

The Licensing Enforcement Officer informed the sub-committee that the application was for a Review of the Premises Licence for The Cross Keys, 279 Oundle Road, Peterborough. The application submitted by Ms Laura Bradley of the Peterborough City Council Pollution Control Team, a Responsible Authority, related to the prevention of public nuisance licensing objective.

No further representations had been received.

Laura Bradley presented the case for the Peterborough City Council Pollution Team to the sub-committee. She stated that there had been ongoing noise complaints received by both telephone and e-mail. Noise monitoring had been conducted on weekend evenings when live music was being played and it was witnessed that this music was plainly audible in the surrounding residential areas. Officers who witnessed the excessive noise levels deemed it to be a statutory nuisance and subsequently on the 30th July a noise abatement notice was served on the premises. This was not appealed. Advice and assistance had been offered but was not taken up. On the 6th August a final attempt at mediation was carried out in which it was suggested that live music be postponed for three weeks, however the mediation was unsuccessful. After four months there had been ample opportunities to agree but there had been no success.

However, Laura Bradley stated that further mediation had recently been undertaken. This was to include a three month suspension of live music whilst improvement works to the premises which had been highlighted could be rectified to reduce the level of outbreak of noise from live music. All works would be monitored and further reports would be provided. The removal of condition 91 from the licence would also be implemented and also the inclusion of the recommended conditions.

Mr C R Hobbs spoke on behalf of Kelly Taverns and stated that there had clearly been problems at the property with live music and changing the designated premises supervisor was never going to solve the problem, even with the windows and doors shut the premises was still not suitable. Mr Mark Johnson, the designated premises supervisor was not aware that there had been a noise abatement notice served on the premises, and since the previous meeting no live music events have happened at the premises. However there had been discos held but the disco area had been moved away from the front of the premises. People had now been moved to the area outside the back of the premises instead of outside the front spilling out onto the street. Many problems had already been identified and resolved and it showed that Mr Johnson was addressing the situation as were Kelly Taverns.

The three months suggested suspension would allow the works highlighted to be completed to satisfactory levels and if the improvements were not to satisfaction then it would have to be agreed that live music would not be acceptable at the premises.

The sub-committee retired to consider the application.

RESOLVED

The sub-committee unanimously agreed:

- to modify and vary the conditions of the premises licence
- to exclude a licensable activity from the scope of the licence

The decision noted above is subject to the following conditions:

- To exclude live music from the scope of the licence for a period of 3 months

- To carry out the works proposed in the letter dated 9th October 2008 from AGS Noise Control Ltd within the next 3 months and to the standard specified.
- To install self closing doors to the front of the premise within the next 3 months
- To remove condition 91 of the licence
- To vary condition 87 to – Requests made by a responsible authority shall be complied with as soon as practicable. In addition to any restriction specified in the Operating Schedule to the licence the holder of the premises licence shall implement requests regarding control to be exercised over music at all times when the premises are open to the public
- To vary condition 92 to – all external doors and windows including both lobby doors must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place

Additional conditions proposed by the Responsible Authority:

Noise Limits

- Between 07.00 and 23.00 the noise from the premise shall be just audible at 1 metre outside the window of any property in the vicinity when live or recorded music is being played
- Between 23.00 and 07.00 the noise from the premise shall be inaudible at 1 metre outside the window of any property in the vicinity when live or recorded music is being played

Inaudibility will be defined as follows:

“The noise maybe considered not audible or inaudible when it is at a low enough level such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the abs cense of the source in question” (institute of acoustics 2003).

- Note: the above noise limits are to be regarded as maximum allowable levels and should not be used as the sole determining factor for the appropriate setting of noise levels or of a noise limiter.
- Prominent, clear notices shall be displayed at all exits and in the beer garden requesting customers to use the smoking area provided.
- The designated premises supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
- Noise assessments shall be undertaken at least once an hour during each event involving amplified music and also following receipt of a noise complaint.
- Noise monitoring results and complaints received shall be recorded and retained, including any actions taken in response to complaints and monitoring.

Reasons for the decision:

In view of the findings of fact, the sub-committee is satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested review of Premises Licence would not create public nuisance.

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 6.2 and 6.3 of the committee report.

CHAIRMAN
9.30 - 11.30 am