

4.37 of the Official Minutes of the Council).

The Chairman, Members and Officers introduced themselves. The applicant and his representatives together with the objector and the Responsible Authority Representatives also introduced themselves.

Mr. S. Shilvock, the officer representing the Licensing Authority presented the report of the Head of Environmental Health. He reported that the application for a variation of a premises licence at the Vine Inn had been made by the applicant, Mr. Oliver Westwood, on 2 June, 2006 with the appropriate fee being paid. He stated that the application for conversion of "grandfather" rights was received on 4 August, 2005 by the previous tenant. The premises were subsequently sold to Mr. David Westwood prior to the premises licence being issued. An application for variation to that licence was received on 18 October, 2005 from the solicitors acting for the company selling the premises to Mr. Westwood. The application was granted on 24 November, 2005 and the licence issued on 9 February, 2006. He outlined the licensable activities the existing licence permitted as detailed on Enclosure 4.2 of the report.

He also outlined the licensing hours as detailed on Enclosure 4.2 – 4.3 of the report. It was explained that the proposed variation was to include the first floor function room to the existing licence and that there were no proposed changes to the existing licensable activities or the existing times. It was reported that there were currently no planning restrictions on the premises.

Mr. Shilvock outlined the representations from the Responsible Authorities. He explained that Staffordshire Fire and Rescue Services were objecting in respect of the licensing objective of ensuring Public Safety and the Environmental Protection Section were objecting in respect of the licensing objective of Prevention of Public Nuisance. In addition, three letters of objection had been received from residents in the vicinity of the premises objecting on the grounds that the licensing objectives of Prevention of Public Nuisance, Crime and Disorder and Public Safety would not be achieved.

Mr. Shilvock then explained that the existing licence stated that "the risks associated with the variations sought have been considered and no further steps are felt necessary to promote the licensing objectives".

He stated that Members were being asked to determine whether the application for a variation of the premises licence in respect of the Vine Inn should be granted, with or without conditions, having due regard to the Council's Licensing Policy.

The objector to the application and the Responsible Authority representatives were afforded the opportunity to ask questions of clarification of the officer from the Licensing Authority.

The applicant was then afforded the opportunity to ask questions of clarification of the officer of the Licensing Authority. In response to a question from the applicant, the Officer confirmed that it was usual practice for letters to be emailed to the Authority.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the officer representing the Licensing Authority.

The applicant was then afforded the opportunity to present his case in respect of the matter. He circulated photographs and additional information for consideration by Members of the Sub-Committee.

The applicant reported that since taking over the premises 9 months ago various works had been undertaken to improve the premises. He stated that it had proved difficult to maintain the running of a traditional pub and had therefore applied for the variation to include the first floor function room to the existing licence. He reported that the function room would be used for private functions such as weddings and christenings, in addition to providing conference facilities and events such as beer festivals, bingo nights, amateur dramatics and chess clubs. It was further planned to hold fortnightly music events in the function room. The downstairs bar was already licensed for such activity but this had met with opposition from residents. He confirmed that sound proofing had been installed in the first floor function room. He commented that Libby's bar had been granted a variation similar to what had been requested.

He stated that he had made efforts to work with the community regarding their concerns about noise. Sound proofing had been installed in the function room and a decibel meter had been purchased and the monitoring of noise from the premises was to be undertaken. With regard to the concerns regarding anti-social behaviour he had contacted the Police to explain that he was concerned over the lack of Police presence in the area. He stated that as there were a number of pubs located in Rugeley Town Centre the noise and nuisance were not all attributed to his pub. He had arranged for the beer garden to be closed from 10.30 p.m. onwards and asked customers to leave through the front door as a gesture to residents.

The objector and the Responsible Authority representatives were then afforded the opportunity to ask questions of clarification of the applicant.

Mr. Ness, Environmental Protection, sought clarification regarding the sound monitoring equipment. The applicant provided the equipment for Mr. Ness to view.

Members of the Sub-Committee were afforded the opportunity to ask questions of clarification of the applicant. A Member sought clarification that the sound level equipment could be set and maintained at a certain level. The applicant confirmed that this was correct.

A Member questioned whether a Health and Safety Risk Assessment had been carried out and the applicant confirmed that this had been done.

The applicant was asked to clarify whether the issues identified in the Staffordshire Fire and Rescue Service letter (attached at Enclosure 4.20 of the report) had been undertaken. He stated that the work had been carried out and toilets had been added to the upstairs. He was awaiting a visit from an Officer from Building Control and Fire Safety to check if the work was satisfactory in accordance with Building Regulations.

The objector to the application and the Responsible Authority representatives were then afforded the opportunity to present their cases.

Mrs. Cunningham, a local resident, stated that she was objecting along with other residents in the vicinity of the premises. Residents were concerned about the noise and nuisance from The Vine Inn. Evidence had been gathered and submitted to the Environmental Health Pollution Team. Photographs had been taken and video evidence was available. She was in

favour of improvements to the pub but wanted consideration and respect for the local residents. Residents recognised that the noise and disturbance were not solely attributed to The Vine. However, recent events had taken place including a tug of war between cars that had caused problems for the residents along with noise from the beer garden after 10.30 p.m. In addition, she stated that bands had been practising in the function room at night. She stated that the applicant did not adhere to the conditions of the licence he had been granted. She considered that, should the Committee approve the application for a variation, conditions should be attached to ease the residents concerns.

