

Legal and Democratic Services

HEAD OF SERVICE: Margaret Reed



Hearing Decision Notice

Licensing Panel Hearing 24 and 26 September 2007

Crazy Bear Hotel, Bear Lane, Stadhampton

The Licensing Panel met on 24 and 26 September 2007 to consider the application for a premises licence for the Crazy Bear Hotel, Bear Lane, Stadhampton

The decision of the Panel is set out in the Notes of the hearing (appended).

The Licensing Officer will send the formal documentation setting out the details of the licence to the applicant. This decision is effective from its announcement at the hearing.

Appeal rights.

All parties have the right of appeal. The Guidance issued under section 182 of the Licensing Act 2003 states that if you wish to appeal you must give notice of the appeal to the justices' chief executive of the magistrates' court for your area within a period of 21 days from the date of this notice, that is from 10 October 2007. The magistrates' court may make any order as to costs as it thinks fit. The magistrates' court is situated at Speedwell Street, Oxford OX1 1RZ and can be contacted on 0870 2412808.

Right of review.

Section 10.1 of the Council's Statement of Licensing Policy states that under the 2003 Licensing Act, it is possible for the authority to review a Premises Licence at any time, if it receives representations from one or more of the responsible authorities or interested parties. The authority may not initiate its own review without receiving representations. Reviews may only arise in connection with a failure of the premises relating to the four licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm). The local authority will generally not expect to hold a review into a licence on representations from an interested party more than annually unless there has been a significant change in the use of the premises or there are exceptional circumstances.

Jennifer Thompson

Democratic Services Officer Date issued & posted: 10 October 2007

Notes



Licensing Panel Hearing

held on 24 September 2007 at 10.00 AM, and reconvened on 26 September at 12.00pm

Place: Council Chamber, Council Offices, Crowmarsh Gifford

Applicant: Ms Catherine Edwards

Premises: Crazy Bear Hotel

Premises address: Bear Lane, Stadhampton, OX44 7UR

Licensing Panel Councillors: Mr John Nowell-Smith (Chairman)

Mrs A Midwinter

Mrs Pearl Slatter

Legal advisor: Mrs Charlotte Osborne

Licensing Officers: Mr Alastair Dearling and Mrs C Bold

Clerk: Mrs Jennifer Thompson

The applicant, Ms Edwards (Designated Premises Supervisor), was accompanied by the hotel's solicitor, Mr A Thomas of Davenport Lyons, and architect and co-owner Dr T Mullaney.

Environmental Protection was represented by the Principal Environmental Health Officer, Mr C Miller, and the Environmental Health Officer, Mr S Hill.

Six local residents who had submitted registered objections to the application and Mr Philip Cross, a local ward councillor representing one of the residents, were present.

The hearing was convened at 10am. The Panel informed those present that, due to the complexity of the site and the premises licence application, they wished to visit the premises before hearing the submissions.

With the agreement of all parties, the hearing was scheduled to reconvene after the visit on Wednesday 26 September 2007 at 12.00 pm in the Council Chamber. The hearing was adjourned at 10.30am, at which point all present were reminded that the visit was to allow the Panel to see the premises, the internal and external arrangements, and the relationship of the different buildings to neighbouring residential properties. Questions should be directed through the Licensing Officer and answers should relate to the layout of the site and not to the application or matters which should be discussed at the reconvened hearing.

The hearing was then reconvened at the Crazy Bear, Stadhampton at 11.15am, a comprehensive and informative site visit was conducted by all parties, and the hearing was then adjourned at 12.15pm.

The hearing reconvened on 26 September at 12.00 pm.

The applicant and her representatives spoke at the hearing.

The Environmental Protection officers spoke at the hearing.

Five local residents who had submitted registered objections to the application attended and four spoke at the hearing. Mr Philip Cross, a local ward councillor, spoke on behalf of a local resident unable to attend the hearing.

