



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – APRIL 11 2008 AT 10.00AM

LICENSING ACT 2003 – THE FARRIERS ARMS, 214 LOWER ROAD, LONDON, SE8 5DJ

- The Licensing sub-committee having had regard to the application by Southwark Council's Environmental Protection Team for a review of the premises licence granted under the Licensing Act 2003 to Ms Philomena Stewart in respect of the premises known as the Farriers Arms, 214 Lower Road, London, SE8 5DJ, and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the licence as follows:

Licensable Activity	Sun-Thursday	Friday	Saturday
Recorded Music (EF)	11:00 – 23:00	11:00 – 00:00	11:00 – 01:00
Opening Hours	11:00 – 00:00	11:00 – 02:00	11:00 – 02:00
Alcohol Sales	11:00 – 23:30	11:00 – 01:30	11:00 – 01:30
Remove Licensable activities, EE, EH, EI and EK from the licence:			

Conditions

- The sub-committee also modified the condition **9509** to read as follows:

“No recorded music shall be played other than through a sound limiter which is set and maintained at all times as approved by the London Borough of Southwark Noise Team”

Reasons

- The reasons for the decision are, as follows:

The licensing sub-committee heard evidence from the licensing officer, the noise team and the licensee and considered the written representations of one interested party.

The sub-committee were satisfied that the noise team had witnessed 3 breaches of the noise abatement notice served on January 22 2007; the breaches were on May 8 2007, May 19 2007 and October 27 2007.

The sub-committee were also satisfied that the sound limiter had proved ineffective in that the noise team had to reset it on May 26 2007 and August 24 2007. The sub-committee noted the opinion of the noise team to the effect that the premises were not suitably constructed or insulated to contain sound arising from regulated entertainment. The sub-committee further noted that the licensee had not acted on advice to employ an acoustic consultant. In view of the evidence of the noise team that sound had escaped from the premises such as to cause as a noise nuisance, the sub-committee concluded it was necessary and proportionate to modify the licensable activities as stated above and

to modify the condition 9509 relating to the use and maintenance of the sound limiter.

Appeal Rights

4. This decision is open to appeal by either
- a) The applicant for the review;
 - b) The premises licence holder; or
 - c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team
Dated: April 11 2008