

# Licensing Acts Panel



Report of Head of Housing and Environment

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To: Licensing Acts Panel

DATE: 28 October 2019



## **Application for the review of a premises licence under the Licensing Act 2003 - The Barrington Arms, 25 High Street, Shrivenham, SN6 8AN (PL219)**

### **Recommendation(s)**

1. That the panel consider the application for review of this licence and;
2. Having heard all the evidence provided to and presented at the panel hearing and taking into account the duties of the licensing authority under the Licensing Act 2003 ('the Act'), the Secretary of State's guidance issued under Section 182 of the Act and the council's statement of licensing policy to determine if any or all of the licensing objectives have been undermined, and if the panel concludes that any or all of the licensing objectives are not being promoted then its options are to:
  - (a) modify the conditions of the licence (including the removal of the Live Music exemption under paragraph 177A of the Licensing Act 2003) on a permanent or temporary basis
  - (b) exclude a licensable activity from the scope of the licence
  - (c) remove the designated premises supervisor
  - (d) suspend the licence for a period not exceeding three months
  - (e) revoke the licence.

### **Purpose of report**

- 1 To present the facts and relevant representations received in respect of an application by Mr Nicholas Bantoft, for a review of the premises licence for The Barrington Arms, 25 High Street, Shrivenham, SN6 8AN to the Licensing Acts Panel in order that the panel can determine the application under Section 52 of the Licensing Act 2003.

## Strategic objectives

- 2 The relevant strategic objective is that of 'building an even stronger economy'. The relevant corporate priority is that of 'reducing crime and tackling anti-social behaviour'.

## Background

- 3.1 The Licensing Act 2003 ('the Act') established a single integrated scheme for licensing premises which are used for the supply of alcohol, regulated entertainment, late night refreshment or permission to carry on some or all of these activities. In the Act these activities are referred to collectively as the 'licensable activities'.
- 3.2 The Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the prevention of children from harm
- 3.3 When a valid application is received for the review of a premises licence, the matter will be referred to the Licensing Acts Panel to determine the application.
- 3.4 An application was received from Mr Nicholas Bantoft on 3 September 2019 under Section 51 of the Licensing Act 2003 for a review of the premises licence in respect of The Barrington Arms, 25 High Street, Shrivenham, SN6 8AN (premises licence number PL219).
- 3.5 The grounds for the review relate to the licensing objective of the prevention of public nuisance, in particular noise nuisance from the playing of live and recorded music outside of the premises, and other events such as karaoke which have taken place at the premises.
- 3.6 A copy of the review application together with the supporting documentation submitted by Mr Nicholas Bantoft is attached at **Appendix 1** (NB The application form contains five emails from residents as seen on pages 13-17 which are considered by officers to be valid representations)
- 3.7 The Vale of White Horse District Council as the licensing authority were responsible for placing the statutory notice at/on or near the premises, and this notice was put up on 4 September 2019. A notice was also displayed in reception at the council offices. The notice gives details of the review application, the reasons for review and the date by which any person should make a representation in respect of the application. A copy of the notice is attached at **Appendix 2**. The applicant has confirmed that copies of the review documentation were also served on the responsible authorities and premises licence holder.
- 3.8 A copy of the current premises licence is attached at **Appendix 3**. This licence permits live music, recorded music and the sale of alcohol from 09:00 until midnight Sunday to Thursday and 09:00 until 01:00 Friday and Saturday. The premises licence holder and designated premises supervisor is Mr Peter Michael Saunders.

- 3.9 Environmental Protection in their role as the responsible authority that deals with noise nuisance from licensed premises, have submitted a representation in support of the review application, as at **Appendix 4**. The representation recommends that the exemption which exists for on-licensed premises to play live and recorded music between 08:00 and 23:00 without the need for a licence should be removed by disapplying paragraph 177A of the Licensing Act. This would mean that live and recorded music will become a licensable activity again, subject to any existing or additional conditions that the panel may consider appropriate to add to the licence. The representation also recommends removing all current licence conditions relating to the control of noise nuisance and replacing them with a new set of conditions contained within the representation. If the panel agree that paragraph 177A of the Licensing Act should be disappplied then a statement must be contained on the premises licence stating to which conditions it will apply.
- 3.10 Further representations in support of the premises continuing to hold such events were received from a Mr A Rudge and a Harley Tucker. These are attached at **Appendix 5A** and **Appendix 5B**.
- 3.11 No further representations from responsible authorities or any other persons were received within the 28 day consultation period for the application.
- 3.12 A map showing the location of the premises and the proximity to the premises of those who have made representations is attached at **Appendix 6**.
- 3.13 As well as carrying out its functions with a view to promoting the four licensing objectives, the licensing authority must have regard to the guidance issued by the Secretary of State pursuant to Section 182 of the Licensing Act 2003. The latest version is dated April 2018. The relevant parts of the guidance pertinent to this application are as follows:

