Record of a **Licensing Sub-Committee** hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 held in the Council Chamber, Priory House, Chicksands, Shefford on Friday 30 August 2019 from 10.05am to 12.00pm.

Present: Cllr R Berry  
Cllr K Collins  
Cllr J Chatterley

In attendance: Mrs J Borthwick  Service Manager, Public Protection, CBC  
Mrs C Jagusz  Committee Services Officer, CBC  
Mr S Joynes  Environmental Health Officer, CBC (was not in attendance when the meeting reconvened at 11.55am)  
Mr R McAdam  LGSS Solicitor, CBC  
Ms S Atta  LGSS Solicitor, CBC (Observing)  

Cllr J Baker  Ward representative  
Mr D West  Applicant  
Mrs A West  Applicant

6 members of the public attended

1. **Election of Chair**

Cllr K Collins was elected Chair for this Licensing Sub-Committee. The Chair opened the meeting with introductions and explained the procedure to be followed for this hearing.

2. **Members’ Interests**

The Chair mentioned that in the interests of openness, he had eaten at the Premises on a previous occasion some years ago. There were no other interests from Members.

3. **Procedure for the Hearing of Applications under The Licensing Act 2003**

The procedure for the hearing of applications under the Licensing Act 2003 was noted.

4. **The Four Licensing Objectives**

The four licensing objectives were noted as:
- Prevention of Crime and Disorder;
- Public Safety;
- Prevention of Public Nuisance; and
- Protection of Children from harm.

5. Review of the Premises Licence for Nonna’s, The Square, Aspley Heath, Woburn Sands MK17 8SY

The Sub-Committee considered the report of the Head of Public Protection which set out the request for an extension to the licensable hours for sales of alcohol, the inclusion of off sales of alcohol and the extension of the licensable area to include outside areas of the premises.

A number of documents had been submitted on the day and included a sound report, photos of the venue, a further letter from Woburn Sands Town Council and a number of emails received in support of the premises and its owners. The Sub-Committee gave consent for these to be circulated and considered.

The Licensing Manager, Public Protection drew Members’ attention to the background for the report and to the options before them.

Points and comments included:

- Seven objections were received including one from the Pollution Team.
- There were no representations from the Beds Fire & Rescue Service, Trading Standards or Public Health. No responses were received from Planning, Heath & Safety, The Home Office, Child Protection or Bedfordshire Police.
- Complaints had been received in the past regarding noise from the premises and a letter was sent from the Licensing Team to remind the Premises Licence Holder of the hours as per their licence.
- An unlicensed event had taken place in June 2019 and a further letter was sent advising how to ensure events were properly licensed.

In response to questions, the following comments were received:

- The extended hours were confirmed as 10.00hrs to 23.00hrs Monday to Sunday and it was noted that the opening hours be extended to 09.00hrs to 23.00hrs Monday to Saturday and 09.00hrs to 16.00hrs on Sunday.

The Applicant gave their statement.

Points and comments included:

- They understand why they are here and accept that negligence occurred.
- The Applicant and his wife opened the venue 9 years ago and the hard work had been worth it as they have won a number of awards.
• It was noted that there are a number of drinking establishments in the area, the closest being The Swan who have recently been allowed to extend into their car park.

• The Applicants understand that they need to work with the community and have implemented a number of solutions including a noise management plan. This plan has recently been submitted and covers background noise levels and deliveries.

• Car parking had been addressed and there are 14 spaces available to patrons.

• Time limits had been agreed for emptying bins and for bin collection.

• The booking system had been set up so that no more than 10 people were due to arrive at any one time.

• They do not offer outside tables after 8.30pm on weekdays and after 2pm on Sundays to limit noise.

• Challenge 25 is in place and staff had been trained accordingly.

• CCTV is in place inside and outside of the premises.

• Signs are visible around the premises asking patrons to be mindful of noise when they leave the premises.

• The Applicants are open to suggestions as to what more can be done to comply with the licence.

In response to questions, the following comments were received:

• On being asked about serving alcohol outside of permitted hours, the Applicant advised that they had not realised that their licence hours did not cover Mondays and Tuesdays.

• It was noted that The Swan was licenced by Milton Keynes Council but that The Fir Tree and the Royal Oak venues were licensed by Central Bedfordshire Council.

There were no further questions or points of clarification.

The Environmental Health Officer gave their statement.

Points and comments included:

• A noise management plan had now been submitted and the team will liaise with the Applicants to finalise this.

