

**Report of Director of Technical & Environmental Services
to
Licensing Committee
on
27th June 2003**

Report prepared by : Philippa Bradwell

**The Oakwood Public House, 564 Rayleigh Road, Leigh-on-Sea, Essex
Application for the Variation of the Public Entertainment Licence
(Part I – Public Agenda Item)**

1. Purpose of Report

- 1.1. This report considers an application by the owners of the Oakwood for the variation of the existing Occasional Public Entertainment Licence, so as to allow more frequent events and a larger customer capacity.

2. Recommendations

- 2.1 It is recommended that the application be refused unless the Committee can be satisfied that managerial control of the premises will prevent significant increase in disturbance to surrounding areas.**

- 2.2 Should Members be minded to approve the application, it is requested that such approval be subject to additional conditions being attached to the Public entertainment Licence as follows:

- (a) The submission to and approval by the Group Manager – Environmental Health of a scheme of acoustic insulation and sound control measures designed to control amplified music and speech such that it shall not be audible beyond the boundary of the licensed premises.
- (b) Before the formal variation of licence is issued, the licensee shall put in place appropriate managerial measures designed to reduce so far as is reasonably practicable disturbance to residential occupiers, in accordance with a scheme to be submitted to and approved by the Group Manager – Environmental Health. (In the absence of such approval, the matter to be referred back to the Licensing Committee for decision).
- (c) The variation to the licence shall be of no effect until declared final by the Group Manager – Environmental Health following the satisfactory completion of the schedule of works dated 21st February 2003 and the approved scheme of acoustic insulation and sound control measures.

3. Background

- 3.1 The premises have had the benefit of an Occasional Public Entertainment Licence since 1992. The licence was for a limited number of seven events in a year with a terminal hour of 11.30 p.m. and a maximum of 100 persons. In March 2003 the maximum occupancy figure was increased to 150 persons under Delegated Authority.
- 3.2 The premises are situated on a partly commercial road, however, adjacent to this is a highly residential area with housing directly adjoining the rear boundary, and in the nearby side streets. The premises have limited parking for approximately 20–25 cars. There are no other similar licensed premises in the near vicinity.

- 3.3 The existing Occasional Licence requires prior notification of licensable events. Few such notifications have been received, and it may be that the licensees have utilized the exemption within the Licensing Act 1964 to provide limited entertainments outside the scope of Public Entertainment controls.

4. Proposals

- 4.1 The application is for the variation of the existing Public Entertainment Licence to increase the number of events from seven to fifty-two in any licensing year, and to further increase the maximum capacity from 150 persons to 300 persons.
- 4.2 This follows a proposed refurbishment of the establishment, and removal of snooker/pool tables.
- 4.3 The applicant requests that the conditions outlined in Paragraph 2.2 are not imposed at this stage, but to review the use of the licence after a trial period and consider the matter again in the light of any noise

5. Consultation with Surrounding Occupiers

- 5.1 A consultation letter was hand-delivered to eighty-two premises within the surrounding area seeking comments on the application. In addition the applicant was required to display a public notice on the premises. Public consultation exercises such as this are normally reserved for applications for full Annual Public Entertainment Licence applications, and substantial variations. The procedure has been utilised in this case, in view of the location of this establishment.
- 5.2 Ten letters of objection were received from surrounding residents, one lodging concerns on behalf of two residents. The letters highlighted a wide range of existing problems allegedly caused by the Oakwood Public House. The majority of residents made reference to existing disturbance from loud music, announcements and shouting etc. from the premises and also to problems with parking due to persons from The Oakwood parking up the side streets. In addition a number of residents made reference to anti-social behaviour including shouting, rowdiness, banging of car doors, revving of car engines, vomiting and urination, damage and vandalism to cars and gardens, bottles and other litter left in doorways leading to loss of peace and quiet, sleep disturbance and stressful living.
- 5.3 One respondent did not object to the application, provided there was no increased noise or rowdy customers as a result.
- 5.4 The applicant's solicitor advises that a meeting has been called by the licensees to discuss with the residents the matters which they have raised in their letters of objection.

6 Consultation with Elected Members

- 6.1 In accordance with procedures utilized for full annual licences, all elected Members were notified by letter of the present application, and comments sought. One letter of objection was received from a local Ward Councillor drawing attention to past complaints from residents about the amount of noise and people vomiting and urinating in gardens after leaving the licensed premises. In addition he alleged that there was already a problem with cars being parked in side roads outside residential property during the evenings while the car drivers spend time in the Oakwood leading to problems with residents accessing their drives and disturbance from slamming of car doors.

7 Consultation with Police

- 7.1 The Police do not raise objection and have advised that there are no crime and disorder problems at these premises.

8 Noise and Disturbance

- 8.1 Justified complaints relating to the transmission of noise from the premises were received in 1995 and 1996 and it is understood that some acoustic control measures were undertaken at that time. A number of the letters of objection have made reference to being disturbed by music being transmitted from the premises to nearby property. Recent monitoring has been inconclusive. A requirement has been made for the applicant to arrange for an assessment by a competent acoustic consultant and for a copy of the resultant report to be submitted to this office for consideration.
- 8.2 The minimization of disturbance and other adverse effects once patrons have left the licensed establishment is a difficult matter for licensees to control and Members may wish to hear in detail from the applicant about the managerial measures proposed to be put in place to resolve the concerns of residents in nearby properties.
- 8.3 Although this part of Rayleigh Road contains a number of commercial properties, the surrounding area is predominately residential.

9 Fire Safety and Related Technical Requirements

- 9.1 A detailed specification of technical fire safety and related works was sent to the applicants on 21st February 2003.

10 Background Papers

- 10.1 Consultation letter to surrounding occupiers.
- 10.2 Letters from surrounding occupiers.