

**LICENSING PANEL
16 MARCH 2011
2.05 - 2.37 PM**



Present:

Councillors Beadsley (Chairman), Brossard and Osborne

Also Present:

Niam Kelly, Licensing Officer

Mr Durn, the Applicant's Representative

Simon Bull, Legal Advisor to the Panel

Amanda Roden, Democratic Services Officer

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties had noted and understood the procedures to be followed at the hearing.

3. Application to Vary a Premises Licence - The Victoria Arms, Terrace Road North, Binfield, RG42 5JA.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the applicant's representative, Mr Durn,
- the interested parties, who submitted a written representation only;

together with reference to the appropriate Licensing objectives, the Council's own Licensing Policy and the Secretary of State's guidance. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the Police. A relevant representation had been made by Environmental Protection, a Responsible Authority but this had been withdrawn after additional proposed conditions were agreed by all parties at a mediation meeting on 13 December 2010.

The Panel decided that granting the variation to the licence would not have an adverse impact on the promotion of the four licensing objectives, and agreed to grant the variation to the Licence.

Reasons

The reasons for the decision were that the Panel found no evidence in the written submission by the interested parties to suggest that incidences of noise outside of the establishment would increase significantly as a result of the variation of the premises licence or that there would be a significant impact on the parking requirements of the establishment.

The Panel considered the representation by the interested parties carefully and the Applicant's proposals for live music inside the establishment with the doors and windows closed. The Panel noted the concerns of the local residents regarding noise levels outside the establishment and parking in the vicinity of the public house. In the absence of the interested parties being present at the hearing, the Panel received no further objections to the variation of the premises licence.

The Applicant's Representative confirmed that the variation to the premises licence would not include live music in the garden or marquee. On occasions where live music outside was requested by residents or provided by the establishment a TENs (Temporary Event Notice) Application would be submitted. The addition of live music to the premises licence would mean that the operation of live music at the premises would need to comply with licensing conditions.

The Applicant had satisfactorily addressed the promotion of the four licensing conditions and noted the need to revise an additional proposed condition of the licence to include that live music would be undertaken "indoors".

In summary, the Panel decided to agree the variation to the premises licence to include live music indoors on Fridays, Saturdays and Public Holidays from 12:00 until 23:30 subject to the proposed additional licence conditions of the mediation meeting of 13 December 2010 detailed at Annex M of the agenda papers.

CHAIRMAN