1.5 The legislation also supports a number of key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities.

9.42 Licensing Authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They

should take into account any representations or objections that have been received from responsible authorities or 'other persons' and representations made by the applicant or premises user.

9.43 The authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

11.2 At any stage, following the grant of a premises licence ... 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.

11.16 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 promoting 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.

16.44 A licensing authority may, where justified, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence... Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

16.55 On a review of a premises licence ... Section 177A (3) of the 2003 Act to lift the suspension (of conditions) and give renewed effect to an existing condition relating to music. Similarly, under Section 177A (4) a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence ... licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

3.14 The council's Statement of Licensing Policy which came into force on 7 January 2016 and to which the panel must have regard lays out the council's expectations and approach in respect of licensed premises. The relevant parts of the policy which are pertinent to this application are:

1.2.1 The key aims of this statement of licensing policy are for the relevant council as the licensing authority to:

- promote the licensing objectives;
- recognise the need to assist in building a fair, vibrant and prosperous society in the district that properly balances the rights of residential communities, the business sector and other relevant parties;
- secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse entertainment and hospitality sector in the district.

## Options

4.1 In determining an application for the review of a premises licence the Licensing Acts Panel must have regard to:

- the Secretary of State's Guidance Issued under Section 182 of the Licensing Act 2003
  - the council's statement of licensing policy
  - the steps appropriate and proportionate to promote the four licensing objectives
  - representations received from responsible authorities or any other persons
- 4.2 The panel are reminded that any decision they consider has to be appropriate and proportionate for the promotion of the licensing objectives.
- 4.3 In view of the above, the panel is requested to consider the application for a review of the premises licence and decide whether:
- (a) to take no action
  - (b) to modify the conditions of the licence (including the removal of the Live Music exemption under paragraph 177A of the Licensing Act 2003)
  - (c) to exclude a licensable activity from the scope of the licence
  - (d) to remove the designated premises supervisor
  - (e) to suspend the licence for a period not exceeding three months
  - (f) to revoke the licence.

## **Financial implications**

- 5 Should the applicant or any person aggrieved by the decision wish to appeal against the decision of the council; they may do so to the magistrates' court. The council would incur costs should this occur, although the court may decide to award costs if the council's decision is upheld.

## **Legal implications**

- 6.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with convention rights and makes it unlawful for a public authority to act incompatibly with those rights. When determining applications for the review of an existing licence the panel will be aware of human rights considerations, specifically Part 1, Article 6, right to a fair trial, Protocol 1, Article 1, the peaceful enjoyment of possessions (a licence is deemed to be a possession) and Article 8 the right to respect for private and family life for those making representations.
- 6.2 The hearing of all applications is subject to the principles of natural justice.
- 6.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.'
- 6.4 Under Schedule 5 part 1 of the Licensing Act 2003 any person aggrieved by the decision in respect of the review application may appeal to a magistrates' court within 21 days of the date of the decision.
- 6.5 A determination under Section 52 of the Licensing Act 2003 does not have effect until the end of the period given for appealing against the decision, or, if the decision is appealed, until the appeal is disposed of.

## **Risks**

7 None identified

## **Other implications**

8 None

## **Conclusion**

- 9.1 The panel must, having heard the submissions of all parties at the hearing, taken into account the Licensing Act 2003, the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003, and the council's statement of licensing policy, determine if the licensing objectives are being promoted.
- 9.2 The steps the panel decide to take should be appropriate and proportionate for the promotion of the four licensing objectives and the options for such steps are stated at paragraph 4.3 of this report.

