



## Crooked Billet agreement with Nicki item for the pack



Andy Newman

To  Hannah Gould;  Nicki Glasscock

Cc  Ray Pubs;  Mark Buckley;  David King



15:22

Hi Hannah

As discussed the agreed amendments with Nicki as below:

Have slightly amended the proposed conditions as discussed and have also mitigated further from what you asked given the agreements made by my clients and the Police

My clients agree to accepting the conditions subject to set out below with the exception of seasonal variations as per the Application.

Believe that this makes for a far more modest application and far less than the previous Licence Premise holder had on his Licence  
This should allay any reasonable concerns that you may have.

Live & recorded Music to cease at 23.00 Outside Mon – Sunday. Live & Recorded music inside to end at midnight Mon – Thursday. To end 00.30 Friday & Saturday and to end 23.00 on Sunday.

Late Night Refreshment until midnight Monday to Thursday and until 00.30 Friday & Saturday and 23.00 on Sunday

Supply of Alcohol until midnight Monday to Thursday until 00.30 Friday & Saturday and 23.00 on Sunday

Music outside should not be at a level where it could cause nuisance or annoyance to neighbouring properties. Therefore, it is not to be audible past the boundaries of the premises.

Noise Limiter must be fitted to the musical amplification system set at a reasonable level determined by the Community Resilience Team so as to ensure that no noise nuisance is caused to local residents or businesses. No alteration or modification

to any existing sound system(s) should be effected without the prior agreement with the Community Resilience Team. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.

Premises to close 00.30 Mon-Thursday

01.00 Fri & Saturday

30 minutes after last Licensable activity seasonal variations.

Kind regards

Andy

Andy Newman Consultancy Ltd

## **Crooked Billet. Legal & Policy Points.**

Currently the only remaining Representations from any of the Statutory Licensing Authorities (or indeed non-Statutory Authorities) is Community Resilience **This means that apart from one every Statutory Authority each recognised in law as an expert in their own field do not believe that the Licensing Objectives will be in any way undermined by the granting of this Application. This includes the Police lawfully recognised as the lead Authority for Crime and Disorder**

**White Bear Ltd** is highly experienced in running Pubs and has ever been prosecuted or taken to Review. They have agreed a set of robust Conditions with the Authorities to help promote the four Licensing Objectives.

### **Decision of the High Court in Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)**

The licensee successfully judicially reviewed that decision.

Mrs. Justice Black was also critical of the way the Justices used their local knowledge, saying "There can be little doubt that local magistrates are also entitled to take into account their own knowledge, but ... they must measure their own views against the evidence presented to them." She particularly made that point because the evidence was that the responsible authorities were untroubled and that the history of the premises when operating to the longer hours did not substantiate the Justices' fears.

In her conclusions, Black J stated that the Justices should have looked for "real evidence" that greater regulation was required in the circumstances of the case. Their conclusion that it was required was, in

her judgment, not a conclusion to which a properly directed bench could have come. Here, it was said, they **proceeded without proper evidence**, gave their own views excessive weight **and the police views none at all**.

## **Sec 182 Guidance to the Licensing Act 2003**

### Licensing objectives and aims

2. 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
  - (3<sup>rd</sup> paragraph) **recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;**



















