were unable to get to sleep in their bedroom, as a result of the thud of the bass from Oaklees.

He further maintained that he and his wife have had to put on music in their home in the evenings in order to try to drown out the bass from the club. He said that the situation had been better over the last couple of weekends, however the situation was impacting on his sleep, which was a particular cause of concern to him, given that he had to commute to work 70 miles each day. The applicant's wife further declared that she had had to take tranquilisers for the past year and felt that if the building was properly sound-proofed the problem would be resolved.

In response to a question from the premises licence holder as to why the applicant had not advised him that a problem still persisted with respect to noise, the applicant stated that he did not feel this would have helped to resolve the situation. He had felt that the best course of action was to ask for an official review of the licence. The applicant, in response to a question from the Chairman, verified the position of his property on appendix B2 to the officer's report in relation to Oaklees.

The premises licence holder, responding to the concerns raised by the interested party and his wife, advised that he had taken on the premises in August 2012 aware of previous incidents associated with the former licence holder. He emphasised that the reputation of Baroque, under the previous premises licence holder was such that the name had been changed. He had been managing the Royal Oak public house in Stambridge, which was a very different premises to this one, for 10 years. It was not in his interests to fall out with the neighbours, as very often they were also customers. Every effort has been made to try and reduce noise at Oaklees; regular checks are conducted by him or his business partner outside the building to ensure that no noise is reverberating up the street and that there are no unacceptable incidents in the vicinity of the premises.

He agreed with the applicant that the building had obviously not been designed to be a bar. However, steps had been taken within recent weeks to help alleviate the situation, eg, music is switched off at 12.30 pm. He stated that if he had the necessary funding now he would install sound proofing at the premises. He has, however, drawn up a business plan with the aim of turning the premises into more of a relaxing bar premises, which should further decrease any noise.

In response to questions, the following points were noted:-

- Softer furnishings have been installed at the premises to try to provide additional cushioning for any noise and quotations have been sought for carpeting 50% of the floor, and for ceiling drapes to try to further reduce noise. The licence holder was doing what he could, when financially viable to do so.

- There was a bass speaker in the DJ stand at the premises, but this was disconnected when the current premises licence holder took over the premises.
- There were two licensed door staff on duty on Friday and Saturday evening, one inside, the other outside. If any situations arise these members of staff take control of the situation and record incidents in a door keepers' log. The premises licence holder and business partner monitor noise and will always call the Police in the event of any fights occurring.

In conclusion, the applicant stressed that he had no objection to the licence holder's commercial aspirations and did hope that it would become more of a relaxed bar with less music played.

The premises licence holder concluded by emphasising that his aim was to make the bar a pleasant place for customers to visit, while at the same time ensuring, as far as possible, that this was achieved in a way that was sympathetic to the living environment of residents. He would put in place all that he could, when this was financially viable, to minimise any noise at the premises.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

Having given careful consideration to the officer's report and all the evidence presented at the hearing, the Sub-Committee considered it appropriate to modify the conditions of the premises licence. It was, however, emphasised that although account had been taken of the concerns raised by the interested party, the Sub-Committee was mindful that the Police and the Environmental Protection Unit did not consider there to be any statutory noise nuisance and had accordingly made no representations or recommended any amendments to the premises licence. Furthermore, the Sub-Committee had also taken into consideration the fact that no evidence had been submitted by the applicant in support of his application. Nevertheless, the Sub-Committee had listened carefully to the concerns of the applicant and his wife and had taken account of the licence holder's willingness to co-operate.

It was also emphasised that the applicant had the right of appeal to the Magistrates Court.

Resolved

That the conditions of the premises licence be amended, as follows:-

1. Existing condition 40 to be amended to: "For the duration of the final 15 minutes of opening on Sunday to Wednesday only background music shall be played."

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2. A new condition to be added: “On Thursday to Saturday from 0000 – 0030 hours only background music shall be played and from 0030 to 0100 hours no music to be played, until such time as adequate sound proofing is installed at the premises.”

3. A new condition to be added: “The bass speaker on the DJ unit shall be disconnected until such time as adequate sound proofing is installed at the premises.” (HES)

The meeting commenced at 10.07 am and closed at 11.35 am.

Chairman

Date

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