

HAMBLETON DISTRICT COUNCIL

Report To: Licensing Hearings Panel
29 January 2013

From: Director of Leisure and Health

**Subject: APPLICATION FOR REVIEW OF PREMISES LICENCE
THE CROWN & ANCHOR, 138 FRONT STREET, SOWERBY, THIRSK**

Sowerby Ward
Scrutiny Committees

1.0 SUMMARY:

1.1 This report asks the Panel to consider an application for a review of a Premises Licence under the Licensing Act 2003.

2.0 THE REQUEST FOR REVIEW:

2.1 The application for review is from the Environmental Health Shared Service of Hambleton District Council in respect of The Crown & Anchor, 138 Front Street, Sowerby, Thirsk. The application is attached as Annex 'A'. The existing Licence is attached as Annex 'B'. A plan showing the location of the premises is attached as Annex 'C'.

2.2 The application seeks the review on the following ground:-

2.2.1 the prevention of public nuisance.

2.3 In summary, the reasons for the review are:-

2.3.1 nearby residential properties are allegedly being exposed to unacceptable levels of noise caused by live bands playing music at the premises.

2.4 In response to public advertisement of the request for a review, representations have been received from interested parties and are attached as Annex 'D'. Some appear to support the view that the premises are a source of public nuisance while others oppose it.

3.0 PROMOTION OF LICENSING OBJECTIVES:

3.1 The four Licensing Objectives set out in the Licensing Act 2003 are:-

3.1.1 the prevention of crime and disorder;

3.1.2 public safety;

3.1.3 the prevention of public nuisance;

3.1.4 the protection of children from harm.

3.2 The Panel must carry out its functions with a view to promoting the Licensing Objectives.

4.0 POLICY CONSIDERATIONS:

4.1 In carrying out its licensing functions the Panel is required to have regard to:-

4.1.1 its Licensing Statement;

4.1.2 any guidance issued by the Secretary of State.

4.2 Attached as Annex 'E' are relevant extracts from the Council's Licensing Statement relating to public nuisance.

4.3 Attached as Annex 'F' are relevant extracts from the Secretary of State's Guidance relating to public nuisance.

4.5 Public nuisance may come from noise emanating from the premises or from patrons entering or leaving the premises or congregating in the immediate vicinity. Any issues of public nuisance should be specifically related to use of the premises which is the subject of the application.

5.0 COMMENT ON THE REQUEST FOR REVIEW AND POLICY:

5.1 The request for review focuses on noise caused by live bands playing music at the premises. The Panel needs to determine whether there is sufficient evidence of public nuisance to justify taking any of the following actions:

5.1.1 to modify the conditions of the premises licence;

5.1.2 to exclude a licensable activity from the scope of the licence;

5.1.3 to remove the designated premises supervisor;

5.1.4 to suspend the licence for a period not exceeding three months;

5.1.5 to revoke the licence;

5.1.6. to include a statement that section 177A (which removes live music from the definition of a licensable activity) does not apply to the licence. See 6.4 to 6.6 for more information on this matter.

5.2 For the purposes of 6.1.1, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5.3 Where the authority takes a step mentioned in 6.1.1 or 6.1.2, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

5.4 In accordance with section 177A of the Licensing Act 2003, premises licence conditions relating to live music will not have effect under certain circumstances (i.e. between 8am and 11pm provided the music is either unamplified or played for the benefit of no more than 200 persons).

- 5.5 However, on a review of the premises licence, a condition relating to live music may be made effective by altering the licence to include a statement that section 177A does not apply. The Panel will need to decide whether or not to exercise this power.
- 5.6 In addition, the Panel may add a condition relating to live music as if the live music were regulated entertainment authorised by the licence.
- 5.7 The remedial action taken should always be an appropriate and proportionate response.

6.0 DETERMINATION BY THE PANEL:

- 6.1 The Panel has to decide whether to take any action in respect of the Premises Licence. Reasons should be given for any decisions made.
- 6.2 The Panel should consider only those aspects of the licence which have been subject to the request for review.

DAVID GOODWIN

Background papers: Application for Review

Author ref: SF

Contact: Simon Fisher
Licensing Officer
Direct Line No: (01609) 767209

ANNEX 'A'

HAMBLETON

DISTRICT COUNCIL

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

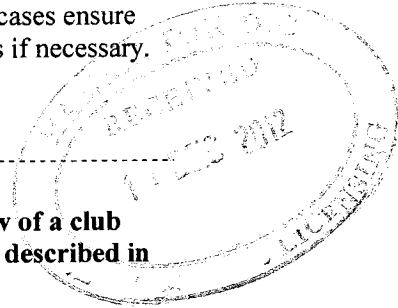
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Environmental Health Department, Hambleton District Council

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**



Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Crown & Anchor 138 Front Street Sowerby Thirsk	
Post town	Post code (if known) YO7 1JN

Name of premises licence holder or club holding club premises certificate (if known) Mr Scott Roger Weston & Mrs Layla Weston

Number of premises licence or club premises certificate (if known) 11_PREM_00165
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Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health Department, Hambleton District Council, Civic Centre Stone Cross Northallerton North Yorkshire DL6 2UU
Telephone number (if any) 01748 827154
E-mail address (optional) patrick.chisholm@richmondshire.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The application for review is based on the grounds that the premises is failing to prevent public nuisance as nearby residential properties are being exposed to unacceptable levels of noise caused by live bands playing music at the premises.

In 2011 the premises was permitted to vary their licence and increased the number of regulated entertainment events when live music could be performed at the venue until midnight (00:00) from 12 to 28 per year. At the time this department was already aware of complaints relating to noise from amplified music at the premises and made representations objecting to the variation. The variation was eventually agreed by committee after the premises agreed to undertake practical measures to limit the noise from the music. Since this decision was made this department has continued to receive complaints from members of the public disturbed by noise from live music events being held at the premises.

On 1st October 2012 the **Live Music Act 2012** came into force and was designed to encourage more performance of live music in appropriate locations. The effect of this Act was to suspend the conditions on a premises licence relating to live music between the hours of 08:00 and 23:00 on the same day.

Due to the ongoing complaints of noise from the premises this application seeks to lift the suspension of existing conditions relating to live music and to add additional conditions regarding live and amplified music with a view to preventing public nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

The Crown and Anchor is located on the main road through Sowerby Village and is surrounded by residential properties.

On 07/04/12 the Environmental Health department at Hambleton District Council received a complaint from a member of the public living in Front Street, Sowerby opposite the premises. The complaint was about noise from live music events at the Crown and Anchor, how many events were permitted, how late the events ran till and how loud the music was at the boundary of their property. As a result of this complaint the licensee was written to by Environmental Health and provided with advice on how they could reduce the noise from their premises. Kevin Suffield (Licensing Enforcement Officer, Hambleton District Council) visited the premise and gave further advice to the licensee in person.

Also, on 29/05/12 a further resident living in Front Street contacted the council and complained that they were being disturbed by noise from the Crown and Anchor. The complainant's property is on the opposite side of the road to the premises approximately 75m away. They stated they were often kept awake at night by music coming from the premises. The day after this complaint the premises was visited again by Kevin Suffield who gave further advice to the licensee. The licensee was again written to by Environmental Health.

On 04/08/12 two officers from the council conducted monitoring of the premises on a Saturday evening while a live music event was taking place. From inside the complainant's living room the officers were able to identify which songs were being played at 21:30. In the upstairs bedroom it was possible to hear the drum beat of the music but the lyrics being sung were less clear. This was a clear breach of the licensing objectives. This information was fed back to the licensee and advice reiterated.

On 16/08/12 this resident returned diary sheets to us at the council detailing how they had been affected by the noise. These records indicated three instances in just over a month, including the event on 04/08/12, when they were affected by the noise because it was so loud that they had to turn up their TV to hear it above the music. The music was clearly audible in the street outside the premises with the drum beat being particularly prominent. This was a clear breach of the licence conditions at the time.

On 24/08/12 the licensee was written to by this department warning that further instances of disturbance would result in a request to review the premises licence and possibly legal action under the Environmental Protection Act.

On 07/09/12 officers from this department again witnessed noise from the premise during an evening visit which was clearly audible inside the complainant's property. This time the volume of the music appeared lower than that witnessed in August.

On 14/11/12 further diary records were returned to this department from the complainant at in Front Street. These showed three instances of noise from the live music at the premises.

On 24/11/12 officers from the council conducted further noise monitoring at the complainant's home. More music was heard in the bedroom and it was possible to make out exactly which songs were being played. It was noticeable how much the volume increased as soon as the front door to the premises onto Front Street was opened by customers entering and leaving the premises.

Please tick ✓ yes

Have you made an application for review relating to the

premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

When the application to increase the number of permitted live music events to 28 per year was made in March 2011 this department made representations as it was felt that the application would be detrimental to the licensing objective of preventing public nuisance.