## **Background Papers**

- Appendix 1 – Application for the review of the premises licence  
Appendix 2 – Statutory notice displayed at the premises and council offices  
Appendix 3 – Current premises licence  
Appendix 4 – Representation received from Environmental Protection  
Appendix 5a – Representation received from Mr A Rudge  
Appendix 5b – Representation received from H Tucker  
Appendix 6 – Map showing location of premises

# Appendix 1 – Application for the review of the premises licence

## 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 MR. NICHOLAS K. BANTOFT (on behalf of Shrivenham Residents)  
(Print 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 <u>BARRINGTON ARMS</u> <u>25 HIGH STREET,</u> <u>SHRIVENHAM</u>	
Post town <u>SWINDON</u>	Post code (if known) <u>SN6 8AN</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>MR. PETER M. SAUNDERS,</u> <u>HIGH STREET,</u> <u>SHRIVENHAM, SWINDON SN6 8AW</u>
--

Number of premises licence or club premises certificate (if known) <u>PL0 219</u>
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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

BANTOFT

First names

NICHOLAS KEIGHLEY

I am 18 years old or over

Please tick ✓ yes

Current postal  
address if  
different from  
premises  
address

██████████ HIGH STREET  
SHRIVENHAM

Post town

SWINDON

Post Code

SN6 8AN

Daytime contact telephone number

████████████████████

E-mail address  
(optional)

██

(B) DETAILS OF OTHER APPLICANT

Name and address
Please see attached list of Residents, by name, address and telephone numbers.
Telephone number (if any)
E-mail address (optional)

Annoyed Residents who wanted to be included in the Application.

Lady J. STUBBON .	█	Vicarage Lane SN6 8DT	█
Mrs. P. CROUCH	█	Hazells Lane SN6 8DS	█
Mr. E. TILLEY	█	Canon Hill's Gardens SN6 8RT	█
Mr. & Mrs. S. WOOD	█	" " " "	█
Dr. A. CROCKETT	█	High Street, SN6 8AA. DT	█
Mrs. D. CROCKETT J.P.	█	" "	█
Group Capt. J. STEWART.	█	High Street SN6 8AN	█
Mr & Mrs. D. AHEAN	█	High Street. SN6 8AN	█
MRS. S. TIDMASH	█	High Street. SN6 8AN	█
MR & MRS. S. COAKER	█	High Street "	█
MR. D. PRATT	█	Chapelwick Close SN6 8EF	█
MRS. R. MACKENZIE	█	HIGH Street. SN6 8AA	█

N.B. Following the street address, one should add Strivenham, Swinson & the post code.

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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

- The Barrington Arms is in a residential area surrounded by houses.
- " " " " is in the oldest part, a conservation area.
- On 27/28 July the B.A. held a Beer Festival with live music outside. Decible levels measured on an iPhone app. exceeded 100. The music was very intrusive over 12 hrs in all with amplified heavy base, drum & electric guitar. This is the third Festival, let alone other musical events (Karaoke) audible well beyond the B.A. causing annoyance.
- We want the review to ban outside music and be binding on the present and future licence holders in the event it is sold.
- In the Licence there is a clause under ANNEX 2: operating Schedule Condition 1 Page 4 which bans outside music. We want exemption from the Live Music Act 2012 and the reinstatement of Condition 1 in accordance with the provisions under the Licensing Act 2003.

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

On the 27/28 July 2019 - the Beer Festival very loud 'music' resulted in some residents who knew the Vale email address, registered their concern. Some telephoned the police. Councillor Simon Howell in the presence of the applicant & Licence Holder Mr. Peter Saunders commented when walking his dog along the railway line some half mile away, he could hear the noise & also had noted comments on facebook.

The owner Mr. P. Saunders has said there will be no more live or recorded music in the near year again, which is appreciated. If the Berrington Arms was sold however, a new owner might resort to music excesses again. That is why the applicants are keen to ensure the licence clearly states, music excesses are banned as per condition 1 in the licence.

It should be noted a number of emails and phone calls will have been received by you & environmental health regarding the event in question and should be taken into account in support of this application. Copies are attached.

