

REPORT OF CORPORATE DIRECTOR CITY DEVELOPMENT

APPLICATION FOR VARIATION OF ENTERTAINMENTS LICENCE
RUNNING HORSE, 16 ALFRETON ROAD, NOTTINGHAM

1.0 SUMMARY

1.1 This is an application for a variation of an entertainments licence.

2.0 RECOMMENDATIONS

2.1 IT IS RECOMMENDED THAT the committee determine the application having regard to the objection from the Police and from the Pollution Control Officer and to the letter in support of the application from Ward Councillor Stephenson which is attached at Appendix 4, and;

- **to the City Council's Entertainment Licensing Policy No.1 'Matters that might present an adverse impact on the neighbourhood from the licensed activity have been assessed and suitable measures put in place to minimise or prevent the impact', and;**
- **'that they have had due regard to, and are able to comply with the Standard Conditions of the licence and any Special Conditions attached to the licence', and**
- **'they can (or have put) in place such effective measures as given above to the satisfaction of the Council and Police' and;**
- **to the City Council's Entertainment Licensing Policy No.4 'Licence holders will be required to ensure that they, the premises to be used for the licensed activity and any other matters that are covered by the licence, comply at all times with any conditions attached to a licence', and;**
- **to the City Council's standard condition 40 for entertainments licences which states 'Any noise produced or associated with the entertainment must not be audible at the façade of the nearest residential, commercial or industrial premises.'**

3.0 BACKGROUND

3.1 The existing entertainments licence which is attached at Appendix 1 is to provide music and dancing as follows:-

Mondays to Saturdays	-	10.30 am to 1 am
Sundays	-	noon to 12.30 am
Sundays preceding bank holidays (except Easter)	-	noon to 1 am

3.2 The licence also has special conditions which include:-

- 2. There shall be no entry to the premises after 10.30 pm.**
- 3. There shall be no live music after 11 pm.**

5. **A CCTV system must be installed and maintained to the satisfaction of the Police. All video tapes must be retained for a minimum period of 31 days and made available for inspection by the Police or an authorised Officer of Nottingham City Council.**

3.4 Special conditions 2 & 3 were imposed on the licence on 17 January 1997 at the request of the Police and with the signed agreement of the then licence holders.

4.0 PROPOSALS

4.1 The licence holder Sara Clark has applied to vary the entertainments licence by removing special condition 2 and by changing the time of special condition 3 to midnight.

4.2 The Police have objected and their letters are attached Appendix 2 and 2A.

4.3 The pollution control officer has objected and a copy of his comments and a letter to the applicant are attached at Appendix 3 and 3A.

4.4 The Chief Fire Officer and planning officer have no objection and a map showing the location of the premises is attached.

4.5 The applicant, Police and Pollution Control Officer have been invited to attend.

5.0 LEGAL IMPLICATIONS

Legal implications will be reported at the meeting.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 None

7.0 List of background papers other than published works or those disclosing confidential or exempt information

- ◆ application dated 14 August 2003
- ◆ letter from Nelsons solicitors dated 14 August 2003
- ◆ form D26 from the Chief Fire Officer dated 21 August 2003
- ◆ letter from Nottinghamshire Police dated 18 September 2003
- ◆ memo from planning applications & advice dated 18 August 2003 & 2 October 2003
- ◆ memo from pollution control officer dated 15 August 2003
- ◆ fax from Police Licensing dated 5 September 2003
- ◆ letter from Poppleston Allen solicitors dated 13 November 2003

8.0 CRIME & DISORDER IMPLICATIONS

Licensing for public entertainments is an opportunity for the City Council to work in partnership with the Police to reduce the risk of crime and disorder occurring both within and immediately outside licensed premises, having regard to the effect of the proposals on both customers and residents.