The representation response is detailed below:

“The premises are in a residential area with one property adjoining the premises. Whilst no complaints have been received recently there is a history of complaints and a potential for properties to be affected by noise if too many events are on and there is no control particularly as not only are the hours of regulated entertainment wanting to be increased but the number of events.”

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **11/12/2012**

.....

Capacity **Scientific Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Environmental Health Department, Hambleton District Council, Civic Centre Stone Cross Northallerton North Yorkshire DL6 2UU	
Post town Northallerton	Post Code DL6 2UU
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) patrick.chisholm@richmondshire.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

HAMBLETON**DISTRICT COUNCIL****Licensing Act 2003****Premises Licence****Premises Licence Number**

11_PREM_00165

Part 1 Premises Details**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Postcode**

The Crown & Anchor
 138 Front Street
 Sowerby
 Thirsk
 YO7 1JN

Telephone Number 01845 522448**Where the licence is time limited the dates**

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Licensable activities authorised by the licence

E. Live Music
 F. Recorded music
 J. Provision of facilities for dancing
 L. Late night refreshment
 M. Supply of alcohol

Times the licence authorises the carrying out of licensable activities

E. Live Music	Friday & Saturday	10:00 - 00:00
Christmas Eve	10:00 until 00:00	
Boxing Day	10:00 until 00:00	
Day before any Bank Holiday	10:00 until 00:00	
New Years Eve	10:00 until New Years Day 05:00	
F. Recorded music	Every Day	10:00 - 00:00
New Years Eve	10:00 until New Years Day 05:00	
J. Provision of facilities for dancing	Every Day	10:00 - 00:00
New Years Eve	10:00 until New Years Day 05:00	
L. Late night refreshment	Sunday to Wednesday	23:00 - 00:30
L. Late night refreshment	Thursday to Saturday	23:00 - 01:30
Christmas Eve	10:00 until 01:30	
Boxing Day	10:00 until 01:30	
Day before any Bank Holiday	10:00 to 01:30	
New Years Eve	10:00 until New Years Day 05:00	
M. Supply of alcohol	Sunday to Wednesday	10:00 - 00:00

M. Supply of alcohol	Thursday to Saturday	10:00 - 01:00
Christmas Eve 10.00 until 01.00		
Boxing Day 10.00 until 01.00		
Day before any Bank Holiday 10.00 until 01.00		
New Years Eve 10.00 until New Years Day 05:00		

The opening hours of the premises

Monday	09:00 - 00:30
Tuesday	09:00 - 00:30
Wednesday	09:00 - 00:30
Thursday	09:00 - 01:30
Friday	09:00 - 01:30
Saturday	09:00 - 01:30
Sunday	09:00 - 00:30

Non standard timings:-

Christmas Eve 09:00 until 01:30
Boxing Day 09:00 until 01:30
Day before any Bank Holiday 09:00 until 01:30
New Years Eve 09:00 till New Years Day 05:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol may be supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mrs Layla Weston
Crown & Anchor
138 Front Street
Sowerby
Thirsk
YO7 1JN

Mr Scott Roger Weston
Crown & Anchor
138 Front Street
Sowerby
Thirsk
YO7 1JN

Telephone Number 01845 522448

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Scott Roger Weston
Crown And Anchor
138 Front Street
Sowerby
Thirsk
YO7 1JN

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number: 32UE-0398
Licensing Authority: North Kesteven District Council

Annex 1 - Mandatory conditions

- 1 No supply of alcohol shall be made under the Premises Licence:-
 - (a) at any time when there is no designated Premises Supervisor in respect of the Premises Licence; or
 - (b) at any time when the designated Premises Supervisor does not hold a Personal Licence or his / her Personal Licence is suspended.
- 2 Every supply of alcohol under the Premises Licence shall be made or authorised by a person who holds a Personal Licence.
- 3 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 or the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7 The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

Embedded Conditions

- 1 Where the majority of people attending an entertainment are children then if the number of children exceeds 100 a sufficient number of adult attendants shall be provided and instructed to:-
 - (i) prevent more children or other persons being admitted than can be properly accommodated;
 - (ii) to control the movement of children;
 - (iii) to take all reasonable precautions for the safety of the children.

Pool Conditions

- 1 Signs indicating the normal hours at which licensable activities are permitted or the restrictions on the admission of children to the premises shall be displayed on or immediately outside the premises in a conspicuous position.
- 2 No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied in any place of entertainment which is likely to be injurious to morality or to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, or which contains any offensive representation of a living person.
- 3 No person shall be refused admission to the premises on the grounds of age (unless an age-related event), sex, (unless a single-sex event), sexual orientation, disability, race, colour, religion or ethnic or national origins and the Licensee shall comply and ensure his/her staff/attendants comply with all race relations, equal opportunities and anti-discrimination legislation.
- 4 A system of text/pagers or similar devices connecting Premises Licence holders, designated Premises Supervisors and managers of premises to the local Police approved in writing by the Licensing Authority shall be provided, enabling rapid response by the Police to situations of disorder which may be endangering the customers and staff on the Premises.

The system shall provide that:-

- * the text/pager equipment is kept in working order at all times;
 - * the pager link be activated, made available to and monitored by the designated Premises Supervisor or a responsible member of staff at all times when the premises are open to the public;
 - * any Police instructions/directions are complied with whenever given;
 - * all instances of crime and disorder are reported via text/pager link to an agreed Police contact point.
- 5 The Licensee shall operate a scheme approved in writing by the Licensing Authority requiring the "proof of age" before sales of alcohol are made.
 - 6 The Licensee shall actively participate in a "Pubwatch" scheme approved by the Licensing Authority.
 - 7 The Licensee shall display crime prevention notices if required by the Licensing Authority or the Police.

8 Exit doors should normally be constructed and maintained as to open outwards. If fastened during the time the public are in the Premises they shall be secured by automatic bolts only and shall be clearly indicated with the words "PUSH BAR TO OPEN". If automatic bolts are not fitted all exit doors shall be kept unlocked and unbolted during the presence of the public on the Premises.

All exit doors which cannot be made to open outwards shall be kept fastened open during the presence of the public on the Premises. "Exit doors" include entrance doors and all doors for use by the public as exits and all doors and gates in external courts, yards and passageways.

All fire-resisting doors and smoke-stop doors shall be maintained as self-closing and shall not be kept secured open.

9 All exits and exit routes shall be clearly indicated by notices and kept free from obstruction at all times. The emergency exit signs must be supplemented by a pictogram of a figure moving through a doorway in accordance with Health and Safety (Safety Signs and Signals) Regulations 1996.

10 All gangways, passages, ramps, exits, steps and stairways to which the public have access shall be maintained with non-slippery and even surfaces and shall at all times when the public are on the Premises be kept free from obstruction. The edges of treads of steps and stairways shall be maintained so as to be conspicuous.

11 Any seating or other furniture, eg tables and chairs, shall be so arranged that there are clear unobstructed gangways not less than 1.1m in width leading directly to exits.

Where seating is arranged in rows for a performance the seats shall be secured and/or arranged as required by the North Yorkshire County Fire and Rescue Service and authorized Officer of the Licensing Authority.

12 Any curtain covering a door or opening, or in any passage, shall be hung on sliding rings or runners and shall not be allowed to trail on the floor, and shall not be of muslin or other flimsy materials. Carpets or any floor covering shall be secured so as not to ruck or to be in any way a source of danger to the public and shall be maintained in good condition.

13 All scenery, decorations, borders, drapery, gauze-clothes, curtains and similar hangings on or about the stage shall be rendered and maintained flame-retardant. If directed by the Licensing Authority, light draperies and any material other than heavy wool in or about the Premises shall be rendered and maintained flame-retardant. Furniture and fittings, and the décor and fabric of the building shall have the necessary fire-retardant qualities in accordance with current standards.

14 Decorations not being entirely and directly affixed to the surface of walls or ceilings, shall be more than 30 centimetres from any artificial light, electric cable, or any heating apparatus or equipment which is likely to set fire to such decorations and shall be so positioned that if they fall or break they are not likely to fall on any such light, electric cable or heating apparatus or equipment.

15 Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

16 Any upholstered seating shall meet on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with Section 5 of BS 5852 : 1990.

17 The Licensee shall ensure that an efficient fire routine and evacuation procedure is in force for the Premises, and all staff/attendants are aware of the procedure. A Fire Log Book shall be kept on the Premises in which details of the inspection of all exit routes, fire drills, testing of fire alarms, fire fighting equipment and emergency lighting shall be recorded.

