

**LICENSING COMMITTEE HELD AT 6.30 PM AT COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN ON 19 APRIL 2005**

Present:- Councillor M J Savage – Chairman
Councillors K R Artus, H D Baker, V J T Lelliott, and A R Row.

Also present Councillor R F Freeman (for the second hearing only)

Officers in attendance:- N Atkins (for the second hearing only), M Hardy, C Nicholson, C Oliva, C Roberts, J Jones (for the second hearing only), G Smith (for the second hearing only) and A Turner.

LC91

**DETERMINATION OF A MATTER RELATING TO A PRIVATE HIRE
DRIVER'S LICENCE**

(This matter was considered in the absence of the press and public because some of the information considered was prohibited from being published by the combined effect of section 100A subsection 2 of the Local Government Act 1972 and the Data Protection Act 1980)

The Committee considered an application for a Private Hire Driver's Licence referred to it because of information recently made available to the Council and to the Driver, which was confidential information as set out above. The Licensing Officer had referred the application to the Licensing Committee and his report had been circulated prior to the meeting.

The Chairman welcomed the Driver and explained the procedure to be followed.

The Council's Licensing Officer circulated further confidential written information at the meeting and explained the reasons for the matter being placed before the Licensing Committee. The Driver confirmed that he understood the Licensing Officer's report and did not wish to ask any questions about it.

In answer to questions from Members the Driver confirmed that the Licensing Officer's report was accurate, and gave a detailed account of his personal circumstances, what he knew about the circumstances referred to in the further confidential information, an explanation of events at the time, the advice he had received then, and the domestic situation at the time and since.

The Applicant was invited to make a final statement and did so. Members were made aware of the Driver's long good driving record.

The Applicant and the Licensing Officers then left the meeting and the Committee considered its decision. They were later re-admitted and informed of the decision

RESOLVED

That the licence be granted as the Committee is satisfied that the Applicant is a fit and proper person to hold a private hire vehicle driver's licence.

L92

APPLICATION FOR A FULL ANNUAL MUSIC AND DANCING LICENCE – THE SUN PUBLIC HOUSE GOLD STREET SAFFRON WALDEN

Members considered the report of the Licensing Officer that an application had been received from Ronald and Janice Jones of "The Sun" public house, 59 Gold Street, Saffron Walden for a full annual licence for music and dancing from 8.00 pm till 11.00 pm Monday to Saturday, and 8.00 pm to midnight on bank holidays once a month on either a Thursday, Friday or Saturday.

The premises consisted of a bar area and games room on the ground floor and a bar area in the cellar, although the licence application was for the ground floor only. A public entertainment licence application had been made by the previous licensee in 1992 for the cellar bar only to be licensed but the licence had never been issued due to non compliance of electrical installation works.

The Licensing Officer's report explained that the Committee was requested to determine the application because objections on grounds of potential noise disturbance to neighbouring residents had been received. Objections from local residents to the application were circulated with the report.

The report stated that objectors main concerns were:

- (a) there would be unacceptable noise disturbance to local residents from the music, especially in the summer when windows are open
- (b) increased traffic, taxis waiting outside with engines running, cars parking on pavements and across driveways
- (c) vomit, urine, broken glass, litter outside residents' houses
- (d) there might be an increased risk of public complaint of unsociable behaviour, nuisance and disorder in and around the nearby streets.

The report also explained that the application was for a full annual music and dancing licence in the ground floor bar for up to 120 persons. Following an inspection of the premises by the Environmental Health Technician the number of persons permitted in the premises had been reduced to a maximum of 60, although the figure might increase to 100 persons upon the refurbishment of a third toilet. The hours and days requested were either a Thursday, a Friday or a Saturday once a month between the hours of 8.00 pm and 11.00 pm (extending to midnight on a bank holiday). The Licensee had indicated that the public entertainment licence would be used for a music venue with more than 2 musicians performing.

The report added that the Council's District Environmental Health Officer had expressed his concern about potential noise to residents, as the windows were single glazed. Essex Police had no objections but were concerned that if not well supervised further complaints might be received about noise.

The Committee was informed that Councillor R F Freeman wished to speak as representative of the Town Council and as Ward Member to bring to the Committee's attention matters he considered relevant, but that he had no particular views on the grant or otherwise of the licence

A number of objectors to the application attended the meeting

The Applicant Mr Ron Jones was present and outlined his application with the assistance of his wife Mrs Janice Jones, and his Brewery Manager Mr Chris Holiday. Mr Graham Silvester a customer spoke in favour of the application. Members were informed that the Applicant had changed his request for a licence to midnight on bank holidays to a request for music to eleven o'clock.

In response to questions from Members the Applicant stressed that the application was to support karaoke or a musical duo once a month until eleven o'clock. Currently recorded music was played in the bar with a DJ, but dancing was not permitted.

