

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, Melton, on **Friday, 5 August 2022 at 10.00am**

Members of the Sub-Committee present:

Councillor Tony Cooper, Councillor Colin Hedgley, Councillor Keith Robinson

Officers present:

Teresa Bailey (Senior Licensing Officer), Ben Bix (Democratic Services Officer (Regulatory)), Martin Clarke (Licensing Manager & Housing Lead Lawyer), Leonie Houlton (Licensing Officer), Daniel Kinsman (Environmental Health Officer), Matt Makin (Democratic Services Officer (Regulatory)), Shane Mingay (Environmental Protection Technical Officer)

Others present:

John Corkett (Licensing Officer, Suffolk Constabulary), the premises licence holder's representatives, representatives supporting the premises, witnesses for the applicant

Announcement

The Democratic Services Officer (Regulatory) opened the meeting and advised there had been a change to the membership of the Licensing Sub-Committee as published on the meeting agenda.

Councillors Linda Coulam and Tony Goldson had been unable to attend the meeting and had been replaced on the Sub-Committee by Councillors Tony Cooper and Keith Robinson.

1 Election of a Chairman

On the proposition of Councillor Robinson, seconded by Councillor Cooper it was

RESOLVED

That Councillor Colin Hedgley be elected as Chairman of the Licensing Sub-Committee for the meeting.

2 Apologies for Absence

Apologies for absence were received from Councillors Linda Coulam and Tony Goldson. Councillor Coulam was replaced on the Sub-Committee by Councillor Keith Robinson and Councillor Goldson was replaced on the Sub-Committee by Councillor Tony Cooper.

3 Declarations of Interest

No declarations of interest were made.

4 Declarations of Lobbying and Responses to Lobbying

Councillor Hedgley declared that he had been lobbied by email in respect of item 5 of the agenda by the Chairman of Swilland & Wivesham Parish Council and had not responded to the correspondence received.

5 Review of Premises License - Barley Mow, Mow Hill, Wivesham, IP6 9EH

The Sub-Committee received report **ES/1245** of the Licensing Officer, which related to a review of the premises licence at Barley Mow public house, Wivesham.

The report was presented by the Licensing Officer, who advised that this meeting had been required as the East Suffolk Council Environmental Protection Team had applied to review the premises licence at Barley Mow under the licensing objective of prevention of public nuisance.

The Sub-Committee was advised that during the consultation period for the review application a representation in support of the review was received from Suffolk Constabulary, as well as eight representations in support of the premises licence holder.

The Licensing Officer noted that since the publication of the agenda and reports an application to vary the Designated Premises Supervisor (DPS) to Mr IB on 2 August 2022 and therefore Mr A was no longer the DPS.

The Sub-Committee was asked to consider the guidance under Section 182 of the Licensing Act 2003, the Council's current Statement of Licensing Policy and the Human Rights Act 1998 and was asked to determine the application, with the option to:

1. Modify the conditions of the licence
2. Exclude a licensable activity from the scope of the licence
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period not exceeding three months
5. Revoke the licence
6. Do nothing with the licence

The Sub-Committee was asked to state its reasons when announcing its decision. The Licensing Officer noted that depending on the Sub-Committee's decision, the applicant, persons that have made representations and the licence holder have rights of appeal to the Magistrates' Court and that under Section 52(11) of the Licensing Act 2003 the

Sub-Committee's decision will not take effect until the end of the period given for appealing the decision.

There being no questions to the Licensing Officer from any of the parties present, the Chairman invited the Environmental Protection Technical Officer and the Environmental Health Officer, representing the Council's Environmental Protection Team, to make their representation to the Sub-Committee.

The Environmental Protection Technical Officer acknowledged that the premises licence holder, via its solicitor, had submitted proposals to vary the premises licence since the publication of the agenda and report and wished to review where Environmental Protection remained in dispute with the premises licence holder.

The Environmental Protection Technical Officer retained concerns about the DPS on the premises; he said that he could not comment on Mr IB's suitability as a DPS but was concerned he and two other people proposed to take over as DPS were associates of Mr A, the previous DPS. The Environmental Protection Technical Officer summarised Mr A's behaviour during the investigation as not what had been expected; Mr A was described as having been threatening towards complainants and had invited comments on social media and in the press to some degree.

