

# DECISION NOTICE

**COMMITTEE:** Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

**DATE:** Monday, 5 August 2019

**Premises:** The New Dawn Inn, Tewkesbury Road, Norton, Gloucester, GL2 9LR.

**Applicant:** Martin John Hand

Application for the variation of a premises licence under Section 34 of the Licensing Act 2003.

**Present:** Councillors G J Bocking (Chair), J W Murphy and R J G Smith.

**Other parties addressing the Sub-Committee:** Councillor M J Williams – Ward Councillor.

## SUMMARY OF REPRESENTATIONS

1. No responsible authorities made representations in relation to the application.
2. Three representations were made by other persons in relation to the application – one in support of the application and two in objection.

## THE APPLICATION

The applicant had not applied to change any of the licensable activities or times from those on the existing licence but new conditions were proposed as follows:

1. An incident book shall be maintained at the premises in which shall be recorded the time, date and circumstances of all refusals of entry, refusals of sale or removal of persons from the premises, along with the name or a description of the individual.
2. All windows and doors at the premises shall be kept closed, other than for normal or emergency access and egress, for the duration of any period in which live music or recorded music (other than incidental, background music) is being played.
3. A CCTV system will be maintained at the premises operating throughout the opening times of the premises and with a facility to digitally download footage. Recordings will be kept for a minimum of 14 days and will be available to authorised officers upon reasonable request.
4. A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 25 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, passport or a photographic driving licence.
5. The licence holder will submit and maintain a noise management plan (NMP) setting out how noise from the premises and customers will be mitigated. The plan shall be maintained thereafter and updated as necessary to reflect any changes likely to impact on the acoustic environment.
6. All fixed external lighting should be positioned in such a way as to not cause nuisance to neighbours.

7. In relation to the outside area marked on the plan as GRASSED AREA AT THE FRONT OF THE PREMISES:

- This area will be vacated by 22:00 hours.
- Clear and legible notices will be displayed in this area reminding customers to keep noise to a minimum and to respect the neighbours.
- A maximum of 5 tables and 20 chairs will be positioned in this grassed area. Where a picnic-style bench table is being used, this shall count as 1 table and 4 chairs. Furniture in this area will be positioned within a distance of 4.2 metres from the wall of the premises.

**DECISION**

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the national guidance; and the Council's Statement of Licensing Policy, it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to the following additional condition:

1. The noise management plan must be agreed with the Environmental Health department and this plan must be made available to neighbours, if they wish to see a copy.

**REASON**

The Sub-Committee was satisfied that all of the conditions attached to the licence would promote the licensing objectives.

All interested parties were reminded that, should the applicant fail to meet the licensing objectives, any interested party could report matters to the licensing authority and the applicant and the licence could be the subject of a review. Further, any noise complaints should be communicated to the Environmental Health department for them to investigate. There was a right of appeal to the local Magistrates Court within 21 days of the decision.