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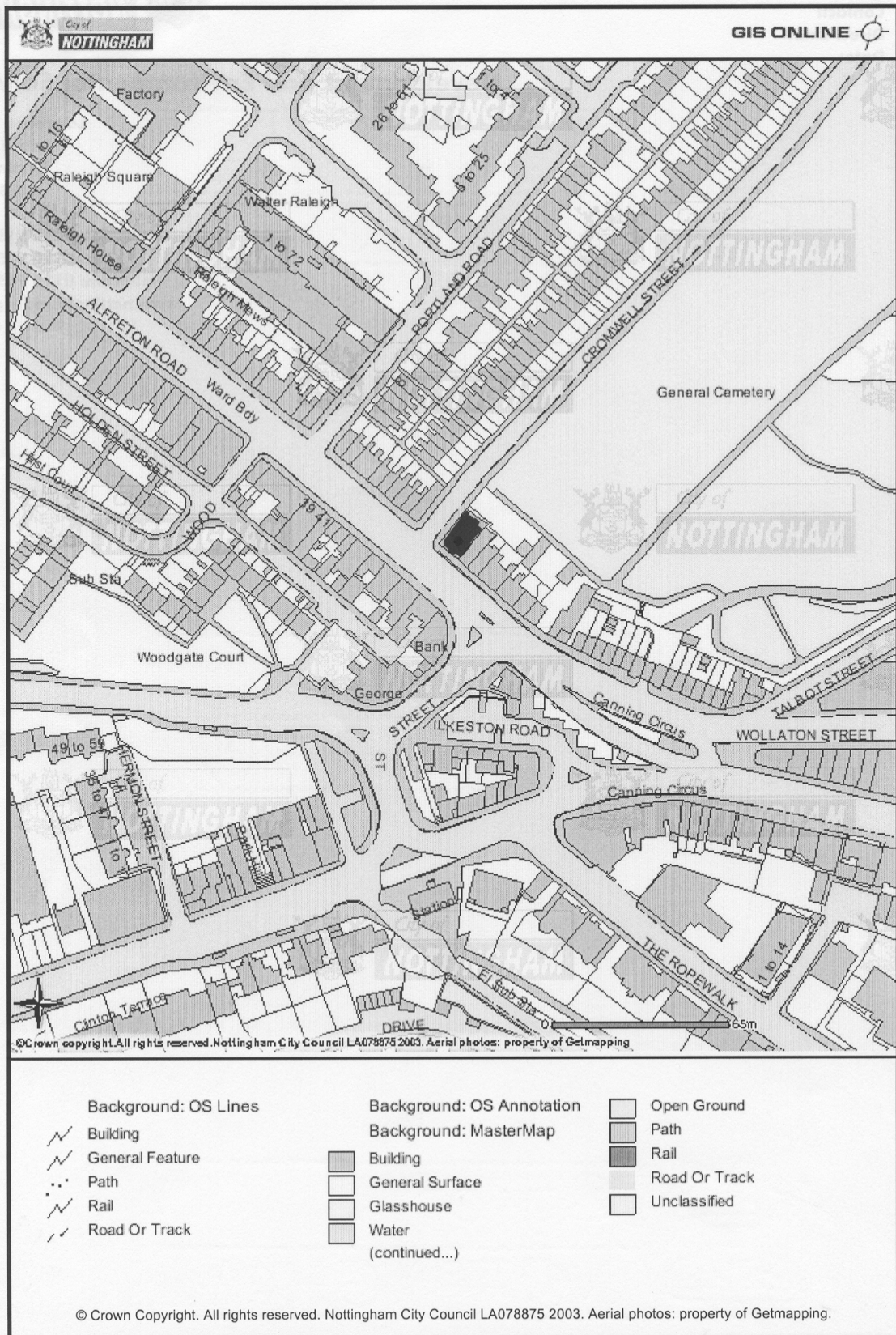
Barry Horne
Corporate Director
City Development

Lawrence House, Talbot Street, Nottingham NG1 5NT

Contact Officer: Janet Swain, Team Leader – Food & Licensing

Telephone Number: 0115 9156776

E-mail: general.licensing@nottinghamcity.gov.uk



EXISTING LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
ENTERTAINMENTS LICENCE

By virtue of the powers conferred in it by the Local Government (Miscellaneous Provisions) Act 1982 and the Sunday Entertainments Act 1932 (the Acts), NOTTINGHAM CITY COUNCIL hereby grant to **Sara Clark**

of 12 Welbeck Gardens, Woodthorpe, Nottingham NG5 4NX

this licence to keep or use the premises known as **Running Horse, 16 Alfreton Road, Canning Circus, Nottingham NG7 3NG**

for the purpose of **Music & Dancing**

This licence shall continue in force from **11 April 2003** until **5 April 2004**

or until sooner revoked, and is granted subject to the provisions of the Acts, and any special conditions set out below and to the standard conditions imposed by the City Council, a copy of which is attached to this licence.