- 18 Every heating appliance and flue pipe shall be situated sufficiently far from any woodwork, hangings or other materials or substance liable to catch fire for there to be no likelihood of fire by reason of their proximity to the heating.
- 19 Adequate apparatus for use in extinguishing fires must be kept and situated in such a position as to be readily accessible in case of fire and maintained at all times in efficient working order to the satisfaction of the North Yorkshire Fire and Rescue Service. The Licensee shall ensure that the attendants know how to operate the fire appliances and are capable of operating them. The appliances shall be tested at least annually to the satisfaction of the Licensing Authority and the Fire Authority, details of tests to be recorded in the Fire Log Book.
- 20 Where fitted, any fire alarm system shall be maintained in efficient working order and shall be tested or examined whenever so required by the Licensing Authority. In addition, it shall be tested weekly using a different call point for each successive test to ensure that it operates satisfactorily. The results of such tests shall be recorded in the Fire Log Book.
- 21 The fittings and installations on the Premises shall be maintained in good order, repair and condition and no flammable waste materials shall be accumulated in the Premises where the public has access. Access to non-public and external areas shall be actively controlled.
- 22 The North Yorkshire Fire and Rescue Service shall be notified immediately of any outbreak of fire, however slight, on the Premises and details recorded in the Fire Log Book.
- 23 Clear conspicuous notices detailing the action to be taken in case of fire, the method of calling the Fire and Rescue Service and the location of the nearest telephone shall be displayed in a prominent position in the Premises and protected from damage and deterioration
- 24 Access for emergency vehicles shall be kept clear and free from obstruction.
- 25 The North Yorkshire Fire and Rescue Service shall be notified as soon as possible if the water supply to any fire extinguishing equipment or installation is cut off or restricted.
- 26 The Licensee shall comply with any reasonable fire preventative and safety measure that may be required by the Fire Officer or authorised Officer of the Licensing Authority.
- 27 The Licensee shall ensure that adequate first aid provision is available in the Premises.
- 28 In all parts of the Premises to which the public are admitted a means of illumination shall be provided capable of illuminating those parts clearly. A system of secondary or emergency lighting approved in writing by the North Yorkshire Fire and Rescue Service shall be used to illuminate all those parts of the Premises considered necessary by the North Yorkshire Fire and Rescue Service and authorised Officer of the Licensing Authority. The secondary or emergency lighting shall be kept on at all times when the public are present unless it is so arranged that in the event of power failure it illuminates automatically from a separate power source.
- 29 Fire safety signs shall remain adequately illuminated at all times when the public are present.
- 30 Emergency lighting is not to be altered without the consent of the Licensing Authority.
- 31 Emergency lighting batteries shall be fully charged before the admission of the public, members or guests.
- 32 In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements shall be in place to ensure that the public, members or guests leave the Premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the Premises is one hour.

33 Electric installations shall be carried out in accordance with the Institution of Electrical Engineers Wiring Regulations current at the date of issue of the License; and with any modifications and/or amendments of those said Regulations (the Electrical Regulations) and all socket outlets serving the Premises shall be protected by residual current devices (circuit breakers). All wiring, fittings and appliances shall be so constructed, fixed and maintained as to be at all times in a safe and efficient condition and any alterations thereto required by the Licensing Authority shall be carried out within the time specified by the Licensing Authority.

34 A certificate by a qualified electrical engineer in accordance with the Electrical Regulations as to the safe and efficient condition of all electric wiring, fittings and appliances shall be provided to the Licensing Authority every five years and at such other times as the Licensing Authority directs.

35 All air filters shall be periodically cleaned and replaced to maintain a satisfactory air supply.

36 All ceilings in those parts of the Premises to which the public are admitted shall be inspected at least once in every five years and at such other times as the Licensing Authority shall direct, by a competent person appointed by the Licensee and a certificate concerning the conditions of the ceilings shall, after each inspection, be forwarded to the Licensing Authority by the Licensee.

37 Adequate and separate toilet accommodation shall be:-

- (a) maintained for both sexes, free of charge;
- (b) kept clean and in proper working order; and
- (c) inspected at regular intervals whilst the Premises are open to the public.

Suitable washing facilities in toilet accommodation shall be provided, including provision and maintenance of an adequate supply of hot water, toilet paper in holders or dispensers, soap and suitable hand-drying facilities.

The Licensee shall ensure that there is free and unrestricted access to cold drinking water at all times and without charge, and that bottled water and soft drinks are available at any bar(s).

38 Admission to the Premises shall be given at all reasonable times to the Police, authorised Officers of the Fire Authority and to any authorised Officers of the Licensing Authority.

39 No alterations shall be made in or to the Premises without depositing with the Licensing Authority, at least 14 days prior to carrying out the alterations, a plan showing the proposed alterations.

40 The Licensee, or some responsible adult person nominated by him/her for the purpose, (the Licensee) shall be in charge of and in attendance at the Premises and shall take all reasonable precautions for the safety of all persons during any licensable activity.

41 The licensee shall comply at all times with the Portman Group's Retailer Alert Bulletins.

42 Prominent, clear and legible notices shall be displayed at all exits to the Premises requesting the public to respect the needs of local residents and to leave the Premises and the area quietly.

43 No explosives, pyrotechnics or fireworks of a similar nature shall be used on the Premises.

44 All regulated entertainment shall take place inside the building and doors and windows shall remain closed while the regulated entertainment is taking place.

45 No refuse, including bottles, shall be placed into receptacles outside the Premises during the hours of 11.00pm until 7.00am.

46 Waste receptacles for the use of the public shall be provided outside the Premises in positions approved by the Licensing Authority. The receptacles shall be emptied regularly and maintained properly.

Special Conditions

Maximum number of persons present at any one time 80 Lounge/Bar

1 Non standard timings:-

Christmas Eve 09:00 until 01:30

Boxing Day 09:00 until 01:30

Day before any Bank Holiday 09:00 until 01:30

New Years Eve 09:00 till New Years Day 05:00

2 Children under 16 years of age shall be supervised at all times and not allowed in the bar area after 21:00.

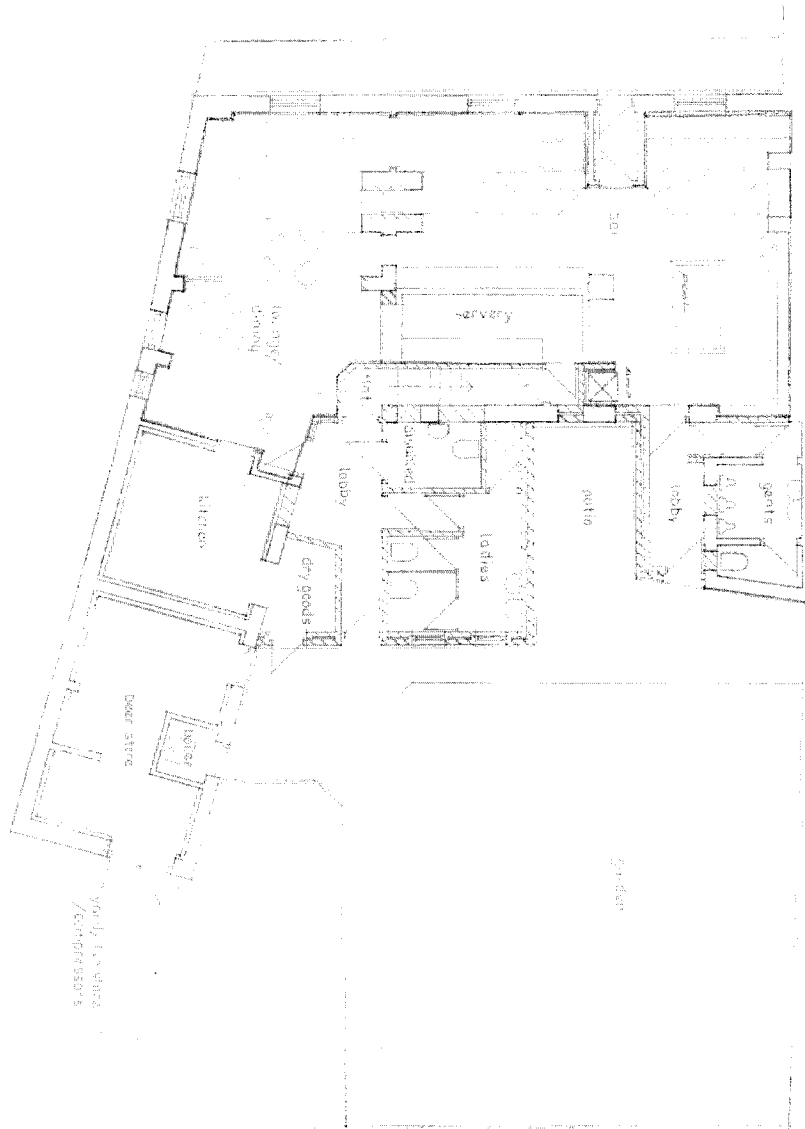
3 Noise from all regulated entertainment including low frequency shall not be discernible at the boundary of noise sensitive premises.

4 A maximum of 28 (twenty eight) regulated entertainment events to be held per year.

Annex 3 - Conditions attached after a hearing by the licensing authority

- 1 Prominent, clear and legible notices shall be displayed at all exits to the Premises requesting the public to respect the needs of local residents and to leave the Premises and the area quietly.
- 2 The director of Planning and Environmental Services shall be notified prior to any event taking place.
- 3 No regulated entertainment shall take place outdoors.