The Environmental Protection Technical Officer suggested that the DPS should be independent from Mr A so they could run the premises independently, accepting that Mr A remained the tenant of the premises.

The Environmental Health Officer thanked the premises licence holder for their submission of proposed conditions, advising that the Environmental Protection Team had reviewed them and added their comments to them.

The Environmental Health Officer suggested the following amendments to the proposals made by the premises licence holder:

- Live and recorded music - that this be restricted to no later than 2300 rather than 0000, with an earlier time preferred
- Condition 13 - that all external windows and doors are closed no later than 2300 rather 2330, with an earlier time preferred
- Conditions 17 - that the wording be revised to ensure that the DPS ensures the volume of any noise level is lowered if found to be too high
- Condition 23 - that the outside area be closed at 2300 rather than 2330, with an earlier time preferred

In respect of the proposed condition for a noise limiting device, the Environmental Health Officer understood the sentiment behind this but did not consider it would be a complete way of addressing volume issues, as it would limit the overall volume and not individual sound elements, such as the bass. The Environmental Health Officer added that it was not the Environmental Protection Team's role to be involved in setting up any noise limiting device and suggested the premises licence holder sought expert acoustic advice on setting the limit of any noise limiting device.

The Environmental Health Officer expressed concerns with proposed conditions 19 and 20, which related to private functions and communicating to residents when regulated entertainment would take place, considering it suggested that the premises would continue running unsuitable and high impact live music events. The Environmental Health Officer did acknowledge that on balance, the condition to ensure the dates of regulated entertainment be communicated to residents was positive as it would provide neighbours with greater awareness of what was taking place at the premises.

The Environmental Health Officer said that condition 24, proposing a quarterly residents meeting, was well meaning but suggested that it be dealt with outside of the licensing process, stressing that residents should feel safe in bringing concerns to the premises' attention at any time.

During the Environmental Protection Team's presentation, on the suggestion of the Senior Licensing Officer, it was suggested that the comments of Environmental Protection on the proposed conditions be circulated to all parties and if necessary, the meeting be adjourned to allow all parties sufficient time to read and digest them.

The Environmental Health Protection Officer summarised that it appeared from the complaints received the community was not seeking the closure of the premises but to see it used in an acceptable manner and to not feel subject to perceived threats.

The Environmental Protection Team called Mr SB as a witness, who was representing a group of residents who had made complaints about the premises.

Mr SB outlined the previous good relationship between the premises and Witnesham, co-existing peacefully, prior to the weekly karaoke nights that had begun in July 2021 and had quickly evolved into club-style dance events.

Mr SB said that complaints had been made to the Environmental Protection Team in October 2021 and that a noise abatement notice had been served on the premises, which had temporarily stopped the events; Mr SB said the events soon resumed and caused various levels of disturbance and health issues to neighbours.

Mr SB spoke about the impact of the noise from the premises, both from the loud music and patrons noisily leaving the premises at the end of the evening, on his own health and wellbeing including impacts on his work and personal life, along with the more severe impacts suffered by neighbours nearer to the site. Mr SB cited residents had suffered disturbed sleep, poor physical and mental health and the secondary effects of these on residents' work, family and social life.

Mr SB outlined the perceived threats made towards residents by Mr A via social media following Environmental Protection visiting the site, which had generated comments from other people that had exacerbated the situation. Mr SB added that he had been subject to targeted abuse by Mr A, alleging that he had threatened to have Mr SB arrested and alluded to making malicious complaints to his employer.

Mr SB said that this targeted abuse and the indirect abuse on social media had all been reported to the police, who had chosen to investigate further. Mr SB said that in the

case of the targeted abuse he had received, the police had not taken any further action as he chose not to pursue it, hoping that Mr A would rethink his actions.

Mr SB was aware of other neighbours who had wanted to complain about the noise coming from the premises but had not done so, possibly due to fear of retribution. Mr SB said that residents had been subjected to noise, anti-social behaviour and abuse, the latter having increased after an article had appeared in the local press giving an alternative view of events, with this increasing anxiety and stress for residents. Mr SB noted that a lot of the complainants had been regular customers of the premises prior to the issues starting.