The premises shall not be used for the above purposes except between the hours of

Mondays to Saturdays	-	10.30 am to 1 am
Sundays	-	noon to 12.30 am
Sundays preceding bank holidays (except Easter)	-	noon to 1 am

Signed

Dated 11 April 2003

Licensing Officer

SPECIAL CONDITIONS:

1. **Maximum Occupancy:- 160 persons excluding staff.**
2. **There shall be no entry to the premises after 10.30 p.m.**
3. **There shall be no live music after 11 pm.**
4. **All tables and chairs to be removed from the designated dance floor area, whenever dancing is intended to take place in this area.**
5. **A CCTV system must be installed and maintained to the satisfaction of the Police. All video tapes must be retained for a minimum period of 31 days and made available for inspection by the Police or an authorised Officer of Nottingham City Council.**



NOTTINGHAMSHIRE
POLICE

A Safer Nottinghamshire For All

Our ref HQ(AJ)L MLH/AS

18 September 2003

HEADQUARTERS

Sherwood Lodge, Arnold,

Nottingham NG5 8PP

DX 715806 ARNOLD 3

Direct Line 0115 9672714

Fax 0115 9672719

FOR THE ATTENTION OF MRS J SWAIN

Nottingham City Council
Environmental Services
Lawrence House
Talbot Street
Nottingham NG1 5NT

Dear Sir

**APPLICATION FOR VARIATION OF PUBLIC ENTERTAINMENT LICENCE –
THE RUNNING HORSE, ALFRETON ROAD, NOTTINGHAM.**

I refer to an application which has been received relative to the above.

I wish to advise you that it is the intention of the Chief Constable to object to this application on the following grounds:

1 In view of the noise nuisance problems that have occurred it is felt that it would be more appropriate that any applications to relax special conditions 2 and 3 should wait until the works to reduce noise escape have been completed and a period of time has passed in which the effectiveness of those works can be monitored.

2 The licensee, Barry Middleton was warned on 09.07.03 regarding problems with his CCTV system, which is a condition of his Justices' Licence and Public Entertainment Licence. Playback was very poor and the licensee did not have the required 31 tapes, instead he had only 10 tapes. Again, any applications to vary the existing Public Entertainment Licence should wait until the licensee is able to demonstrate a period of compliance with the existing conditions.

I would ask that you take this as formal notice of our intention and request that the Police may be represented at any hearing. Could you please notify me of the date and time of any such hearing.

Yours faithfully

Miss M L Hemsley
Licensing Officer HQ(AJ)L



INVESTOR IN PEOPLE





A Safer Nottinghamshire For All

Your Ref: JS/SB

Our Ref: HQ(LS)IS/LT

When telephoning please ask for Ian Seeley

LEGAL SERVICES
SHERWOOD LODGE
ARNOLD
NOTTINGHAM
NG5 8PP

Direct Line(0115) 967 2671

Fax (0115) 967 2679

DX 715807 Arnold 3

24th November 2003

Sue Bowler
Assistant Licensing Officer
City Council
Lawrence House
Talbot Street
Nottingham
NG1 5NT



Dear Mrs Bowler

APPLICATION TO VARY PUBLIC ENTERTAINMENT LICENCE – RUNNING HORSE, ALFRETON ROAD

We refer to the above application and to your letter of 17th November 2003 advising us that the hearing of this Application is due to take place on the 15th December 2003. Kindly note that our Mr Seeley will be in attendance at that hearing.

There is no specific disclosure which the Police wish to make in relation to this matter; however we would refer yourself and the Committee to the letter from our Licensing Department dated 18th September 2003 in which the circumstances of a warning which was given to the Licensee on the 9th July 2003 is outlined.

Following that incident, a further written warning was given to the Licensee on the 18th September 2003 which related to a breach of special condition 3 of the PEL on the 12th September 2003, namely that live music was playing until 11.10 p.m. on the 12th September 2003.

In view of the above matters, and having regard to the ongoing complaints which your Environmental Health Department have been investigating in respect of noise nuisance, the Police remain of the view that any application to relax special conditions 2 and 3 should wait until a suitable period of acceptable running of the premises has elapsed.



