



The solicitor acting for the applicant stated that issues relating to noise nuisance prior to the current tenant taking over the premises should be disregarded. The new tenant had worked hard to turn things around and since then there had been no complaints about noise. The tenant felt that he had earned the right to expand his business and was therefore asking for an extra hour most days of music and an extra half hour for the sale of alcohol so as to be able to compete with other venues. Mr Rathore referred to guidance which said that local authorities should support the development of live music in communities and should avoid measures which deter live music and dancing. Referring to a recent High Court decision he stressed that the decision needed to be based on real evidence and not on speculation about possible complaints and problems.

Chris Allen spoke on behalf of the responsible authority and raised concerns about extending the finish times for amplified music from 11pm to midnight because of weaknesses in the acoustic integrity of the building and its close proximity to noise sensitive premises. He referred to DCMS guidance about public nuisance and what steps should be taken to prevent it. The guidance stated that there should be no noise between 23.00 and 7.00 where there are noise sensitive premises.

Mr Allen stated that the applicants had not proposed any measures to improve the acoustic integrity of the building and therefore the most effective way of minimising noise nuisance to the public was by controlling the permitted hours.

The sub-committee retired to consider the application.

## **RESOLVED**

To grant the application for a variation to the licence in the terms applied for with the exception of the hours for the playing of live and recorded music being amended to 9.00am to 11.00pm Sunday to Thursday and 9.00am to midnight Friday and Saturday and subject to the additional conditions as agreed during mediation between the applicant and the responsible authority.

## **CONDITIONS AGREED DURING MEDIATION:**

- The licensee or nominated person shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also take reasonable steps to ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.
- Prominent, clear notices shall be displayed at all exits and in the beer garden and any smoking shelters/areas requesting customers and staff to respect the needs of local residents at all times, and to leave the premises and the area quietly.
- The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of noisy events and keep a permanent log of these which shall be made available to officers of the Licensing Authority if requested.
- All external doors and windows shall be kept closed in all rooms (including the sound lobby) where events involving regulated amplified music or speech are taking place, except for access, egress and in cases of emergency.
- All external doors and windows shall be kept closed in all rooms (including the sound lobby) where events involving live acoustic music are taking place, except for access, egress and in cases of emergency.
- No music or speech shall be relayed via external speakers other than for events with the prior approval of the licensing authority.

- The Designated Premises Supervisor or a nominated representative shall undertake routine monitoring to ensure that external levels of music noise are not excessive and take appropriate action where necessary to prevent causing a nuisance to nearby residents.
- Reasonable steps shall be taken to prevent litter and where identified it shall be regularly cleared from the vicinity of the premises. Litter includes cigarette ends and a suitable receptacle to dispose of these shall be provided at the main access and egress points of the premises.

**Reasons for the decision:**

In making their decision and in view of the findings of fact, the sub-committee was satisfied on a balance of probability and considering all the circumstances that the proposed and additional conditions imposed were necessary and proportionate to promote and safeguard the four licensing objectives.

In coming to its decision, the Sub- Committee also had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance, in particular, those sections highlighted at paragraphs 8.2 and 8.3 of the committee report.

1.30pm to 3.45pm  
Chairman

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