Annex - 4 Plans



As-Plan 00301.1

Copyright © 2006 by the City of Sydney. All rights reserved. This plan is a reproduction of the original plan and is not to be used for any other purpose without the written consent of the City of Sydney. The City of Sydney is not responsible for any errors or omissions in this plan. The City of Sydney is not responsible for any damage or loss resulting from the use of this plan.

<p>1.1 Workshop studio</p> <p>Workshop studio for the proposed development.</p> <p>Area: 100 sqm</p> <p>Depth: 10m</p> <p>Width: 10m</p>	<p>1.2 1.46. SUDON AMP ANDROR - SOWDEN HOUSE</p> <p>GROUND FLOOR PLANS AS PROPOSED</p> <p>Scale: 1:100</p> <p>Date: 06/06/06</p> <p>Author: [Name]</p> <p>Check: [Name]</p> <p>Drawn: [Name]</p>
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HAMBLETON
DISTRICT COUNCIL

Civic Centre, Stone Cross, Northallerton DL6 2JU
Telephone: 0845 1211 555 Fax: 01609 767228



1:1,250

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Angela Trotman

From: Angela Morgan [angela.morgan61@btinternet.com]

Sent: 27 December 2012 19:36

To: licensingteam

Subject: Review of License Crown and Anchor Sowerby

We are emailing in connection with the review of the licensing application for the Crown and Anchor Public House in Sowerby

We live next door at number 140 and we do believe over the last few months the level of noise and nuisance element coming from the music nights has increased.

On occasions and in particular on the 23rd June the music could be clearly heard in our dining room which admittedly is next door to the pub. the landlady did come in to listen and said she would turn it down but did not. The music could even be heard in our downstairs lounge which is 2 rooms away from the pub, over the sound of the television. This happened again in terms of the noise level the week before the bank holiday in August and again on the 10th of November.

We have mentioned these issues directly to the Landlady who said that she would relocate the music acts within the pub and turn down volumes. So far this has only had a marginal effect for amplified music. Because of this we have no confidence that the noise will be kept to an acceptable level and now avoid inviting friends and family over when we know music nights are on.

The music on the night of 22nd of December was not as loud but in the morning when we went outside glass bottles had been left by the tree by our car. This is not the first time this has happened and on one occasion a glass bottle was actually placed on purpose in front of the back tyre of our car, which had we not seen it would have resulted in the tyre having to be replaced.

In addition on the 8th September on a music night the van delivering the equipment drove across the green in the front to get to the pub rather than park in the road or the car park leaving tyre tracks. Tyre tracks have also been left on 22nd December which because of the weather has left deep tracks which is unacceptable. The residents do not do this and take care of their properties and abide by the notices which clearly state cars should not be parked on the grass and therefore the grass not driven across with a view to parking for however short a time.

We have absolutely no objection at all to the pub continuing as a pub, indeed it is well known and respected for it's beers, but we are objecting to the noise and nuisance level emanating from the music nights. It seems over the past few months that the music nights are not only attracting a different clientele but noise levels are increasing and we therefore request that these comments be taken into consideration and the music licence revoked.

Please would you acknowledge receipt of this email so we know it has arrived safely and our objections have been noted

Angela and John Anderson

140 Front Street
Sowerby
North Yorkshire
YO7 1JN

HAMBLETON D.C.

REC'D - 2 JAN 2013

PES	RES	CX
		ACK

**NOTICE OF APPLICATION FOR REVIEW OF A PREMISES LICENCE
CROWN AND ANCHOR PUB 138 FRONT STREET YO7 1JN**

We are writing to you in connection with the review of the premises license for the above.

We live next door at number 140 and we do believe over the last few months the level of noise and nuisance element coming from the music nights has increased.

On occasions and in particular on the 23rd June the music could be clearly heard in our dining room which admittedly is next door to the pub. The landlady did come in to listen and said she would turn it down but did not. The music could even be heard in our downstairs lounge which is 2 rooms away from the pub, over the sound of the television. This happened again in terms of the noise level the week before the bank holiday in August and again on the 10th of November.

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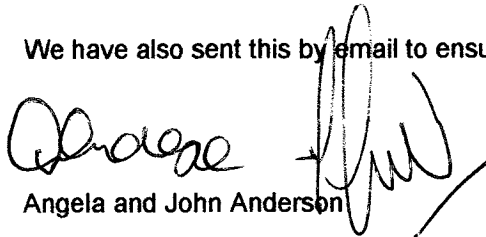
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We have absolutely no objection at all to the pub continuing as a pub, indeed it is well known and respected for its' beers, but we are objecting to the noise and nuisance level emanating from the music nights. It seems over the past few months that the music nights are not only attracting a different clientele but noise levels are increasing and we therefore request that these comments be taken into consideration and the music licence revoked.

We have also sent this by email to ensure you receive our objections by the due date


Angela and John Anderson

Email ack. 2/1/13.

2nd January 2013

The Licensing Officer
Hambleton District Council
Civic Centre
Stone Cross
NORTHALLERTON
North Yorkshire
DL6 2UU

HAMBLETON D.C.	
Email aka. 3/1/13	
REC'D - 3 JAN 2013	
PER	ACK
	ACK

Dear Sir,

Review of Licence

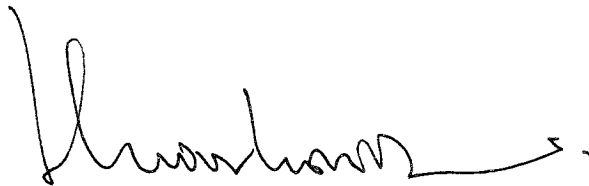
Crown and Anchor, Front Street, SOWERBY (Mrs Layla Weston)

Before purchasing this house last year my wife and I visited the *Crown and Anchor* (which is located directly across the road from us) to gain an impression of the premises and the way in which they were run. In addition we received an assurance from the previous owners of this house, Mr and Mrs Cartridge, that they had had no problems from the Pub in recent years.

Since we have moved in we have been delighted to live within close proximity of a Pub which provides such a warm heart to our community. The Licensee, Layla Weston, manages the business impeccably. The premises are always clean and tidy, and she and her staff give a warm welcome to their guests. She works hard to make the Pub a hub of the neighbourhood by, for example, running Coffee Mornings each month to benefit local charities. A very good standard of food is served, at affordable prices and she organises regular evenings of musical entertainment, which are greatly enjoyed, and strives to keep noise levels to an acceptable level. In the summertime some customers enjoy sitting outside the premises on Front Street to smoke, but we have noticed that Mrs Weston assiduously asks them to move to the back garden at around 10 o' clock in consideration of her neighbours.

In these days of all-too-many Pub closures, particularly in rural areas, it is a pleasure to watch a Landlady work so diligently to satisfy her customers by running such an exemplary establishment, and we unreservedly support her and her staff in this review of the Licence.

Yours faithfully



Angela Trotman

From: Rich [richc@btinternet.com]
Sent: 04 January 2013 14:15
To: licensingteam
Subject: Crown and Anchor Sowerby

Please bring to the attention of the licencing committee that I oppose the review of the licence to the above premises.

In my opinion the Crown and Anchor is a well maintained and run establishment. It provides a service to the local community that is quickly disappearing in many locations.

I live fairly close to the premises and have never been disturbed by noise from this establishment. Previously I lived the same distance from two other pubs in Thirsk and I was regularly disturbed by noise when they held events.

I visited the pub recently and did not realise there was a band playing until I was actually inside the building.

I feel that if you buy a property near an existing licence premise then you should be prepared to accept a certain amount of disruption and usually this is reflected in the price of the property.

Richard Christon
10 St Oswald`s Close
Sowerby
YO7 1JX

Acknowledged 4/1/13.

18, Mowbray Place,

Sowerby

Thirsk

N.Yorks

YO7 1RF.

whitty18.mowbray@virgin.net

22/12/12

HAMBLETON D.C.		
REC'D - 7 JAN 2013		
PES	RES	CX
		ACK

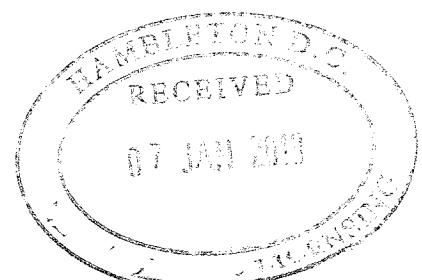
Dear Sir/ Madame,

I write to you with reference to the License Review pending for The Crown & Anchor(C&A) pub in Sowerby. I strongly urge the review to maintain the license in the way proposed by Layla Weston.

I know I share the view of many local people that the C & A is a central pillar of the local community and it is highly valued by many who live in Sowerby and beyond. At a time when many pubs up and down the country are closing the C& A defies this trend in a very difficult economic climate and continues to thrive through the hard work, vision and passion of its staff. The C & A is a model of local business success and its achievements, which have taken years to establish, should not be undermined by any change to its existing license.

