



**LICENSING SUB-COMMITTEE HEARING**  
**Licence review section 51 Licensing Act 2003**  
**Members' Notes & Record of decision**  
**RE: The Buszy 401 Elder Gate, Central Milton Keynes**  
**27<sup>th</sup> November 2013**

**Constitution of the Board:** (Chair) Cllr C Morris  
Cllrs McKenzie and MacDonald

**Officers:** Ifty Ali –Principal Solicitor  
Ed Fisher (Senior  
Licensing Officer)  
Terry Jenkins (Sen.Env  
Health)  
Gillian Clarke (Sen. Env  
Health)  
Kieran Evans(Licensing  
Enforcement Officer)

**Applicant** Denise Davis-Boreham /  
Mike Hayward (Solicitor)/  
Daniel Oscroft (Barrister)/

<b>Representors</b>	Keith Hutchinson	<b>Represented by</b>
	S Cresswell	
	Roberts	Andrew Stansfield
	Andrew Stansfield	
	Alison Tulleth	
	Gareth Davies	
	Peter Todd	Zoe Nolan

**Members of the  
Public: 15  
members of the  
public**

**Documentation:** Report of Licensing Officer and annexed representations

**Apologies:**  
None

**Declarations of  
interest:None**

Milton Keynes Council

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**Signature:**

**Chairman:** Councillor C Morris

**Date of Hearing:**

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**1. Findings of Fact (i.e. the relevant facts accepted from the evidence available)**

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1. A review application has been made by Environmental Health on the grounds of the prevention of public nuisance due to noise.
  2. The premise is in Central Milton Keynes together with a number of commercial premises .The nearest residential premise is some 375 – 400 yards away .
  3. Noise complaints made clearly show that there is a noise nuisance inside and outside of residents homes emanating from the Buszy.
  4. A Statutory Noise Abatement Notice was served on the premise on 10<sup>th</sup> September 2013.
  5. The noise concern is related to volume and the base tone which have clearly been way above the average background noise.
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**2. Full text of unanimous decision on the application**

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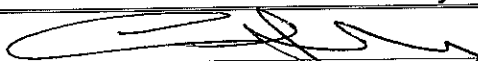
The existing Licence to continue with the deletion of condition 2.17 and subject to the following conditions:

1. A competent person to carry out a comprehensive noise assessment of the Buszy building and identify all weaknesses where noise breakout occurs(timescale to be agreed) . Prepare a schedule of works to rectify the defects where noise breakout occurs. The Buszy shall implement measures identified within an agreed timescale.
  2. There shall be no regulated entertainment in respect of amplified or live music permitted in any outside area after 8pm.
  3. A suitable sound limiting device appropriate for the building must be installed within the area where amplified or live music is produced. The sound limiting device must be installed and set by a competent engineer or otherwise NICEIC registered electrical contractor. Upon completion a report by the sound engineer shall be forwarded to the Licensing Authority which states the installation requirements in order for it to work effectively.
  4. The premises licence holder shall ensure that the sound limiting device for all events both external and internal is set ,maintained and operated to ensure that noise from entertainment does not cause a nuisance to any noise sensitive properties.
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Milton Keynes Council

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Signature:



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### **3. Reasons for decision**

*(An explanation of why:*

- *when applying the findings of fact to the statutory provisions, Secretary of State's Guidance, the authority's Statement of Licensing Policy and, above all, promotion of the licensing objectives, a particular conclusion is reached to grant, grant with conditions other than standard conditions, or refuse the application.*
- *if facts were in dispute and it is not clear from the "Findings of Fact" box above, which facts were disputed and, in coming to the finding of fact, the extent to which the parties and witnesses were believed or disbelieved and the information on which the Panel relied in reaching its decision.*

*Also, state any legal authorities cited by the parties)*

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1) Legal advice was not given in deliberation.

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2) The Sub-Committee took into account the report placed before it and all valid representations made.

The Sub-Committee considered its Council policy and DCMS Guidance under section 182 of the licensing Act 2003

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The Sub-Committee has decided that those conditions added to the licence will address the concerns raised by the representations made and are a proportionate response.

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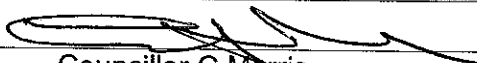
### **4. Right of Appeal**

An appeal against the decision of the Sub-Committee may be made.

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice.

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**Signature:**



**Chairman:**

Councillor C Morris

**Date of Hearing:**

27<sup>th</sup> November 2013