Please tick ✓

yes

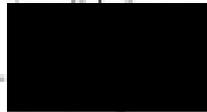
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

28<sup>th</sup> August 2019

Capacity

Applicant (on behalf of Strivenham Residents)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

**From:** Karan Coaker  
**Sent:** 30 July 2019 10:00  
**To:** env.health@southvale.gov.uk <env.health@southvale.gov.uk>; Brown, Richard <Richard.Brown@southandvale.gov.uk>  
**Subject:** Barrington Arms Shrivenham Beer festival

*Dear Sir/Madam*

*I have been passed this email address in order to complain about the excessive noise at the above event on the weekend 27th/28th July just gone.*

*This event also happened last year and because it was so disruptive, several people in the village went away for the weekend. I unfortunately was here on the Sunday and feel it necessary to write to you.*

*We live at [REDACTED] High street.*

*The live music lasted from 12pm until approx 6pm. It was impossible to be in the garden without raising your voice to be heard ( we are next door with a driveway and another house in between). I have recorded the noise on a mobile phone and also downloaded a decibel app which at times read over 100 outside and over 75 inside our house.*

*I don't see why the music needs to be this loud - they received many complaints last year.*

*Although a separate issue, I am having continued conversations with Richard Brown about their continuing noise after 11pm at which point they are supposed to adhere to their licensing restrictions.*

*I await your response*

*Best regards*

*Karan Coaker*

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**From:** "David Ahern" [REDACTED]  
**Date:** 02 August 2019 12:04  
**To:** <env.health@southandvale.gov.uk>  
**Subject:** Barrington Arms

Dear Sir

I am writing to you following the Barrington Arms beer festival last weekend.

Our property is immediately adjacent to the pub. Last year we were subjected to 12 hours a day of unrelenting, invasive noise. Such was the intensity of the amplified sound, items in our house vibrated, while undertaking a simple task such as composing an email was next to impossible due to the desensitising impact of the noise. Normal conversation was not possible. My wife and I were drained by the experience. I can only describe the extreme volume of the music as an assault on our senses.

Following last year's event my wife wrote to the manager of the Barrington, kindly asking her to take measures, for future events, to reduce the impact of the noise upon ourselves and local residents. We did not receive a reply. Nor did we receive notification of this year's beer festival.

My wife and I agreed that for the good of our health we should be away over the period of this year's beer festival. This transpired to be a good decision. On our return we heard multiple accounts of distressed, upset and angered neighbours. I am aware that you received correspondence from several residents about the noise.

There are several elderly and vulnerable people in our community who were significantly impacted by the intensity and duration of the noise. I am, however, particularly concerned by the behaviour of the Barrington management towards one resident. One of our immediate neighbours, who is a widower in her eighties, was confused and distressed by the noise. After calling the police and neighbours, both of whom were unable to resolve the situation, resorted to calling her daughter to come and help. On arrival, her daughter and son-in-law went to the pub to ask for the music to be turned down. The response from the Barrington management was dismissive and rude. At one point her daughter was told that her mother shouldn't live near a pub if she didn't like noise. It is unacceptable that an elderly and vulnerable pensioner, who has lived in the same house for nearly forty years should be dismissed and intimidated in this manner.

Amongst many things this highlights the uncooperative and confrontational attitude of the Barrington management. This incident also demonstrates that they have little interest in working with villagers to create a community environment that can be enjoyed by all.

This is the first time I have felt compelled to complain, in spite of many evenings being disturbed by loud music, late night drinking, disorderly behaviour and pub fights.

Over two consecutive years the Barrington has demonstrated complete disregard to the terms of its licence to hold a beer festival event. I would like your assurance that the licence will not be renewed in 2020.

Yours sincerely  
David Ahern

--  
David Ahern  
Tel: [REDACTED]



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**From:** [Redacted]  
**Date:** 30 July 2019 14:46  
**To:** <env.health@southandvale.gov.uk>  
**Subject:** Barrington Arms Beer Fest 27/28th July

For the third year running we are left reeling from the noise generated by the musical back up to the above event. Enough is enough. We had visitors from afar and had hoped to enjoy their presence in our garden but the 'musical racket' made this impossible, and even in the house with doors and windows shut one could not escape the noise. We fail to understand why the amplifier volume cannot be reduced to the point it does not upset a large number of local residents up to a half mile radius. The B.A. has to understand the total number of residents far outweigh the customers attending the event.