Mr SB was of the view that the premises had no intention to stop the live music nights and this had left residents wondering when the next sleepless night would occur. Mr SB said he hoped his statement helped explain to the Sub-Committee why residents had been compelled to report their concerns and what the issues had been that had caused them to have to make changes to their lives.

The Environmental Protection Technical Officer considered that Mr SB's statement highlighted why Environmental Protection held concerns about Mr IB becoming the DPS for Barley Mow.

The Chairman invited questions to the Environmental Protection officers and their witness.

In response to a question from a member of the Sub-Committee, Mr SB advised that he had lived in Winesham for 16 years and had previously been a regular customer of Barley Mow, having seen it operated by three different tenants.

There being no questions from any of the other parties present, the Chairman invited the Licensing Officer from Suffolk Constabulary to make their representation to the Sub-Committee.

The Suffolk Constabulary Licensing Officer said he first became involved in November/December 2021 when allegations of crime were made to the police regarding comments/threats via social media, before later being contacted by East Suffolk Council regarding issues at the premises.

During investigations, the Suffolk Constabulary Licensing Officer spoke with Mr A and had a long and frank discussion about the issues; Mr A was advised at this time that further problems would arise if the issues were not resolved and appeared receptive to this advice at the time.

Mr A had informed Suffolk Constabulary that that the events had come about as a way to recoup losses incurred during lockdown through running karaoke nights, which he acknowledged were perhaps unsuitable for a village pub. Mr A was advised that he needed to find a happy medium as his current approach was not suitable.

The Suffolk Constabulary Licensing Officer noted that East Suffolk Council had served a noise abatement notice on the premises and that Mr A had unsuccessfully appealed this, having walked out of the hearing. It was confirmed that Suffolk Constabulary had

issued a written statement of expectations which had been ignored. The Suffolk Constabulary Licensing Officer considered that Mr A was unsuitable to run a licensed premises and did not have confidence in a person who ignores legal orders and useful advice from Responsible Authorities.

The Suffolk Constabulary Licensing Officer highlighted the options available to the Sub-Committee under Section 182 of the Licensing Act 2003, including changing the DPS for the premises, querying if Mr IB was a suitable DPS as he managed another licensed premises approximately eight minutes' drive away from Barley Mow and suggested he would not be able to effectively control live music events. The Suffolk Constabulary Officer added that the Sub-Committee had the option to revoke or suspend the premises licence until issues at the premises had been properly addressed.

The Suffolk Constabulary Licensing Officer expressed concern with some of the conditions proposed by the premises licence holder, suggesting that it was rare to see private functions cited in licensing conditions; he suggested that this condition could create a loophole where live music is not considered regulated entertainment at a private function and it would be difficult to take enforcement action against noise levels.

The Suffolk Constabulary Licensing Officer concluded that Mr A had ignored fair and reasonable solutions put to him and recommended that the premises should close no later than 2300, asking that the Sub-Committee considered at least suspending the premises licence to allow the premises licence holder and Mr A to address the issues and find the best way forward.

The Chairman invited questions to the Suffolk Constabulary Licensing Officer

The Suffolk Constabulary Licensing Officer advised the premises licence holder's representative that he was not aware of any recent crime and disorder complaints against the premises.

There being no questions from any of the other parties present, the Chairman invited Mr W, representing the premises licence holder, to make his representation to the Sub-Committee.

Mr W apologised on behalf of the premises licence holder and Mr A to the residents for the disturbance that had been caused for them. Mr W noted the comments of the Suffolk Constabulary Licensing Officer and cautioned the Sub-Committee that suspending a premises licence would have a huge financial impact on both the premises and employees.

Mr W said that Mr A had intended to rejuvenate the premises after COVID-19 lockdowns and found that evening custom had been poor due to lingering concerns about the pandemic. Mr A was asked by regular customers to put on karaoke events which started on a small scale but soon grew exponentially; Mr W said that Mr A had recognised it had been a mistake to let this growth happen but after two years of losses wanted to see his business prosper again.

Mr W confirmed that Mr A accepted it had been a stressful time for residents and he had not intended for this to happen, highlighting Mr A's support of the local community during periods of lockdown and that Mr A had invested a significant amount of money into the pub. Mr W refuted that nothing had changed after the noise abatement notice had been issued and noted that after careful consideration, Mr A had decided to stop live music events entirely.