INVESTOR IN PEOPLE



DM/03/12123484L1

Derek Moss
915 6403
3rd September 2003

Sara Clark
12 Welbeck Gardens
Woodthorpe
Nottingham
NG5 4NX

Dear Madam

Re: Running Horse Public House, 16 Alfreton Road, Nottingham
Application for Variation of Entertainments Licence

I write following consultation on the above application and have the following comments to make:

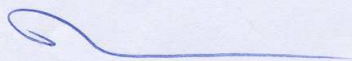
The sound insulation works alluded to in Nelsons covering letter to the application has been approved by the owners of the premises (Pubmaster Midlands Limited). However, it has still to be installed. I have received confirmation from the Company that the works to construct an entrance lobby are imminent and works to install secondary glazing will take place on receipt of the glazed units (10-14 days).

Considering the recent history of excessive levels of noise breakout from the premises, I object to the issue of this variation application at present.

On completion of the aforementioned sound insulation works, further assessment of noise breakout from the premises will be carried out by officers of the Pollution Control Section. Should these works satisfy this Section that noise nuisance will not occur, allowing for the extension of the operating hours, this objection will be withdrawn.

Should you require further advice or information, please contact me at this office.

Yours faithfully



Derek Moss
(Environmental Health Officer - Pollution Control)



Memo

City Development

Date: 1st December 2003

To: Janet Swain/Sue Bowler Licensing	Your Ref:
From: Derek Moss Pollution Control	Ext: My Ref: DM/03/123484M1

Application to Vary Entertainments Licence

Re: Running Horse, 16 Alfreton Road, Nottingham.

I write in response to your memo of 17th November 2003.

This Section continues to investigate complaints of noise nuisance emanating from the above premises and I take this opportunity to update you on the situation.

To date, following completion of structural works which aimed to reduce noise breakout from the premises, this Section's Out of Hours noise team have responded to a request for observations from a complainant on one occasion. This observation indicated that noise from the Running Horse was audible within the complainants' premises, but at a level not deemed to be causing statutory noise nuisance.

However, it is alleged that loud music from the premises continues to occur on a regular basis for short periods of time and the complainants do not call the Out of Hours noise team for observations as the noise would stop before they had the opportunity to reach the complainants property to assess it. As such, this Section has installed recording equipment within a complainant's property to allow these short bursts of noise to be recorded and fully assessed. This assessment should be completed prior to the 15th December Licensing Committee meeting.

Considering the above, I continue to be uncertain as to whether the noise breakout has now been reduced to a level not to cause noise nuisance and therefore wish to continue with my objection at present. I will update you following the assessment of the recordings with an outline of my objection, should it be deemed necessary to continue with it.


Derek Moss
 Environmental Health Officer (Pollution Control)



Barry Horne, Director of Development and Environmental Services



Awarded to Bereavement Services,
 Building Control, Food & Licensing,
 Health & Safety (Enforcement),
 Public Health, Road Safety &
 Trading Standards for excellence





**Arboretum and Hyson Green Liberal Democrat Focus Team
Councillor Tony Marshall and Councillor Tom Stephenson
The Council House, Nottingham, NG1 2DT
Tel: 0115 9155609**

20th November 2003

Our ref: TS/JW/ARB263

Mr. T. Coulson,
Licencing Department,
Lawrence House,
Nottingham.

Dear Mr. Coulson,

The Running Horse Public House, Canning Circus

I wish to support the above application for a variance in the opening hours of their current entertainment and drinks licence.

The Running Horse has been in existence for many years and since a recent change of management has traded successfully with little cause for concern. Recent issues regarding noise coming from the premises have been dealt with successfully with both the landlord and licensee putting in a lot of effort to solve the problems. I am led to understand that the current licence includes a restriction on the door, preventing new customers entering the premises after 10.30 p.m. Given that this is a restriction which does not apply to other local late night establishments, it would seem to be unfair on the Running Horse. They offer a very strict and well monitored door policy which means the licensee feels that the lifting of the current restriction this would not lead to any unwanted trouble.

If you would like to discuss this further, I will be happy to do so.

Yours sincerely

Tom Stephenson 10/10
City Councillor – Arboretum Ward