Local pubs are crucial to their communities for a number of reasons. They give their areas a focal point and since the closure of the George several years ago the C & A is now the only pub in Sowerby serving a large local population and with the proposed Gateway development one which will get bigger still. In an age of technological networking the value of face to face human interaction on a local, rather than beyond level, is more important than ever. People need the pub to socialise with others and in an ever more pressured 'rat race' society to unwind and to facilitate their own agendas. The ambiance of the C&A provides this to its wide customer base.

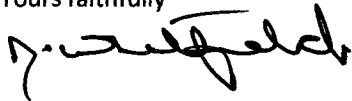
A striking feature of the C&A's success has indeed been its ability to engage a wide range of customers from different backgrounds. A driver of this has been the variety of experiences the pub gives its customers. Charity coffee mornings give local people the opportunity to raise money and organise for worthy causes. These events are revealing and show that the pub has a clear philosophy of serving its community as opposed to just making money out of it. Excellent and varied beers have enabled the pub to gain national awards and provides, via its occasional festivals and other events, exciting dates on the social calendar for the hundreds of people from the local area and beyond who choose to attend. Indeed it is of note that the C&A, because of the quality of service provided, plays its part in promoting tourism on race days in particular, which helps benefit the whole town's aim of promoting the tourist industry. The food in the C&A is competitively priced yet delicious and again provides an excellent facility for locals and outsiders alike. Quizzes and music events are also central in providing what many in the local community want, excellence attendance at them evidences this fact. Free musical events in particular give local people a real sense of occasion being eagerly anticipated and thereby often very well attended.



With the pub's many achievements come potential costs such as noise. I know the pub staff are very conscious of this and do their utmost to limit any impact. Drawing of curtains, closing of doors, impressing upon customers the need to be respectful of local residents are all things that the pub staff do continually but given the popularity of the pub, it is, in common with many successful pubs, impossible for them to eradicate the impact entirely. The behaviour of individuals outside of the pub is not the responsibility of the pub. The choice of people to live near a pub is not the responsibility of the pub. In short, the pub should not be penalised for the very small minority of people who may, on occasion, bring themselves to the attention to a small minority of local residents.

In conclusion I am sure that the staff of the C&A will continue to listen to their local community and do all in their power to limit any local environmental effects. The pub has a track record of responding to the needs of its local community as evidenced by the level of popularity it enjoys. I am convinced that this will continue and I strongly urge the review to bear the arguments in this letter when deciding on their decision.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Whitfield', written in a cursive style.

D. Whitfield

MR. R. O'HANLON
5. DAWE VIEW
GRAVEL HOLE LANE
SOWERBY.
THIRSK.
YO7 1NN.

Painting & Decorating

Wall & Floor Tiling

Laminate Floors



Rory O'Hanlon
Painter & Decorator

HAMBLETON D.C.		
08 JAN 2013		
REC'D		
PES	RES	CX
		ACK

Tel: 01845 574710
Mobile: 07890 340056

6 JAN '13

REF: MUSIC LICENCE - CROWN + ANCHOR.

Dear Sir/Madam:

I'm writing this letter in SUPPORT of re-newing the music licence for Hayla WICKSON, proprietor of the Crown + Anchor Pub in Sowerby.

I have been a member of Sowerby village for over 30 years and have seen many changes to the village; including the closure of the George Hotel Inn. To revoke Hayla WICKSON her music licence is wrong; the pub is the life + soul of the village for the majority of us, its the hub of the village. Once or twice a month we have entertainment to look forward to, where we all meet, chat and listen to good musicians. Hayla is a very respectful + concientious proprietor of the crown + anchor, to the punters and especially to the Residents around the vicinity of the pub. She even walks outside the pub on music nights to listen to amount of decibels given out by the music been played. If it is high then she tells the musicians to tone it down. She even puts sound proof boarding up at the windows.

In this economic climate, pubs - inns are closing all the time, the Crown + Anchor needs the music licence to survive, and so does

(2)

Painting & Decorating

Wall & Floor Tiling

Laminate Floors

Tel: 01845 574710
Mobile: 07890 340056



Layla WISON as it's her living. We don't want to lose another good pub in Sawetay, it could happen, as loss of trade especially at week-ends means doom for the Crown + Anchor

It's a good, clean, proud pub, never any trouble and I'm sure if you yourselves visited the pub on a music night or any other, you find nothing but friendliness + hospitality and a lot of happy punters looking forward to a good night, with good music + musicians.

Here's hoping you will take the Petition and letter(s) into consideration to Renewing Layla WISON's Music/Entertainment licence.

Yours Respectfully
R. O'Hanlon.

Angela Trotman

From: Louise Hancock
Sent: 08 January 2013 08:44
To: 'Angela Morgan'
Cc: Angela Trotman; Simon Fisher
Subject: RE: Crown and Anchor Pub Sowerby
Importance: High

Good morning Ms Morgan

Thank you for your email which I have forwarded onto the Licensing Department to be included within the representations to be considered at the meeting. Your email will also be circulated to all parties for their information.

Thank you.

Louise Hancock

Committee Officer
Hambleton District Council
Tel: 01609 767015 (direct line)
Fax: 01609 767228
Email: louise.hancock@hambleton.gov.uk
Website: www.hambleton.gov.uk

Please consider the environment – only print this email if absolutely necessary

-----Original Message-----

From: Angela Morgan [mailto:angela.morgan61@btinternet.com]
Sent: 07 January 2013 19:33
To: Louise Hancock
Subject: Fw: Crown and Anchor Pub Sowerby

louise.hancock@hambleton.gov.uk
Ref: lah/290113

Dear Ms Hancock

Having received copies of the correspondence sent to you by Mr Moorhouse and Mr Christon, and having visited the pub for a drink on Friday 4th January we felt we had to write to you again to correct some misconceptions and would like our comments noted.

Firstly Mr Moorhouse states that the previous owners of his property had assured him that they had no problems with the pub. To our knowledge, whilst this may well be what the previous owner had assured him, this is certainly incorrect as the landlady herself, Mrs Weston, told us on numerous occasions that she had received complaints from him about the noise and indeed about flashing lights.

Secondly we wish to make it quite clear that we are not complaining about or objecting to

08/01/2013

the pub itself, the beers, or indeed the food. We bought the property with a full understanding at the time. Mr Christon is being somewhat condescending to assume that anyone buying a property in the close proximity should just be prepared to accept disruption of whatever kind. The issue is about the music nights, the noise volumes, and the failure of the Landlady to control it, not about normal pub operations and business. Since the licence was granted in 2011 and since Mr Weston left, leaving Mrs Weston in sole control, music volumes have increased. We have always tried to be accommodating, even telling

Mrs Weston when we are away at weekends etc. and what our plans were, but levels of noise have

increased and bands are located against our party wall despite assurances that this would not happen. We have not prior to this objection, ever made our objections formal, preferring to try to work

with Mrs Weston to solve any noise issue.

In addition we also believe that Mrs Weston has been collecting signatures within the pub from customers in support of her case, although she has not spoken to us about this. We are unsure if

these customers are being told that there is an issue with loud music or whether the full licence is under

threat and the pub may close. We can only repeat hearsay and the latter point is certainly being promulgated.

We bought our house before the music nights were extended and we agreed to support the application subject to noise levels being reasonable. Little by little, certainly in the past 6 to 9 month's,

things have progressively worsened as boundaries continue to be pushed back by Mrs Weston.

We repeat that we fully support there being a pub at the Crown and Anchor for the community, we ourselves are regular users. What we are objecting to is the music and the noise being generated which has worsened, with little attempt, it seems to us, to regulate it. This particularly refers to electronic music, bass reverberations and the noise from open doors at the premises.

If the music nights reverted back to the terms of the original licence i.e. only 12 per year with volumes that were not audible within our house and the bands located well away from our party wall with the doors and windows being insulated (something which again seems to have slipped) we would not have the objections that we do.

Yours sincerely

Angela and John Anderson

Licensing

HAMBLETON D.C.		
REC'D	8 JAN 2013	
PLG	PLG	CA
		ADR

47 Kings Meadows
Sowerby
Thirsk
YO7 1PB

7th January 2013

To whom it may concern,

Re: Notice of Application for review of premises licence.

Reason: Failing to prevent public nuisance as nearby residential properties are being exposed to unacceptable levels of noise.

I have lived at my present address for the past 33 years. Although not in the immediate vicinity of The Crown and Anchor, as a local resident and one who is involved in community activities, I am aware of issues that affect residents in the area.

Whilst I can understand that immediate neighbours may be affected by noise levels, anyone purchasing a house in the vicinity of licensed premises, must surely expect a level of intrusion from activities therein. As long as these are managed within legal requirements it is difficult to understand how someone can have a justifiable reason for complaint. One of the difficulties in making judgements about the level of noise emanating from The Crown and Anchor is that there have been at least three other sources of noise in the vicinity which may account for the perceived nuisance. I am aware, for example, that someone who lived just a short distance from The Crown and Anchor had considerable difficulty in selling their house because of the rowdy and noisy behaviour of neighbours which was nothing to do with The Crown and Anchor.