We have never complained before but there is a limit and this was twelve hours of hell and now I understand why two of our neighbours deliberately went away for the weekend to avoid this foul noise. I hope the B.A. did not have to pay for the Saturday which is the worst voice we have heard anywhere in the world.

We are aware someone went round to the BA with a request the volume be reduced only to be told very bluntly if you live near a Pub you must expect noise and if you don't like it, live somewhere else. If you want the support of the community that's not the right approach.

We hope next year this event will be banned outright; the penalty for getting it consistently wrong !

From a very displeased local resident.

N & C. Bantoft.

[REDACTED]

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**From:** "Diana Crockett" <[REDACTED]>  
**Date:** 30 July 2019 19:06  
**To:** <env.health@southvale.gov.uk>; <Richard.Brown@southandvale.gov.uk>  
**Subject:** The Barrington Arms pub, Shrivenham

Dear Sir or Madam,

Over the recent weekend (27/28 July) the Barrington Arms pub in Shrivenham, held 'a beer festival' over the whole of the weekend.

Such is our experience of similar events, we felt that we had to exile ourselves from our own house - which is diagonally across the street - and move out for the weekend so that we did not go completely mad.

We ventured home on Sunday afternoon, to music bouncing off the walls of the village street.

Later when proceedings moved inside the pub, we could hear the base booming until 11pm.

Is this reasonable?

We have had cause to remonstrate with the behaviour of this pub in the very recent past and we are thoroughly fed up with the manner in which it does not take any cognisance of the village inhabitants in pursuit of their profits.

We would appreciate any comments.

Yours faithfully,

Dr and Mrs Antony Crockett

**Noise from Barrington Arms, 25 High Street,  
Shrivenham SN6 8AN**

Both my neighbour, Pat Crouch, and I were affected by the excessive noise from the Barrington Arms, Shrivenham on the 27th & 28th July. I live in [REDACTED] Vicarage Lane and Pat lives in [REDACTED] Hazels Lane, Shrivenham and our homes back onto the Barrington Arms garden.

On the 27th & 28th July the Barrington Arms staged a Beer Festival that included live music on Saturday and Sunday played from 12.30 - 6pm both days. The stage was set up in their rear garden that backs onto my house and other neighbours' homes. The music was amplified to such a volume that I couldn't hear my own television even with the windows shut (and it was a very hot weekend). It was very stressful to spend the whole weekend with relentlessly loud music blasting over the fence.

Shrivenham is a quiet village (it's even advertised by the Barrington Arms homepage as being 'set in the peaceful village of Shrivenham'). The Barrington Arms is adjacent to houses and gardens and people want to be able to relax in their gardens and homes.

I have looked on the Council website and it is a requirement that in order to gain a license the organisers are obliged 'to consider whether your event will cause disruption to the local community'. There has been no consideration of the local community, I received no notice that such an event was going to happen by the organisers. It has certainly been a disruption for the all the neighbours.

The Barrington Arms garden is not a suitable venue for live music, please can the Council not grant a license again for such an event.

Jean Stibbon  
[REDACTED] Vicarage Lane  
Shrivenham  
SN6 8DT

Pat Crouch  
[REDACTED] Hazels Lane  
Shrivenham  
SN6 8DS

## Appendix 2 – Notice displayed at the premises and in council offices

### **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE LICENSING ACT 2003**

**NOTICE** is hereby given that Vale of White Horse District Council has on **3 September 2019** received an application for the review of the premises licence in respect of the premises known as:  
**Barrington Arms, 25 High Street, Shrivenham, SN6 8AN**

The grounds for the review application are:

**Noise nuisance generated by live music events at the premises which undermines the licensing objectives, notably the prevention of public nuisance**

Any person wishing to make representations in relation to this application should do so in writing by **1 October 2019** to: Licensing, Vale of White Horse District Council, 135 Eastern Avenue, Milton Park, Abingdon, OX14 4SB or by e-mail to [licensing.unit@whitehorsedc.gov.uk](mailto:licensing.unit@whitehorsedc.gov.uk)

Any person wishing to inspect the grounds for review may do so at any time during office hours at the above address.