The Panel considered the report of the Licensing Officer, a copy of the application for the licence and relevant representations from the responsible authority and local residents. The Panel heard evidence from the applicant, her solicitor, and the co-owner. They also heard evidence from the Licensing Officer, the Principal Environmental Health Officer, local residents and their representative.

The applicant's solicitor requested that information on acoustic linings and a number of late letters of support be considered by the Panel. After hearing objections to these by the local residents, the Chairman decided to admit the information on acoustic linings, as was in his discretion to do, but was unable to accept the late representations because the local residents objected.

During the hearing, the applicant's solicitor suggested that he would accept two additional conditions to limit noise breakout from the marquee through the use of a sound limiter and a suitable soundproofing system. The hearing adjourned to allow the Environmental Protection officers to draft suitable conditions and agree them with the applicant's solicitor.

On reconvening, the applicant agreed to the additional conditions proposed (8 and 9 below) and the original conditions proposed by Environmental

Protection with minor modifications. The Principal Environmental Health Officer then withdrew his objection to the application.

After hearing the submissions by the interested parties, and hearing those who wished to sum up, the Panel discussed the application in private session accompanied by the legal advisor and clerk.

The Panel agreed to grant the premises licences as set out in the application with additional conditions.

The Panel noted that the applicant will adhere to the conditions set out in their operating schedule.

The Panel noted that the applicant has agreed to the conditions suggested by Environmental Services as amended at the hearing, plus the two new conditions agreed with Environmental Services at the hearing, and agreed that these be added to the new licence.

The additional conditions to be added to the licence as agreed with Environmental Services are:

1. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential properties.
2. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving regulated entertainment take place. An alarm shall be fitted to all external windows and doors (with the exception of the main point of access and egress) which will alert staff when they are opened without prior authorisation.
3. Regulated entertainment shall only be held internally, and no music or speakers shall be provided to external areas of the premises.
4. All regulated entertainment shall cease by **23:30**.
5. Outside seating areas (**excluding the marquee area**) shall not be used by patrons consuming alcohol **and/or** food between 23:00 and 08:00.

6. During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request.

7. Prominent, clear signs shall be displayed at all outside seating areas/exits/in the car park requesting that customers respect the needs of local residents and keep noise to an appropriate level so as not to cause disturbance.

8. No regulated entertainment shall take place in the marquee and oak room until an acoustic survey has been carried out by an independent person who is qualified to be at least an associate member of the Institute of Acoustics and a scheme for soundproofing these areas has been submitted to and approved by the Head of Environmental Services. The scheme must be fully implemented to the satisfaction of the Head of Environmental Services prior to any regulated entertainment taking place in these areas.

9. A sound limiting device shall be fitted to the amplification system and shall be located in a separate lockable cabinet which is remote from the volume control set at (a level determined by the Head of Environmental Services). The operational panel of the noise limiter shall then be secured to the satisfaction of an authorised officer. The keys securing the noise limiter cabinet shall be held by the premises licence holder only, and shall not be accessible by any other person. Access to the limiter shall be restricted to prevent tampering. No alteration or modification to any existing sound system(s) should be effected without prior agreement of the Head of Environmental Services. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

These conditions further the objective of the prevention of public nuisance by preventing noise from regulated entertainment causing undue nuisance and disturbance to residents.

The Panel did not impose further conditions on the basis that they are satisfied that the objective of the prevention of public nuisance is adequately met by the conditions stated above.

The Panel are satisfied that the operating schedule supplied by the applicant fulfils the licensing objectives of prevention of crime and disorder, public safety, and protection of children from harm.

For clarity, the sentence in section F of the application form “no limitation of time in respect of hotel residents and their bona fide guests” shall be deleted.

Signed as a true summary of the proceedings by the Chairman¹

¹ Unlike committee minutes, notes of Panel hearings are signed by the Chairman on behalf of the Panel but are not approved by the whole Panel.