

**LICENSING COMMITTEE HELD AT 6.30 PM AT COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN ON 13 MAY 2005**

Present:- Councillor M J Savage – Chairman
Councillors V J T Lelliott, J I Loughlin and R F Freeman

Officers in attendance:- , M Hardy, A Lee-Moore, C Nicholson, M Perry, C Roberts, J Jones and A Turner.

Also present:- Mrs G Parkin – Essex Social Services.

L95

**APPLICATION FOR VARIATION OF THE CONDITIONS ATTACHED TO A
JUSTICES LICENCE FOR THE SALE OF ALCOHOL AT
THE “TEMERAIRE” PUBLIC HOUSE SAFFRON WALDEN.**

Members considered the report of the Licensing Officer on an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence to remove the restrictions and effects of Section 168, 168A and Section 171 Licensing Act 1964 (Children’s Certificate) so as to allow provisions under the Licensing Act 2003 to apply in relation to children. The application also sought to remove restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 with the exception of New Year’s Eve and to replace them with:-

longer periods of hours for the supply of alcohol on all days;

longer periods of hours for the supply of alcohol by way of non-standard timings on Christmas Eve and Boxing Day;

an additional hour to the above on six specified days;

an additional 30 minutes to the finishing times on the Thursday preceding Easter and on Sundays preceding a Bank Holiday.

The applicant also sought extended hours for alcohol sale or supply on 15 occasions per calendar year either at the beginning of standard hours or 3.00 am.

The provision of late night refreshment would only take place inside the premises and the hours sought were Mondays to Thursdays 2300-0030 hrs, Fridays and Saturdays 2300-0100 hrs and on Sundays 2300 – 0030 hrs..

The hours the premises would be open to the public would be on Mondays to Thursdays 0700 hrs – 0130 hrs, Fridays and Saturdays 0700 hrs – 0200 hrs and on Sundays 0700 hrs – 0130 hrs.

The applicant was seeking to remove the restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 with the exception of New Year’s Eve and the restriction of a 20 minute drinking up time and to remove the restrictions on credit sales as imposed by Section 166 Licensing Act 1964.

The report explained that it was open to the Committee to:-

- Grant the application
- Modify the application by inserting conditions
- Remove a licensable activity from the licence or
- Reject the application

A number of objections to the application had been withdrawn prior to the meeting.

The Chairman of the Committee described the procedure to be adopted and guidance notes were circulated at the meeting.

The Applicant Wetherspoons was represented by its District Operational Manager, Mr N Wall and Mr Connor, the company's legal representative.

Mrs J Goddard, a resident and objector to the application, was also present.

Mr Connor informed Members that the Applicant wished to amend the request so as to provide a finish time for sale of alcohol on standard days of 12 midnight on Sundays to Thursdays and 12.30 am on Fridays and Saturdays. The requested period for drinking up would provide a closure time of 12.30 am on Sundays to Thursdays and 1.00 am on Fridays and Saturdays. On non-standard days, Christmas Eve and Boxing Day, the finish time would be 12.30am and the drinking up time an additional 30 minutes.

Mr Connor added that the Applicant also offered the following conditions to be agreed for the purpose of effecting the Council's licensing objectives for prevention of public nuisance:-

- (i) the rear garden to the premises not to be used by patrons after 11.00pm
- (ii) No drinking to take place outside the premises except in the rear garden and patio areas
- (iii) Clear and prominent notices in the car park and at all exits requesting patrons to leave quietly.
- (iv) A specific taxi driver to be nominated for the use of staff and customers. The company's number to be displayed on the premises. The taxi drivers and operator to be requested to arrive and depart as quietly as possible without using hooters or running engines unnecessarily.
- (v) Staff to carry out their duties and leave the premises in such a manner as to avoid disturbance to nearby residents.
- (vi) External collection or disposal of bottles or refuse not to be carried out between the hours of midnight and 7.00 am.
- (vii) External lighting to be so angled and subdued as to not cause nuisance or glare to adjacent premises.

Mr Perry added that in response to concerns by the Police the Applicant had offered to:-

- (i) amend the application by removing the request for fifteen additional non-specified occasions;
- (ii) using toughened glass as standard:

- (iii) upgrading the current CCTV to increase the coverage of the outside door entrance to the rear of the premises;
- (iv) when the premises are open for the sale of alcohol beyond 12.30am suitably trained SIA registered persons will be available from 8.30 pm until the premises close.

The Applicant confirmed that these conditions were acceptable.

The Chairman then invited Mrs J Goddard, the remaining objector, to speak. She explained that her objection was to the proposed use of the garden and patio after 11pm.

Mr Wall informed the meeting that it would be possible for the rear garden to be put out of use after 11.00 pm, but that the Licensee wished to retain use of the patio at all hours to support the non-smoking policy in the public house. He explained how the garden could be closed off from the patio, and that the patio itself could be fully enclosed in a very large canopy. It was agreed that the Wetherspoon architect would liaise with environmental health officers in this regard. If there were problems it would be possible for the licence to be reviewed..

In answer to a question from Councillor R F Freeman Mr Walls undertook to ensure that staff cleaned tables and collected glasses outside regularly during the evening to minimize disruption after 11.00 pm. In answer to a question by Councillor J I Loughlin he explained that it was against company policy to allow crowding in the evenings; it would be unusual for there to be more than 20 persons on the patio.

The Applicant's solicitor made a final statement.

The environmental health officer commented that the company had historically reacted positively to concerns and the proposed measures would assist in attenuating the noise.

Mrs Goddard requested the Licensee to police the pub to ensure that glasses did not get taken outside the building. Mr Walls agreed that this would be possible but was unwilling to restrict customers taking glasses onto the patio. Mr Connor agreed that the situation could be reviewed once it was possible to see how the new licensing arrangements worked.

L96

EXCLUSION OF THE PUBLIC

RESOLVED that under regulation 14(2) Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded from the meeting whilst the Committee considered their decision on the ground that it was in the public interest so to do to permit a free and frank exchange of views between Members.

Members then left the room to consider their decision.

L97

APPLICATION FOR VARIATION OF THE CONDITIONS ATTACHED TO A JUSTICES LICENCE FOR THE SALE OF ALCOHOL AT THE "TEMERAIRE" PUBLIC HOUSE SAFFRON WALDEN.

Members returned to the Committee Room and

agreed that the licence be granted as described in the amended operating schedule, to include the amendments put forward because the Committee considered that the safeguards put in place were sufficient to prevent nuisance to residents.

Mrs Goddard was advised of her right to appeal by lodging a notice with the Magistrates Court at Harlow within 21 days.

The meeting ended at 3.10 pm.