During the time I have lived in Sowerby, I have visited The Crown and Anchor on numerous occasions and observed the way in which consecutive licensees have fulfilled their responsibilities. For a number of years prior to the present Licensee arriving, there were other incumbents who were considerably less in control of noise and disorderly behaviour. The degree of improvement in the last five years, has led me to use The Crown and Anchor as 'my local', which was not previously the case. I base my judgement of Mrs Weston's ability to manage a well ordered establishment on thirty years experience as a senior manager in a

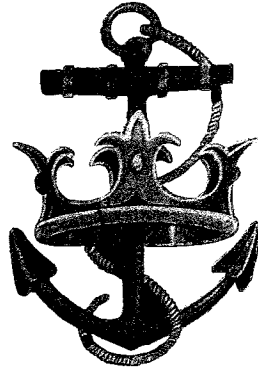
public service. Not only does the current Licensee run an orderly establishment, but she also makes a significant contribution to community life and charitable work in the locality, eg: she provides a venue for local charity coffee mornings once each month which she, herself, subsidises; with a customer, she completed a sponsored walk raising thousands of pounds for the Air Ambulance Service.

The Licensing Committee will be well aware of how difficult it is for Public Houses to survive, particularly in rural communities. To do so Licensees have to pursue as many avenues as possible to counter the constraints of the present economic climate. The provision of music attracts custom and is therefore important to the financial viability of The Crown and Anchor. I firmly believe that Licensees should operate within the Legal requirements imposed upon them. I am confident that Mrs Weston undertakes her responsibilities seriously and with due diligence and I would urge you to allow her licence to continue in its present form.

Yours Faithfully



Brian Marshman



Crown & Anchor

138 Front Street, Sowerby
North Yorkshire YO7 1JN

Telephone: 01845 522448

E-mail: crown_and_anchor@hotmail.co.uk

Website: www.crownandanchorsowerby.co.uk

Facebook Crown & Anchor Sowerby

Twitter @CrownSowerby

The Licensing Officer
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2UU

8th January 2013



Dear Sirs

NOTICE OF APPLICATION FOR REVIEW OF THE PREMISES LICENCE
CROWN & ANCHOR, 138 FRONT STREET, SOWERBY, NORTH YORKS YO7 1JN

Further to your letter dated 2nd January enclosing a copy of a letter from Mr. John & Mrs. Angela Anderson, 140 Front Street, I would like to comment on their letter as follows as well as making some more general points regarding the above subject.

On most occasions in the last few years I communicate with next door if I have music on and if they are at home I move the music away from our shared wall. The shared wall used to have soundproofing within it and I am currently speaking to the brewery to check that this was retained after the refurbishment from 2007.

The letter from next door mentioned several dates and incidents, which I would like to defend my position on.

On the 23rd June I had a band on call 'Citizen Smith' – they were set up along the party wall but during their sound check I went next door to check the level of sound and it could be heard so when I returned to the pub and the volume and more importantly the bass was turned down.

The week before the bank holiday in August I did not have any music on but on investigation another venue 'HOWEBRIDGE' (Blakey Lane) had an event on. So I fail to see how the pub can be blamed for their event. I enclose a print from their facebook page to confirm they had an event on.

On the 10th November I had a band on call 'DVD Rock & Blues' – they played in the centre of the pub and once again I communicated with next door. On this and all my music events I do my 30 minute perimeter checks I as far I was concerned they was not a problem on this date. I would like you to note that on this same day 'HOWEBRIDGE' also had an event on – so was it their music that caused this noise problem?

Another point I would like noted is that we had a visit from the enforcement officer in June 2012 regarding music noise from the 19th May. On this date there was NO music at the Crown & Anchor and the noise was in fact from 'A Summer Ball' at HOWEBRIDGE. I could hear the music from the front on the pub and from what I understand this is because music is played in a marquee.

Our music is always finished by midnight and on most occasions much earlier than that. I have heard music coming from 'HOWEBRIDGE' much later than midnight. I enclose a copy of a poster advertising their next event - are they being monitored too?

Next doors letter also mentioned a change in clientele during music nights - this is not the case - we have and retain many regulars and local customers. The music is always advertised so our regulars know what is going on at the pub.

On the 8th September and on the 22nd December we had Karaoke on with Paul Bumby. On the 22nd December the equipment was delivered from the back of the pub and my staff that were working on that evening has confirmed this to me. I am not aware what happened on the 8th September though. There are currently tyre marks on the green but why assume it has come from the pub? We are not the only people that receive deliveries. The previous owners of next door used to have six vehicles and the greens were always in a shocking state then. Many people who are not familiar with the area miss the 'no parking on the green signs' and if I ever see someone parking on them I point out the sign, whether it is to do with the pub or not. If next door have visitors or workmen I have always been very flexible and offered the use of our car park - because that's what neighbours do!

There is a parking space at the front of the pub but only used on a few occasions because to gain access involves mounting the pavement on the Gravel Hole Lane side. We can not get to the parking space on the other side because next door have two cars and the space between the front car and the railings of 142 is not a large enough to get through.

There was an incident a year or two back caused by a party further down front street, we had a window smashed as did another house on front street and next door had one of their car windows smashed. This was reported to the police and next door are also fully aware which residents caused this problem and continue to do so.

There was a further incident, which was also reported to the police that involved our plant pots being thrown at our windows, there were house windows smashed and cars damaged on Front Street. This incident culminated in someone being assaulted in Finkle Street, Thirsk. This started at the 'PARTY HOUSE' once again.

The bottles that were found on the morning of the 23rd December around next doors cars I would be 100% sure had nothing to do with the pub and more likely

came from the 'PARTY HOUSE' down front street. If bottles are found on the greens or anywhere close to the pub some people assume it has come from us. On many occasions I have found branded bottles of which we do not even sell. Under the new and current licensing we could have live music every night of the week. This is something that I would never do and am more than happy to continue to have the restriction on our licence of maximum of 28 events a year.

There are hardly any amenities left in Sowerby and it would be very sad if the pub was another victim and closed. The pub trade is hard enough at the moment – with the recession etc.

My staff and I work extremely hard to give Sowerby and the area a pub it deserves. Trade doesn't just walk through your door anymore. We try to cater for as many people as possible whether it be a lunch, evening meal, live music, beer festival, wine night, charity coffee morning etc. The pub needs all these things to just survive these days!

I would appreciate if you would take all my comments on board when making your decision. It would be a shame if the Crown & Anchor becomes another statistic.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Layla Weston', with a stylized, cursive script.

Layla Weston
Licensee, Crown & Anchor

Search for people, places and things



Howebridge Weddings Events

Past events

The Howebridge Weddings Page does not have any forthcoming events. These are the events that it has hosted in the pa



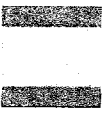
Wedding Fair
Sunday, 23 September 2012 at 11:00

Howebridge Weddings
Thirsk, North Yorkshire



Another great party night!
Saturday, 18 August 2012 at 19:30

Howebridge, Sowerby



Spanish night featuring flavours of Catalunya
Saturday, 28 July 2012 at 19:30

Howebridge, Blakey Lane, Sowerby,



Wedding Fair
Sunday, 20 May 2012
3 guests

Howebridge, Blakey Lane, Sowerby

ROCKUP IN RED

Friday 1 February 2013
7.30pm - till late

**Wear something Red to support
the British Heart Foundation**

A Fun Packed Evening of Songs, Comedy and Magic

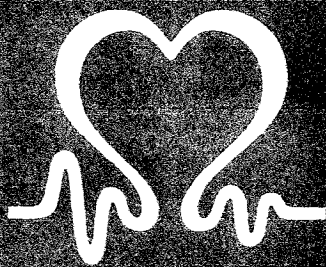
Martin Waring - Close up Magician

Will Rawlings - Las Vegas Style Swing Singer

Stewart Masters - Comedian

3 Course Dinner - Auction - Dancing

Welcome drink on arrival. **Tickets £45**



**British Heart
Foundation**

Registered Charity No. 225971

For further information and tickets contact Sara Campbell
www.howebriidgeweddings.com **Mobile 07826 234098**



Crown & Anchor

138 Front Street, Sowerby
North Yorkshire YO7 1JN

Telephone: 01845 522448

E-mail: crown_and_anchor@hotmail.co.uk

Website: www.crownandanchorsowerby.co.uk

Facebook Crown & Anchor Sowerby

Twitter @CrownSowerby

The Licensing Officer
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2UU

8th January 2013

Dear Sirs



NOTICE OF APPLICATION FOR REVIEW OF THE PREMISES LICENCE
CROWN & ANCHOR, 138 FRONT STREET, SOWERBY, NORTH YORKS YO7 1JN

Please find enclosed a support petition that has been signed by over 160 customers who do not want the music licence amended for the Crown & Anchor.

It would be appreciated if the front sheet comments and the level of support is taken on board when making your decision about the pub's future.