**If it is an offence to knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is unlimited.**

Notice to be displayed from: 4 September 2019 until 1 October 2019 inclusive.

## Appendix 3 – Current premises licence

Licensing Office  
Abbey House  
Abbey Close  
Abingdon  
OX14 3JE

E-mail:  
licensing.unit@whitehorsedc.gov.uk  
www.whitehorsedc.gov.uk

Licensing Act 2003  
**Premises Licence**

**PL0219**

### Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION			
<b>Barrington Arms</b>			
25 High Street, Shrivenham, SN6 8AN.		Telephone 01793 782225	
WHERE THE LICENCE IS TIME LIMITED THE DATES			
Not applicable			
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE			
<ul style="list-style-type: none"> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- the sale by retail of alcohol</li> </ul>			
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday to Saturday	9:00am	1:00am
	Seasonal Variations:		Additional hour on standard timings - see Annex 3
F. Playing of recorded music (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday to Saturday	9:00am	1:00am
	Seasonal Variations:		Additional hour on standard timings - see Annex 3
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	9:00am	Midnight
	Friday to Saturday	9:00am	1:00am
	New Years Eve		Normal opening hours to end of permitted hours NYD
	Seasonal Variations:		Additional hour on standard timings - see Annex 3
THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Sunday to Thursday	9:00am	12:30am	
Friday to Saturday	9:00am	1:30am	
New Years Eve			Normal opening hours to end of permitted hours NYD

Licensing Office  
Abbey House  
Abbey Close  
Abingdon  
OX14 3JE

E-mail:  
licensing.unit@whitehorseidc.gov.uk  
www.whitehorseidc.gov.uk

Licensing Act 2003  
**Premises Licence**

**PL0219**

THE OPENING HOURS OF THE PREMISES *continued ...*

Description	Time From	Time To	Additional hour on standard timings - see Annex 3
Seasonal Variations:			

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Peter Michael Saunders

High Street, Shrivenham, Swindon, SN8 8AW.  
Telephone 01793

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 THE SUPPLY OF ALCOHOL

Peter Michael SAUNDERS

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA0563

Issued by Vale of White Horse

ANNEXES

**ANNEX 1: MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the Premises Licence;  
(a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or  
(b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where Door Supervisors are required when the premises is open for any licensable activity, they should all be individually registered with the Security Industry Authority.
4. (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-

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**ANNEXES continued...**

- (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 of 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 glamourise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (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.

8. 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: ½ 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: OPERATING SCHEDULE**

**a) General - all four licensing objectives**

Following an assessment of the premises and its surrounding area the following is proposed:  
30 minute "drinking up" time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

**b) The prevention of crime and disorder**

We will continue to ensure that the exterior of the premises is well lit at all times when the pub is open to the public.

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**ANNEXES continued ...**

We will continue to ensure that the exterior of the property is regularly inspected at all times.  
Regular inspections of the garden and car park are undertaken during all sessions and glasses are regularly collected.  
Regular inspections of the toilets are undertaken during all sessions.  
Local police station number is kept behind the bar at all times.  
Some staff have been trained on our drugs awareness policy and alcohol sales regarding underage and intoxicated persons.  
Some of our customers are local and known to the staff.  
We will continue to adhere to our policy that no glasses or open bottles are permitted to be taken from the premises.  
We will continue to stock a wide range of soft drinks and alcohol free alternatives for drivers.  
We will continue to display posters regarding the dangers of drink driving.

**c) Public safety**

One member of staff holds a basic food hygiene qualification.  
We will continue to keep a first aid box on the premises. It is located in the kitchen and is regularly checked and refilled when necessary.  
We will continue to maintain the appropriate fire fighting equipment on the premises as well as completing PAT tests and gas appliance tests.  
We will continue to ensure that the exterior of the pub is lit during hours of darkness when open to the public and regularly inspected at all times.  
We will continue to ensure that the emergency lighting installation is maintained.  
Some staff have been trained on our drugs awareness policy and alcohol sales regarding underage and intoxicated persons.  
We will continue to adhere to our policy that no glasses or open bottles are permitted to be taken from the premises.  
We will continue to stock a large range of non alcoholic alternatives for drivers and other customers.  
We will continue to display posters regarding the dangers of drink driving.