• The objection submitted can be withdrawn subject to this condition being added.

There were no further questions or points of clarification.

The objectors were asked to give their statements. Two people spoke in objection.

Points and comments included:

• Had not been aware of the link between selling alcohol and the playing of live/recorded music, if approved would this be allowed on the terrace?

• Concerned that the number of Temporary Event Notices (TENs) that can be requested in a year is 15 or a total of 21 days.
• Noted that Bedfordshire Police made no representations regarding parking but that this would fall within the remit of Thames Valley Police – it was asked if they were consulted.
• Notices submitted by Milton Keynes Council were displayed on lamp posts and in the surrounding area but the notices from CBC were only displayed on the premises.
• The premises had been operating for many years and, after a previous unlicensed event, had been reminded of the licensing hours by letter in August 2018. Yet a further event was held in March 2019 without a TEN.
• The Applicant had been advised of noise concerns previously and had on occasion turned down music on request.
• During the previous events the resident had to keep their windows closed due to the noise.
• Concerns about increased levels of vehicles and noise from people leaving the premises.

Cllr Baker, the Ward representative gave his statement.

Points and comments included:
• Whilst supportive of the application, there are still reservations.
• It was hoped that the owners had learnt from the previous incidents and would apply for TEN to cover any future outside events.
• It was noted that the relevant conditions should address the resident’s concerns.
• It was also noted that if the application was granted, Nonna’s could compete with other venues on a fair playing field.

In response to questions, the following comments were received:
• It was confirmed that the TEN procedure is not an application but a notification whereby objections can be raised within a specific time period.
• It was the intention that any events that took place in the car park would be covered with a marquee but with no seating area available.
• It was noted that if the licence was approved and the area extended, the car park would be covered by the licence and not require a TEN.
• The car park area had been included in the application on the advice of the Licensing Officer.
• Challenge 25 was in place and was also being used by other local venues.
• Off-sales apply to taking alcohol outside but still on the premises.
• Central Bedfordshire Council advertise in the same way as Milton Keynes Council with a requirement to publish on the website and display at the premises. A circular email is sent to a list of individuals and organisations (including Town and Parish Councils) and this is for notification only. It is up to all to respond if they wish to submit an objection.
• It was noted that a licence can be called into review at any time.
The Chair invited closing submissions from all present.

- The Applicant noted that the notice provided by the Licensing Team had been prominently displayed and that its location had been approved by the Licensing Team.
- The Mayor of Woburn Town Council asked for it to be noted that the decision of the Town Council was not unanimous and that it had not been discussed at a meeting. She was in support of the application.

All were asked if they wished to modify or withdraw their interests.

- The Applicant noted that if the car park area was of concern it could be removed from the application.

The hearing adjourned from 11.10am to 11.55am to allow the Sub-Committee, with the support of the Legal representative, to make their decision in private.

**Decision**

The Sub-Committee having heard the written and verbal representations, made the following findings of fact:

1. The Applicant acknowledges that he has breached his licence conditions in the past due to his stated ignorance of those conditions.
2. The Applicant has supplied to the Council’s Environmental Health Department a Noise Management Plan to which the Department has no initial objections although more work is needed to finalise it.
3. The Sub-Committee acknowledged that the Applicant had made efforts to reduce noise nuisance by putting limits on the number of guests arriving and leaving at any time, controlling the times that rubbish is collected and by not accepting bookings for tables on the patio after 8.30 pm on weekdays and after 2.00 pm on Sundays.

Following consideration of the information before it, the Sub-Committee decided that the Premises Licence should granted subject to the following conditions:

1. A Noise Management Plan is to be agreed between the Applicant and the Council’s Environmental Health Department within 28 days of the date of this decision. No use of the tables on the patio or car park will be permitted until the Noise Management Plan is agreed.
2. The Council’s approval is required for any events proposed to be held in the car park area of the Premises.

In coming to its decision, the Sub-Committee had taken into account:

- The Licensing Act;
- The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003;
- Central Bedfordshire Council’s Licensing Policy; and
• The merits of the application and the representations (including supporting information) presented by all parties.

The Chair of the Sub-Committee explained to the Applicant the effect of failure to comply with any of the conditions attached to the licence or certificate would be a criminal offence, which upon conviction, would result in an unlimited fine or up to six months imprisonment or both.

The Chair informed all that the Decision Notice would be issued within 5 working days and that they had the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

The meeting concluded at 12.00 pm.