Mr S Williams, Mrs Nicola Edge, and Mrs C Hunter asked questions of the Licensee on behalf of all the objectors present, and the Licensee confirmed his intention to board windows and erect partitions to baffle noise. He added that he would monitor numbers by doing head-counts.

The Environmental Health Officers had no questions to ask at this time.

In answer to a question by the Licensing Officer the Licensee's Manager confirmed that the application was for one event only per calendar month on either a Thursday, Friday or Saturday.

Members had no further questions for the Licensee.

The objectors were then invited to present their cases in turn and to call witnesses. Mrs Edge, Mr Williams and Mrs Hunter stated their objections, outlining incidents of anti-social behaviour, litter, intimidating drunken individuals in the street, thefts and damage to property, urinating in gardens, climbing over cars and sleeping in cars parked on private drives as well as disturbance from loud music. They appreciated that one establishment could not reasonably be blamed for the behaviour of all drunks on the street some of whom might emanate from other pubs. Loud music at late hours attracted such people however. The objectors questioned whether the proposed sound-proofing arrangements were adequate.

The Chairman assured all the objectors that their letters had been read by Members in advance of the meeting.

The Applicants were given an opportunity to ask questions of the objectors and Mrs J Jones stressed that it could not be proved that any of the anti-social behaviour came from the Licensee's pub.

Mrs Edge and Mr Harrison, another objector, stressed that the noise impeded normal use of homes and Mr Williams emphasised that residents felt there would be no-one to turn to for help at 1.00 am.

Mr N Atkins the District Environmental Health Officer described the history of events at the Licensee's premises and explained that once the requested licence was in force it would permit larger bands than duos. Officers therefore had reservations due to the proximity of the pub to residential premises, the pub's structure and single glazed windows, and the need for ventilation if boarding of windows took place. He stressed that if the licence was granted officers would not have the full range of their powers, since an event occupying about three hours a month was unlikely to constitute statutory nuisance. Neither could they deal with noise and anti-social behaviour in the street. Model conditions could be attached to the licence but this would not necessarily stop disturbance to residents.

Members of the Committee asked questions of the District Environmental Health Officer.

The Licensee and the objectors had no questions to ask the District Environmental Health Officer.

Councillor R F Freeman then spoke in his capacity as ward Member and representative of the Town and the District Councils. He appreciated the merits of pubs as an asset to the community in the Town but felt there should be soundproofing to old public houses to protect conservation areas, the oldest parts of the Town and the townspeople.

Mr Williams on behalf of the objectors then made a final statement thanking the Council for their time and attention and informing Mr and Mrs Jones that the objectors wished them well with their business.

The Manager and Licensees of the "Sun" made brief statements in reply stressing the improvements achieved by the current licensees and the unfairness of attributing all street problems to them..

L93

EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting on the grounds that the business to be transacted involves the likely disclosure of Exempt Information as defined in paragraphs 4 and 7 of Part 1 of the Schedule 12(A) of the Act.

The applicants their witnesses, the objectors, the licensing officers and Councillor R F Freeman then left the room at 9.00 pm whilst Members considered their decision.

L94

APPLICATION FOR A FULL ANNUAL MUSIC AND DANCING LICENCE – THE SUN PUBLIC HOUSE GOLD STREET SAFFRON WALDEN

The public were readmitted to the meeting at 9.27 pm. The Chairman of the Committee stated that the matter had been considered at great length. The decision was as follows:-

RESOLVED that the licence be granted on the proviso that the following conditions are complied with:-

- 1 The provision of public entertainment will only take place on a Thursday, Friday or Saturday between the hours of 8 pm to 11 pm.
- 2 The numbers of persons attending shall not exceed 60. This figure can be increased to 100 on the provision of a third toilet.
- 3 The regularity of this type of event will be restricted to 12 times per year and shall not exceed one event per month.
- 4 All of the following conditions (a-g) must be complied with and agreed by the Environmental Health Department of the Council prior to the licence being granted.
 - (a) All internal doors must be kept closed, other than for access and egress in all rooms when events involving amplified sound are taking place.
 - (b) All external windows must be kept closed whilst events involving amplified sound are taking place.
 - (c) Air conditioning to be provided in all rooms where events involving amplified sound are taking place.
 - (d) A sound trap lobby shall be installed to the front entrance which opens on to Gold Street. These doors shall remain closed except for access and egress.
 - (e) A system of soundproofing for the rooms where events involving amplified sound will take place must be agreed with the Licensing Authority and the work completed to the Licensing Authority's satisfaction.
 - (f) The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of these checks in a log book kept for that purpose and it shall include time and date of the checks, the person making them and the results including any remedial action that may have been taken.
 - (g) No events to take place until any requirement for remedial work has been complied with.