**d) The prevention of public nuisance**

We will continue to request that customers leave the premises quietly at all times.  
We will continue to ensure that the kitchen extract system is not in operation after 23:00.  
There is only one directly adjoining residential properties to the premises.  
We will continue to ensure that customers in the outside drinking area are regularly reminded about noise pollution.  
The pub is located on the main road through the area so vehicles are quickly away from residential areas.  
We will continue to adhere to our policy that no glasses or open bottles are permitted to be taken from the premises.  
We will continue to stock a wide range of soft drinks and alcohol free alternatives for drivers.  
We will continue to display posters regarding the dangers of drink driving.

**e) The protection of children from harm**

No unaccompanied children in the dining area at any time.  
The AWP machines are sited so as to be visible from the bar servery and staff are trained as to restrictions regarding them.  
Cigars are only sold from the bar and staff are trained on the restrictions regarding their sale.  
All staff are trained in legislation regarding the sale of alcohol to children and are required to ask for relevant ID if unsure about a customer's age.  
The dining area is a designated non smoking area.

1: Noise from entertainment within the licensed premises shall be effectively controlled so that nuisance is not caused to nearby residents and to that end the licensee must ensure that noise is not clearly audible and recognisable as coming from the licensed premises at or beyond the boundary of any nearby noise sensitive property.

2: Prominent, clear notices shall be displayed at all exits to the building and prominently in any relevant public

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**ANNEXES continued ...**

outdoor areas, requesting customers to respect the needs of local residents and leave the premises and the area quietly.

3: Public outdoor areas such as patios and gardens forming part of the licensed premises shall not be used after 23.00 hours unless with the prior approval of the Licensing Authority. At least ten working days notice shall be given to the Licensing Authority before such an event.

4: All external windows and doors must be kept closed, other than for access and egress, in all rooms where events involving amplified music or amplified speech are taking place.

**ANNEX 3: NON STANDARD & SEASONAL VARIATION TIMINGS**

Live Music, Recorded Music

- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
- A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
- A further additional hour every Christmas Eve.
- A further additional hour every Boxing Day.
- To reflect existing New Year's Eve/Day hours.

Supply of Alcohol, Hours Premises are Open to the Public

- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
- A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
- A further additional hour every Christmas Eve.
- A further additional hour every Boxing Day.
- To reflect existing New Year's Eve/Day hours.

**ANNEX 4: PLAN**

As attached.

Signature of Authorised Officer

## Appendix 4 – Representation from Environmental Protection

### Memo

To: Licensing

Date: 27 September 2019

From: Environmental Protection

Ask For: Tim Williams

Extension: 22130

RE: Review of Premises Licence

AT: The Barrington Arms, 25 High Street, Shrivenham, SN6 8AN.

□

### The Barrington Arms- Review

The Environmental Protection Team has been consulted on the licence review application for the Barrington Arms submitted by local residents.

The following evidence demonstrates why the Environmental Protection Team supports the review of this premises licence.

The Environmental Protection Team received a number of complaints about excessively loud music from live bands in the garden of the pub during a beer festival (27th/28th July 2019). We received seven separate complaints about the noise from loud music in the open air. Loud live amplified music in this location is likely to cause a public nuisance in this area, given the location and the proximity of residents and I am happy to support the application in respect of the restriction of live amplified music in the external licensed area of the Barrington Arms.

The garden of the pub is surrounded by residential properties and in my view is not a suitable location for live/recorded and or amplified music.

We have historically received five complaints about music events inside the pub over the last 6 years, mostly with a single complainant and no evidence of an ongoing issue (no diary sheets returned). We are recommending additional conditions on the licence to help further control noise breakout from the premises.