Yours faithfully

A handwritten signature in black ink, appearing to read "Layla Weston". The signature is fluid and cursive.

Layla Weston
Licensee, Crown & Anchor

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE HEARING

Our music licence is under review due to noise complaints from a small handful of residents. A notice has received by me from Hambleton District Council dated 18th December 2012 and notices are currently being displayed on the front and rear doors of the pub.

A brief bit of history. As I recall we received a visit from the enforcement officer early 2012 to discuss a complaint from a local resident about noise created by one of our live music nights. From that point forward we have been very vigilant and have always drawn curtains, put soundboards in the windows, and monitored our boundaries whilst the music is played. We are caught between a rock and a hard place - we are a listed building with single glazing! We had a further visit from the enforcement officer in June 2012 - the date of the music on this occasion was not from the Crown & Anchor but because there had been more than one complaint in a short period of time the council would still monitor any music nights out of hours and we wouldn't know when. We have been monitored and as a result we now need to go to a hearing to defend our position.

We have also been accused of running the pub like a nightclub - since the new owners took over - obviously this complainer is not aware that I have had the pub since 2005!

I reported to the council some noise on the 9th June - there were a bunch of youngsters sitting outside the pub after midnight (these people are not customers) and the pub was closed. They were drinking cans and swearing and arguing and continued to do so all the way up front street towards Thirsk. I reported this as anyone living on that route would automatically think these people have come from the pub. These same people live a few doors down from the pub and have caused many disruptions in the last few years but unfortunately the finger seems to always be pointed at us. If bottles are found on the greens anywhere close to the pub people once again assume it has come from us. On many occasions I have found branded bottles of which we do not sell at all.

There is currently someone going around Sowerby asking people to sign a petition against the pub. This person is advising that we are currently trying to get an extension on our hours - which is a blatant lie - we are just trying to defend our current licence!

There are hardly any amenities left in Sowerby and it would be very sad if the pub was another victim and closed. The pub trade is hard enough at the moment - with the recession etc. Trade doesn't just walk through your door anymore so we try to cater for as many people as possible whether it be a lunch, evening meal, live music, beer festival, wine night, charity coffee morning etc. The pub needs all these things to just survive these days!

Please sign below if you are in support of the pub and for the music licence to remain unchanged. As well as signing below you may wish to write directly to the council to show your support - any representation needs to be at the council by the 8th January 2013. The address to write to is The Licensing Officer, Hambleton District Council, Civic Centre, Stone Cross, Northallerton, North Yorkshire DL6 2UU.

Thank you for your time.

Layla Weston

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE SUPPORT

Name	Address & Postcode
MICHELLE BETER	26, Saxty way Sowerby YO7 1SA
PAUL DOY	26, Saxty way Sowerby YO7 1SA.
AMY BETER	26, Saxty way Sowerby YO7 1SA.
Bill Boyd.	6 Kings Gardens, YO7 1NP
PACARRECK	86 LEWIS GARDENS SOWERBY YO7 1JW
M. Stamp	10 QUEENS GARDENS SOWERBY YO7 1NW.
R. PEARCE	33 KINGS GARDEN SOWERBY YO7 1NX.
M. max max stephenson	107 Front Street Sowerby YO7 1JP
CARMSAY	PENNINE VIEW, SOWERBY YO7 1NW
A. B. W.	4 MURRAY TERRACE YO7 1RB
AWARBY	10 ST OSWALDS CLOSE, SOWERBY YO7 1JX
R. CHRISTIAN	10 ST OSWALDS CLOSE SOWERBY YO7 1JX
D. PEIRSE	16 ALEXANDER CLOSE THIRSK YO7
J. R. S.	107 Front St, Sowerby
STEPHEN HOON STEPHEN HOON	11C CLOVEHILLS SOWERBY THIRSK YO7 1NY
T. O'Brien Tom O'Brien	11 COCKED HAT PARK THIRSK YO7 3HB
T. O'Brien	11 COCKED HAT PARK THIRSK YO7 3HB
COLIN WILKINSON	61 kings garden Thirsk YO7
MR MILES BAINBRIDGE!	136 ^A FRONT ST, NEXT DOOR, YO7 1JJ
DAVID BIZO	48 KINGS MEADOWS SOWERBY YO7 1PB
TOM WILSON	12a St. Oswalds Close Sowerby YO7 1JX
G. Sealy	24 COCKED HAT PARK SOWERBY YO7 3HB
G. Sealy	THE GRANGE OXWOOD FARM, SOWERBY YO7 1ND
R. Sealy	Downing Way Thirsk YO7 1FP
G. F. W.	Staleyfields. Sowerby YO7 1JP
R. Sealy	Beck Cottage Front St Sowerby YO7 1JP

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE SUPPORT

Name	Address & Postcode
Peter Brown	Ashleigh front Str Topcliffe YO7 3RU
H. Wilkinson	25, Back Lane, SOWERBY YO7 1WQ
Jan Falwitzer	92 HAREBURY LANE THIRSK
Alfonso	Wentworth House Castle Norkwate YO7
J. Manja	Old School House Hesthwaite YO61 4QA
J. Thomas	Leather Hesthwaite THIRSK
J. Stranahan	Langrith Croft Hesthwaite Sowerby YO7 1NY
K Shaw	Hollycroft, Croft Meadows Sowerby YO7 1NY
Michael Webb	76 Kings Meadow Sowerby YO7 1PB
L. Shaw	2 DOLE VIEW, CIRAVEL HOLE LANE, SOWERBY YO7 1NN
W. Webb	41, Kings Meadows Sowerby YO7 1PA
M. Smart	89 Kings Gardens Sowerby YO7 1NT
ROGER ETHERINGTON	3 KINGS ARMS COURT THIRSK YO7 1HN
ANTHONY PIMAN	SCHOOLMASTER HOUSE, KILNATON YO7 4AN
DAVID PARKER	12 ST OSWALDS CLOSE, YO7 1JX
Jennifer Parker	12 ST OSWALDS CLOSE YO7 1JX Plate
ANDY SWALES	10 CROFT VIEW THIRSK YO7 1TE
Charles Allen	15 Manby Place, Thirsk YO7 1EF CA
W. ASBY	70 Kings Gdns. Sowerby Thirsk. YO7 1WQ
L. PALLISER	59, KINGS GARDENS, SOWERBY
C. Wakeem	24, Downer Way, Thirsk YO7 1AP
M. Bruce-Walker	Manby Farm, Newmarket Rd, Thirsk YO2 4DS
Tom Walker	" " " " " "
Paul Dixon	1 Becket Close Sowerby YO7 1JL
Annette Dixon	" " " " " "
G. PRIESTLEY	1 VICTORIA AVENUE, SOWERBY.

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE SUPPORT

Name	Address & Postcode
Shirley Brown	Ashleigh front Str Topcliffe YO7 3RU
S. Butcher	46 NORBY YO7 1BN
I. PERRETT	2 TOPCLIFFE ROAD THIRSK YO7 1AN
C. PERRETT	2 TOPCLIFFE RD THIRSK YO7 1QU
John McHarchan	Mowbray Plc Thrus Sowerby
John McHarchan	Mowbray Plc Sowerby Thrus, YO7 1LH
POLY O'HANLON	5 DARE VIEW; CRAVEL HOLE LANE; SOWERBY YO7 1NN
Paul	Front Street Sowerby
M. QUIGLEY	15 GREEN LANE WEST YO7 1RN
P.A. QUIGLEY	15 GREEN LANE WEST SOWERBY YO7 1RN.
G WEBSTER	76 KINGS MEADOWS SOWERBY YO7 1PB
M PARNABY	9 BRAKEY CLOSE SOWERBY YO7 1JL
S. EASBY	70 Kings Gardens Sowerby.
Keith Wilson	13 Kings Gardens Sowerby.
Annie Kilsby	The Keep 1 Lochranza Rd Thrusk
ED	KILSBY THE KEEP, 1, LOCHRANZA ROAD THIRSK
MYLES STRADICK	60 FRONT STREET, SOWERBY
Bill BUTCHER	35 MAWWOOD ROAD, WHITE, SOUTHAMPTON
WAYNE GILSON	2 DARE VIEW CRAVEL HOLE LANE SOWERBY YO7 1NN
ANGELA BATTY	80 KINGS MEADOWS, SOWERBY YO7 1PB
JO BATTY	" " " " " "
Chris Wright	Next door neighbour !!
RICHARD SIMON	14, QUEENS GARDENS, SOWERBY,
DAVE HOPPER	32 COCKED HAT PARK. SOWERBY
GEORGE WILSON	13 KINGS GARDENS SOWERBY
MARK FEARN	16, COCKED HAT PARK, SOWERBY

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE SUPPORT

Name

Address & Postcode

John ~~Wright~~ 27 Cocked Hat Park YO7 3HB

Marie Reynolds 14 Cocked Hat Park Sowerby

W Trenholme 23 SOUTH CRESCENT SOWER

A Bough 7 Chapel Street Thirsk YO7 1LU

P. ILEY 2 Drovers Way Thirsk YO7 1FP

BRIAN C LAWN 178 FRONT ST YO7 1JN

Carol Lawn " " " " "