Mr W said that Mr A had acknowledged the offensive comments on social media and that he could have done more to remove offensive comments on his social media posts.

Mr W noted that there would only now be special live music events during festive periods or for private functions and said that the premises licence holder was suggesting adding conditions to the licence to further control this type of activity. Mr W said that the premises was trialling different community events as an alternative to live music nights, to provide some entertainment for the local community on an infrequent basis, in a way that promotes the licensing objectives.

Mr W said that it should be acknowledged that Mr A had not sourced a large number of people to attend the hearing in support today, despite being able to do so. Mr W stated that Barley Mow was integral to the local community and no-one was keen to close it and could not see any evidence for revoking or suspending the licence. Mr W acknowledged that the premises licence holder needed to prove that positive changes were being made and highlighted the support for the premises in the local community both from residents and the local parish council, reading out a statement from the Chairman of the latter.

The Sub-Committee was advised by Mr W that the premises was being changed to a "bar and grill" style operation, being refurbished for this use and that as a result, there would only be live music on special occasions.

Mr W took issue with the criticism of Mr IB as the new DPS for the premises, considering that the distance of his other premises was not a barrier from him taking on the DPS role at Barley Mow. Mr W said that Mr IB would be running the premises day-to-day on behalf of Mr A, who would remain the tenant of the premises but take a more strategic role in the operation of the premises.

Mr W said that the premises licence holder was looking to put in place conditions and operational practices to give confidence to the local community and that Mr IB had indicated he was very happy to speak to residents at any time if they wanted to raise issues with him. Mr IB was described by Mr W as experienced in the hospitality industry and qualified to be a DPS.

Mr W highlighted that this was the first time the premises licence for Barley Mow had been reviewed and stressed that the issues that had led to this review would cease. Mr W considered that suspending the premises licence in this instance would be a punitive measure and remove a community asset.

Mr W said that the premises licence holder was willing to accept the proposed amendments of the Environmental Protection team in relation to the cessation of live

and recorded music, the use of the outdoor area and the closure of external doors and windows. Mr W added that the premises licence holder was content to amend the condition on the noise limiting device to remove the Council's involvement and the condition on monitoring noise levels to ensure that action be taken if required.

Mr W was surprised with the consternation caused by conditions 19 and 20 and said this was not an attempt to circumvent Licensing through private functions, which would be birthday parties and special events and be risk assessed by the DPS on a case-by-case basis. Mr W acknowledged feedback that perhaps using the phrase 'private function' in the condition was inadvertently misleading. Mr W explained that the purpose of condition 20 was to ensure that the community was kept as up to date as possible with what was happening at the premises.

Mr W noted that there had been no prosecution brought following the serving of the noise abatement notice.

Mr W concluded that the premises wanted to be held to a high standard and was demonstrating this through the conditions proposed.

The Chairman invited questions to Mr W.

In response to questions from members of the Sub-Committee, Mr W confirmed that either the DPS or another designated member of staff would monitor noise levels at the premises during the playing of live or recorded music and that the maximum number of people allowed on the premises was controlled by the fire risk assessment and was under separate legislation. Mr W responded to a further question from a Member and stated that the premises licence holder accepted the situation could have been handled better by Mr A and was working to move forward and rebuild trust with the local community.

Mr IB, on the invitation of Mr W, informed the Senior Licensing Officer that he would be on the site during opening hours and intended to be there during the evening. Mr W explained to the Senior Licensing Officer that Mr A and Mr IB had been instructed to make it clear to patrons that offensive social media comments would not be tolerated and that if comments are not withdrawn, patrons may be barred from the premises.

Mr W confirmed to the Environmental Protection Team that Mr A would remain the tenant of the premises but would not have a day-to-day role in operating the premises, which would be overseen by Mr IB who in turn would be supporting by other experienced members of staff. Mr W noted that Mr A had stepped back from the daily management of the premises as part of demonstrating a desire to restore trust in the premises.

Mr W confirmed to the Legal Advisor that the premises licence holder was content to amend the proposed condition 17 to ensure that a designated member of staff would monitor the volume of live or recorded music in the DPS' absence and that there were 10 people employed at the site, a mixture of full and part-time staff.