The licence for the premises was originally issued on 03 Jan 2014. A number of conditions were historically attached to the licence to control noise emanating from the premises:

- *We will continue to request that customers leave the premises quietly at all times.*
- *We will continue to ensure that the kitchen extract system is not in operation after 23:00.*
- *We will continue to ensure that customers in the outside drinking area are regularly reminded about noise pollution.*
- *We will continue to adhere to our policy that no glasses or open bottles are permitted to be taken from the premises.*
- *Noise from entertainment within the licensed premises shall be effectively controlled so that nuisance is not caused to nearby residents and to that end the licensee must ensure that noise is not clearly audible and recognisable as coming from the licensed premises at or beyond the boundary of any nearby noise sensitive property.*
- *Prominent, clear notices shall be displayed at all exits to the building and prominently in any relevant public*
- *Public outdoor areas such as patios and gardens forming part of the licensed premises shall not be used after 23.00 hours unless with the prior approval of the Licensing Authority. At least ten working days' notice shall be given to the Licensing Authority before such an event.*
- *All external windows and doors must be kept closed, other than for access and egress, in all rooms where events involving amplified music or amplified speech are taking place.*

**Environmental Protection Team recommendations for the Licensing Committee:**

1. Remove the exemption under the Live Music Act 2012 from the premises licence;
2. Remove the provision for any form of regulated entertainment/Live and/or recorded/amplified music from all outside areas of the premises Licence;
3. Remove the existing 'noise control' conditions and replace with the following conditions to further control noise emanating from the premises to prevent a public nuisance:

**Proposed revised conditions:**

1. No live and/or recorded music/regulated entertainment shall take place from any of the outside areas of the premises.
2. No speakers or amplification equipment shall be provided in external areas of the premises.
3. The management of these premises shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance amounting to a nuisance; to local residents or businesses.
4. During any live, recorded and regulated entertainment all external doors (including lobby doors) and windows to the premises shall remain closed, other than for access and egress.
5. Prominent, clear and legible notices are to be displayed and maintained at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. All reasonable steps shall be taken to ensure that people entering or leaving the premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the premises.
6. During operating hours, the DPS or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request.
7. All outside areas shall be closed to customers after (23:00) except for the designated smoking area which shall have been identified on a plan submitted to the licencing authority. This area shall be monitored by the DPS or nominated staff to ensure noise is kept to a minimum so as not to cause nuisance to residents.
8. All refuse and bottles shall be disposed of in bins quietly so as not to disturb local residents. There shall be no disposal of glass bottles outside between 21:00 hours and 08:00 hours.

Kind regards

Tim Williams  
Environmental Health Officer  
Environmental Protection Team

## Appendix 5A – Representation from A Rudge

23/09/2019

Mail - Licensing Vale - Outlook

### Barrington Arms - License review

Andy Rudge [REDACTED]

Sun 22/09/2019 03:40 PM

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Ref: Barrington Arms, 25 High Street, Shrivenham, SN6 8AN

Notice: License review - Noise nuisance live music

Respondent: Mr A Rudge, [REDACTED] Berens Rd, Shrivenham, SN6 8EG

Comments: The Barrington Arms holds live music events on an infrequent basis and these are generally well attended by local people and are good natured and inclusive. Once a year the Barrington holds a live music festival for charity in its gardens and I believe this may be the cause of recent complaints as this is held in summer time (windows open) and during the afternoon into early evening. Once again this is an inclusive family event for charity and is very well attended by local people. The noise generated by this can be heard in the immediate vicinity of the event but is no louder than party's/weddings held at the local memorial hall. This year's event was very well organised in particular and took place on a glorious summer afternoon with children's entertainment, outdoor burger stand and buffet meals. I understand that noise can be a problem but it's a sad day when a small number of complaints by non-attendee's spoil the entertainment and enjoyment of a large number of families and residents supporting worthwhile charities for one afternoon a year.

## Appendix 5B – Representation from Harley Tucker

30/09/2019

Mail - Licensing Vale - Outlook

### The Barrington Arms.

Harley Tucker [REDACTED]

Sun 29/09/2019 07:19 PM

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Good evening,

I have just seen the notice in The Barrington Arms' window. Regarding the noise complaint, I can assure you that the live music was not that loud. There were a fair few people outside enjoying the music. The event was for charity and had hoped to raise money for a just cause. I am dissatisfied that there has been a complaint against The Barrington Arms considering it was a charity event and there was an agreed license for the live event. The event finished at 18:00 both Saturday and Sunday. It is a fantastic event that is held once a year and I believe that there is not a real reason for any complaints.

Regards,

Harley Tucker

**Appendix 6 – Map showing location of premises**

**Key – Blue pins = location of persons who supplied representations**