Steph Lawn 5 Beech Grove YO7 1JN

STEPHEN LAWN " " " " " "

SHARON LAWN 176 FRONT ST SOWERBY YO7 1JN

Aaron Daynes 5 Back Lane, Sowerby, YO7 1NQ

Fawn Hartley 4 Roskill View, Kilburn, YO6 1 4AQ

Liz Stephenson 1 Peer Tree Close, Asenby, YO1 3QY

James Stephenson 1 Peer Tree Close, Asenby YO1 3QY

Emma Collingwood 43 Cocked Hat Park YO7 3HB

Kath Knight 14 danden Avenue YO7 1QE

Joanna Payne 34 TOPcliffe RD YO7 1KB

MARK BOYDE 34 TOPcliffe ROAD YO7 1RB

Angela Elders The Granary, Oxner Farm Sowerby

Martin Sanderson - Bruce House Farm, Jessay, Thirsk

Lee Peake Melbourne Place Sowerby, Thirsk

NICK BRINDSIDE, NORMANBY, MOUTHOURTON (NEIGHBOUR AT THE GTA)

Liam Lincoln, DeGaunte rd Brompton

Fain ~~Mason~~ 7a Back Lane Sowerby YO7 1NQ

Darren ~~Hardy~~ 21 Victoria av Sowerby Thirsk

Rosie Polts Church View Cottage, South Willington

Emily Wilkinson 11 Stammergate, Thirsk, YO7 2NU

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE SUPPORT

Name	Address & Postcode
WAYNE GALLOWAY	GRAVEL HOLE LANE, SOWERBY YO7 1N
PAUL GREE	43 SOWERBY RD THIRSK, YO7
J A CHANLON	Gravel Hole Lane, Sowerby YO7 1NN
R JENKINS	1 Gravel Hole Lane, YO7 1NN
C. Allen	1 Gravel Hole Lane, YO7 1NN
J. Peuse	1 Gravel Hole Lane YO7 1NN
T. Agar	17 Beechclose, Baldersby, YO7 4G
M. PALFREMAN	OLD POST OFFICE YO7 4SD
Jenkins	WEST DENTON, NEWCASTLE NES 5AE
Clare Straughan	" " " NES 5AE
JOHN LAWSON	NUNTHORPE GROVE, YORK YO23 1DT
Katy Lawson	" " " YO23 1DT
Emma Hargreaves	11 BROOKFIELD CRESCENT HG3 2EE.
John Hargreaves	11 BROOKFIELD CRESCENT HG3 2EE.
Katrina Ellis	10 KENT DRIVE HG1 2LG
Jonathan Ellis	10 KENT DRIVE HG1 2LG
CHRIS. WRIGHT	7 CHAPEL ST. THIRSK YO7 1LU
M. GALLOWAY	2 DALE VIEW YO7 1NN
N JENKINS	3 DALE VIEW YO7 1NN
I POPE	3 DALE VIEW YO7 1NN
K. O'HANLON	11 VICTORIA AVE YO7
D. ABRAHAM	" " "
John	66 KINGS Gdns
C. Underwood	66 KINGS Gdns
Kristie Stephenson	C Miniott
Peter Bendelow	C Miniott

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE SUPPORT

Name

Address & Postcode

JAN IRVINE 20 DOUBER WAY THIRSK, YOT1EP.

BILL THOMSON 7 QUEENS GARDENS, SOWERBY

Ran Barwick 39 Victoria Ave. YOT1EX

Tina Barwick u u u y

Jan Mashburn. 47 KINGS HEADS SOWERBY YOT1EP.

Brian Mashburn - - - - -

DAVID MACKENZIE 3 Dove Court, Cocksheaf, Hartham, NE46 3E

John & Sue Mashburn 61 Front St Yot 1JQ.

Nicola Clarkson 56 Boroughbridge Rd DL7 8BN

PETER MORRISON 91 KINGS GARDENS SOWERBY YOT1EP

Lynda MORRISON 91 KINGS GARDENS, SOWERBY.

KAREN FAUGHEN 11 CROFT HEADS, SOWERBY.

CARIE BROWN 10 BLAKEY LANE SOWERBY

HANNAH BROWN 10 BLAKEY LANE SOWERBY

MARK COOK 5 SAINT MONICAS COURT EASINGWOLD

MICHAEL DAVIDSON 5 OH DEAR COTTAGES, RASKELF

NIKKI MARSH Aron House, Ouston, York

C. BROWN SOUTH TERRACE SOWERBY YOT1EP

Tom Salsan 23 CONISTON WAY, CALTON MARON, YOT4LT

Jonathan Hutton 18 Lynbrook Close, YOT1FF.

Audrey Watson Tarnhey Cottage Back Lane Sowerby

Kath Collington 18 Kirkgate, Thirsk, YOT1PA

Steve Collington 18 Kirkgate, Thirsk, YOT1PA

SIMON HASLOP 33B BACK LANE, SOWERBY.

DAVE MACGREGOR 54 ADMIRALS COURT, SOWERBY

SCOTT CLARK 84 Kings Gardens Sowerby.

CROWN & ANCHOR, SOWERBY - MUSIC LICENCE SUPPORT

Name	Address & Postcode
Tony Oxtoby	3, MEADOW GARTH SOWERBY YO7 1HY
Alison Oxtoby	3, MEADOW GARTH SOWERBY YO7 1HY
Cheryl Hasted	130 front St, Sowerby YO7 1ST
STUART EASDALE	58 DOWBER WAY YO7 1EP
C.G.O'DONOVAN	39A St. James' Green YO7 1AQ
JONATHAN DUFFIELD	74 KING'S MEADOWS YO7 1PF
TERRY KEENAN	18 KINGS MEADOWS YO7 1PA
DICK GREENOCK	64 SAXTY WAY YO7 1SB
Katrina Demerd	64 Saxty Way YO7 1SB
Tom White	Greston Bagby YO7 2PH
TONY BIGNETTI	ST. MARKS WALK THIRSK YO7 1BR
Nick Young	Laurel Cottage Bagby YO7 2PH

12/01205/NO92

HAMBLETON D.C.			
REC'D	RES	09 JAN 2013	
MRS. L. STEPHEN			
107 FRONT STREET			
SOWERBY			
THIRSK			
6TH JANUARY 2013			
			EX
			ACK

Mrs. L. STEPHEN
107 FRONT STREET
SOWERBY
THIRSK

6TH JANUARY 2013

To whom it may concern.

We as a family use the Crown + Anchor about once or twice a week.

Not just for a drink but to meet friends. Meet family there for a meal ages ranging from little tots to parents aged 81 + 82 years old.

As we live on Front Street, I have never heard the music from our home or a disturbance

But on the 19th May last year, we were still set up at 1-15 AM listening to loud music and people cheering from a private function held in Sowerby at the back of me.

I sometimes think that any noise in Sowerby is blamed on the Crown + Anchor, when other sources are to blame

yours

R. R. Stephenson

ANNEX 'E'

EXTRACT FROM HAMBLETON DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY

6.0 PREVENTING PUBLIC NUISANCE:

- 6.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk of public nuisance. In particular, it will look at measures to limit noise nuisance, both from the premises and from customers entering and leaving the premises. Methods of control might include restrictions on hours, particularly late at night, noise limiters on musical equipment and sound insulation of buildings, plant and equipment.
- 6.2 The Council will also expect licensees to adopt measures to avoid problems caused by customers spilling out of premises because they have reached capacity or for other reasons.
- 6.3 The Council will ensure that adequate measures are taken to deal with litter problems created by a licensable use in the immediate vicinity of the premises.

ANNEX 'F'

EXTRACTS FROM THE SECRETARY OF STATE'S GUIDANCE RELATING TO PUBLIC NUISANCE

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct

functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

REPETITIOUS GROUNDS OF REVIEW

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives

are effectively promoted and that warnings should be issued in writing to the licence holder.

- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

LIVE MUSIC – CONDITIONS AND REVIEWS

- 15.18 Any existing licence conditions on relevant licensed premises (or conditions added on a determination of a licence application) which relate to live music remain in place but are suspended between the hours of 08:00 and 23:00 on the same day.
- 15.19 In some instances it will be obvious that a condition relates to live music and will be suspended, for example “during live music all doors and windows must remain closed”. In other instances, it might not be so obvious, for example, a condition stating “during Regulated Entertainment all doors and windows must remain closed” would not apply if the only entertainment provided was live music between 08:00 and 23:00 on the same day to an audience of up to 200, but if there was a disco in an adjoining room then the condition would still apply to the room in which the disco was being held.
- 15.20 However, even where the 2003 Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, by section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that licence or certificate licensed the live music.
- 15.21 An application for a review in relation to premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements: see Chapter 11 of this guidance for more information about reviews under the 2003 Act.
- 15.22 More general licensing conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will remain in place.