There being no questions from any of the other parties present, the Chairman invited Ms H, who had made a representation in support of the premises, to make her representation to the Sub-Committee.

Ms H said she had worked at Barley Mow for the last two months and noted that the karaoke nights had been successful. Ms H noted the impact of the COVID-19 pandemic on peoples' mental health and considered that the live music events had helped people recover and provide an escape from what had been a stressful time.

Ms H was of the view that describing the events as nightclub-style had been in jest and considered there needed to be compromise on all sides to provide enjoyable and safe evenings. Ms H added that she had held a private function at the premises before employed there and a lot of the residents had been invited, which she considered would happen regularly given the community nature of the pub.

There being no questions from any of the parties present, the Chairman adjourned the meeting for a short break.

Note: the meeting was adjourned at 12.03pm and reconvened at 12.15pm. All parties were provided with copies of the proposed amendments from the Environmental Protection Team to read during the adjournment.

The Chairman invited the Licensing Officer to sum up. The Licensing Officer advised she had nothing further to add.

The Chairman invited the Environmental Protection Team to sum up. The Environmental Protection Technical Officer said it was clear that the issues had been going on for just over a year and had caused significant disruption to residents, affecting their health and resulting in them making complaints to the police. The Environmental Technical Protection Officer remained concerned about the selection of Mr IB as the DPS and summarised the options for the Sub-Committee to consider.

The Sub-Committee invited Mr W to sum up. Mr W referenced the guidance on the indirect cost of licensing conditions and the impact on any community, noting that conditions needed to be appropriate to the licensing objectives. Mr W highlighted the support in the community for the premises and the apology given by the premises licence holder and Mr A.

Mr W noted that the revisions to the proposed conditions had been accepted and said there was no evidence to suggest Mr IB could not undertake the role of the DPS. Mr W said that the premises licence holder and tenant needed an opportunity to show they can run the premises effectively and that the proposed conditions, as amended, were proportionate in the circumstances.

The Sub-Committee adjourned, with the Legal Advisor and the Democratic Services Officer, to make its decision. The Chairman advised that the Sub-Committee would not reconvene that day and its decision would be distributed to all parties within five working days.

The decision notice, distributed to all parties after the meeting, reads as follows:

"This Sub-Committee meeting has been held as the East Suffolk Council Environmental Protection Team, in its capacity as a Responsible Authority, applied for a review of the premises licence of Barley Mow public house, Witnesham, under the licensing objective of 'prevention of public nuisance'. This application was made under Section 51 of the Licensing Act 2003 and determined under Section 52 of the same Act.

The following people made representations at the meeting:

- The Council's Environmental Protection Team
- The representative for the Premises Licence Holder
- A representative from Suffolk Constabulary
- A spokesperson on behalf of some local residents
- An employee of Barley Mow

Prior to the meeting, the representative from the premises licence holder put forward a substantial number of new conditions which has narrowed the issues between the parties considerably. Therefore, this decision notice will only deal with matters in dispute.

The representative for Environmental Protection indicated that although they were content with the majority of the conditions proposed, a number of concerns remained. In relation to the new Designated Premises Supervisor (DPS), they were not satisfied that he was independent as he was a close associate of the previous DPS. Environmental Protection was also concerned that the new DPS operated another business approximately eight minutes' drive away from the premises and would not be always present on the site.

Environmental Protection also had concerns regarding several of the proposed conditions and highlighted these to the Sub-Committee. Environmental Protection stated that it was not seeking suspension or revocation of the premises licence but were concerned that the premises should be operated as a village pub and not as a nightclub venue.

Environmental Protection also called the spokesperson for some of the local residents to give evidence. This evidence was forceful and eloquent and made clear how the residents' lives had been negatively affected by the behaviour of the previous DPS and how he managed the premises. The Sub-Committee noted the effect on the residents' employment, hobbies and family life, particularly their children. The spokesperson also highlighted that several residents had received abuse on social media for speaking out.

Suffolk Constabulary also made representations, indicating that it had become involved after threats had been made to local residents. A representative from Suffolk Constabulary had both visited and written to the previous DPS regarding his behaviour, however this was ignored and this behaviour continued. Suffolk Constabulary was of the view that the Sub-Committee should consider suspending the premises licence.