Robert Johnson, Fire Safety Officer stated that the plans submitted by the applicant did not show that the items listed in his letter dated 11 July (Enclosure 4.20 of the report refers) had been achieved.

He commented that as alterations had been carried out to the premises by the addition of the toilets, Building Control would need to undertake an inspection to ensure that the alterations satisfied Building Regulations. It was no longer under his jurisdiction. He stated that he would visit along with Building Control and if a completion certificate was issued, he would withdraw his objection.

John Ness, Environmental Protection Section, stated that there were noise nuisance concerns regarding the original application submitted in November 2005. The applicant had outlined how he would achieve the licensing objective of prevention of nuisance and a licence was issued on 20 January, 2006. Following this, complaints from residents continued to be received. With regard to the current variation application, the premises had been visited and a letter had been forwarded to the applicant on 11 July. The letter explained that no representations would be made regarding the variation subject to a number of conditions (the letter along with the conditions is attached at Enclosure 4.21 – 4.22 of the report).

The applicant had been asked to confirm that the conditions outlined in the letter were acceptable. However, the applicant did not confirm the conditions were acceptable and the objection to the variation was therefore submitted.

He reported that complaints were still being received from residents regarding the use of the function room for band practice and that the function room doors had been left open late in the evening causing a noise nuisance.

The applicant was offered the opportunity of asking questions of clarification of the objectors. He commented that the majority of works outlined in the letter from the Environmental Protection Section (Enclosure 4.21 – 4.22) had been undertaken. Air conditioning had not yet been installed and it had therefore proved difficult for the windows to remain closed during the recent spell of hot weather. He stated that the fire exit had been opened on occasions and it had been difficult to ensure customers were out of the beer garden by 10.30 p.m. He also stated that the function room had been used for band practice on a few occasions. The plans had been redrawn to include all aspects requested by the Fire Safety Officer in his letter (Enclosure 4.20 of the report refers).

Members of the Sub-Committee were then afforded the opportunity of asking questions of clarification of the objectors. A Member sought clarification that the objectors would withdraw their objection if the applicant satisfied the conditions of the Fire Safety Officer, the Environment Protection Section and the objector. All parties indicated that they would be satisfied if the Committee approved the application with the necessary conditions attached.

The officer from the Licensing Authority was afforded the opportunity to sum up the case. He stated that Members had heard the submissions of the Licensing Authority, the applicant, the Responsible Authority representatives and the objector. Members were asked to make a determination on the application.

The objector and the Responsible Authority representatives were afforded the opportunity to sum up the case. Mrs. Cunningham stated that a suitable compromise should be reached to allow the residents the right to enjoy their homes and gardens and the pub to enjoy its business and customers. Should the licence be approved she considered that any conditions attached to the licence should be maintained.

The Fire Safety Officer stated that he would visit the premises with Building Control when they assessed whether a completion certificate could be issued and he would provide the applicant with assistance in undertaking the risk assessments.

The representative from the Environmental Protection Section stated that if the conditions he requested were complied with and maintained he would withdraw his objection to the variation.

The Sub-Committee then deliberated in private.

The Sub-Committee recalled all parties to clarify that should the licence be approved the applicant would undertake the measures outlined in the Fire Safety Officer's letter (Enclosure 4.20 of the report refers).

The Sub-Committee considered all the papers and listened carefully to all the representations that had been made by all the parties attending the hearing. It was then:-

RESOLVED:

That the application be approved subject to the following conditions:-

- Sound cut off devices to all external rear opening doors and windows in the premises
- The external fire escape shall be utilised for emergency escape purposes only and the door then shall at other times remain closed.
- Suitable self closing device(s) shall be provided and maintained to the door leading to the toilet lobby.
- The door shall be kept closed other than for access and egress purposes.
- To undertake to secure a building control completion certificate.
- The responsible person to undertake a suitable and satisfactory risk assessment at the premises.
- All function room windows shall be maintained closed and provided with additional sealed sound insulation panels during all performances of amplified music.
- A suitable sound limiting device shall be installed to regulate sound power levels arising from the use of the in-house sound amplification equipment used within the function room. This shall be properly calibrated and set up in liaison with Environmental Health. All available power supply points within the vicinity of the stage area shall be linked to the sound limited system. No other sound amplification system shall be utilised other than that provided in-house.

Reasons for the Decision

The Sub-Committee considered all the papers and listened carefully to all the representations that were made by all the parties attending the hearing.

The Sub-Committee took into account the Council's licensing policy, the Statutory Guidance issued by the Secretary of State and legal advice provided by the Council's Solicitor.

The Sub-Committee also took into account the need to balance between the benefits of the community of a licensed venue and its activities and the risk of disturbance to local residents.

The Sub-Committee noted that the applicant had confirmed that he had taken the necessary steps in dealing with the issues raised by Staffordshire Fire and Rescue Service.

The Sub-Committee further noted that the Applicant has agreed to implement the recommendations of the Council's Senior Environmental Health Officer.

Accordingly the Sub-Committee was of the view that the applicant could meet the licensing objectives, and therefore the licence was granted subject to the conditions outlined above.

Appeals

The Applicant, or interested parties have a right of appeal to the Magistrates' Court under Section 181 of the Licensing Act 2003.

The appeal must be commenced by notice of appeal within the period of 21 days beginning with the day on which the Applicant was notified by the Licensing Authority of the decision appealed against.

CHAIRMAN