The representative for the premises licence holder indicated that the new DPS was experienced in the role, with 30 years' experience in the hospitality industry and there was no evidence that he would be under the control of the previous DPS. The

representative for the premises licence holder added the fact that the new DPS operated another business approximately eight minutes' drive from Barley Mow did not preclude for being the premises' DPS.

The representative for the premises licence holder stated that both the previous DPS and the premises licence holder were very sorry for what had happened previously and for the residents' suffering. The representative indicated that during the COVID-19 lockdowns the business had suffered significantly and the previous DPS had been attempting to revive the business; the karaoke nights were initially successful and the previous DPS let this success go too far, resulting in the events that caused the disruption. The representative noted that the previous DPS had invested a significant amount of money into the business and wanted it to succeed.

The representative for the premises licence holder advised that the previous DPS, despite being the tenant of the premises, was prepared to step back and the new DPS would manage all front of house operations.

The Sub-Committee also heard from an employee of Barley Mow, who spoke passionately about how she enjoyed working at the premises and the positive impact on her life.

When asked, the representative for the premises licence holder indicated that the premises employed ten people.

Sub-Committee's decision

The Sub-Committee has decided to vary the premises licence as follows:

Changes to Live and Recorded Music provision

Live and recorded music to be restricted to the following hours:

- Sunday: 12:00 to 22:30
- Monday to Thursday 11:00 to 23:00
- Friday and Saturday 11:00 to 23:00

Draft operating schedule (to replace Annex 2 of the current licence)
S177A Licensing Act 2003 is to be applied, removing the suspension of conditions relating to the provision of live and recorded music between 08:00 and 23:00 hrs at the premises. NOTE: This will have the effect of requiring all conditions below to be complied with at all times.

General

1. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Prevention of Crime and Disorder

2. Customers shall not be permitted to remove drinks from the vicinity of the premises in an unsealed container.

3. The CCTV system currently installed at the premises will be maintained and remain operational, or if replaced, any new system will be to the satisfaction of the Suffolk Police Licensing Officer. CCTV shall record to a hard-drive or cloud-based storage device/ system during all hours that a licensable activity takes place on the premises.
4. At all times when the premises are open to the public there shall be present in the premises a member of staff who is trained in the operation of the CCTV system and capable of downloading images for immediate viewing.
5. The images will be retained for a minimum period of 28 days and will be made available to the Police and authorised officers of the Licensing Authority upon a request being made and compliance with the provisions of data protection legislation. All images stored will be capable of being viewed immediately at the request of a police officer pursuant to an ongoing criminal investigation and images shall be capable of being downloaded onto a portable device within an agreed timeframe.
6. An incident book shall be maintained to record any activity of a violent, criminal or antisocial nature witnessed by staff or reported by customers or residents. The record will contain the time and date, the nature of the incident, the people involved, the action taken, and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all times a licensable activity is being conducted by an authorised officer of a relevant responsible authority. The records will be retained for at least 12 months.
7. A refusals log shall be maintained to record any refusals of sales of alcohol (including for underage/ lack of ID and/ or intoxication). The record will contain the time and date, the nature of the refusal, the person refused (if known), and details of the person responsible for the refusal. The log shall be available for inspection at all times a licensable activity is being conducted by an authorised officer of a relevant responsible authority. The records will be retained for at least 12 months.
8. All staff involved in the sale of alcohol shall be trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
9. All staff involved in the sale of alcohol shall be trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions relevant to undertaking their role.
10. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.

Prevention of Public Nuisance

11. No public nuisance shall be caused by regulated entertainment (or associated noise) coming from the premises, or by vibration transmitted through the structure of the premises.

12. All external doors and windows shall be kept closed when regulated entertainment is being provided except to facilitate access and egress.

13. All external doors and windows to be closed after 23:00 hours except to facilitate access and egress.

14. The noise level from the premises whilst being used for regulated entertainments purposes, shall not cause a public nuisance to the occupants of noise sensitive dwellings in the vicinity.

15. A noise limiter will be installed and operated at all times the premises provides regulated entertainment at the premises. All amplified regulated entertainment will go through the noise limiter.

16. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

17. During regulated entertainment the designated premises supervisor, or another designated member of staff, shall conduct an assessment at the boundary of any noise sensitive premises at hourly intervals of the noise coming from the premises and lower the volume if required. A written record of checks will be maintained and made available to council licensing and environmental protection officers on request. The records will be held for a minimum 12 months.

18. A dispersal policy will be drawn up and implemented by the DPS at the Premises. The dispersal policy will identify times where dispersal is likely to require active supervision and will ensure that all measures identified in the policy are implemented.

19. Any events with recorded or live music held at the premises will be risk assessed by the DPS. The risk assessment will be in written format and will detail the nature of the event, times of the event, likely number of attendees, whether provision needs to be made for door supervision or additional staffing, including to monitor and manage arrival and/ or dispersal. The risk assessment will be made available to council licensing and environmental protection officers on request. Any assessment will be held for a minimum 12 months.

20. Events involving regulated entertainment are to be advertised in advance to residents in the vicinity of the premises in writing, where those residents have expressly notified the DPS that they wish to be notified. Residents will be notified of the date, times and nature of the events. A phone number will be included for the residents to call in the event of any issues arising during the events in order to speak to the manager.

21. A complaints log will be maintained at the premises and all complaints recorded therein. The log will record the date, time, person complaining (if known) nature of the complaint and action taken. The log will be maintained and made available to council licensing and environmental protection officers on request.

22. Signs at each exit will be displayed requiring customers to leave quickly and quietly so as not to disturb residents in the vicinity.

23. Only the seating area between the front entrance to the premises and Mow Hill Road may be used after 22:00 Sunday to Thursday and 23:00 Friday to Saturday. After these times, no drinks will be permitted to be taken outside. Signage will be displayed at the relevant exits notifying customers of these conditions.

24. A resident's meeting will be held every quarter and all residents expressing an interest will be notified at least 14 days in advance of the time and date of the meeting. A list of residents who have expressed such interest will be maintained by the DPS for this purpose and updated at each meeting. This condition can be removed from the licence by minor variation in agreement of all parties with the proposal at a meeting, or if 2 consecutive meetings are held, following proper advertisement, where no residents attend.

Public Safety

25. All exits from the premises, including emergency exits, will be kept clear of any impediment during opening hours.

Protection of Children from Harm

26. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age.

The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature- or any other form of ID permitted by the Home Office for the purpose of age verification for alcohol sales.

27. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

All children are to be supervised by a responsible adult at all times on the premises.

Reasons for Decision

The Sub-Committee notes that most of the proposed conditions were agreed and therefore does not provide detailed information as to the conditions that were agreed.

In relation to matters that were in dispute, the Sub-Committee decided that although Environmental Protection had concerns about the new DPS, there was no evidence to suggest that he would not act independently and he has 30 years' experience in the hospitality industry. Therefore, the Sub-Committee will not require any further change to the DPS, however it notes paragraph 11.22 of the Statutory Guidance which states that if there are further reviews, it would be rare to merely remove a succession of DPS as this would be a clear indication of deeper problems that impact upon the licensing objectives.

The Sub-Committee considers that it would be disproportionate to revoke or suspend the premises licence, in particular it notes paragraph 11.23 of the Statutory Guidance and the severe financial implications that a suspension or revocation would cause. The Sub-Committee noted that Barley Mow employs ten members of staff and their livelihoods could be at risk if the premises licence was suspended or revoked at this time.

Although the Sub-Committee was not minded to either suspend or revoke the premises licence, it wishes to make clear its displeasure at the behaviour of the previous DPS and some patrons of the premises towards some of the local residents, both through posts on social media and by other means. This behaviour must not be repeated.

It was noted that during the meeting and discussions between parties during the adjournment, the remaining outstanding issues were either agreed between the parties or not actively opposed.

In arriving at this decision, the Sub-Committee has taken into consideration the oral and written representations submitted by all parties, the guidance under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Sub-Committee has given due consideration to the Licensing Objectives and the Statutory Guidance, in particular paragraph 9.12 which reads in part – "licensing authorities must therefore consider all representations by Responsible Authorities carefully even where the reason for a particular Responsible Authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all Responsible Authorities to ensure their submission can withstand the scrutiny to which they would be subject at a Hearing."

Please note that any licence is always subject to review if circumstances require it.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Date: 5 August 2022"

The meeting concluded at 12.20pm.

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Chairman