

Committee: Licensing
Date: 13 May 2005
Agenda Item No: 2
Title: Temeraire, High Street, Saffron Walden
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Summary

- 1 This report sets out an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence. Representations have been made to the Licensing Authority regarding the proposed operating schedule and therefore this application has been referred to the Committee for deliberation.

Background

- 2 The Temeraire is situated in the High Street, Saffron Walden and operates as a Public House serving food and alcohol throughout the public areas. Private entertainment may be provided within these areas. (Private entertainment is entertainment which is not public entertainment but is provided for gain. The Council does not currently control such entertainment as it has not adopted the Private Places of Entertainment (Licensing) Act 1967.) There is no restriction on the hours during which members of the public may be present on the premises. Children under 14 may also be allowed in the bar areas in accordance with the Children's Certificate granted for the premises.
- 3 At the rear of the premises there is a landscaped area where the consumption of food and alcohol can take place in the open air and this area adjoins the car park for patrons of the premises.
- 4 The High Street, Saffron Walden is a combination of business and residential premises and in Abbey Lane, which is to the rear of the premises, is a similar combination.
- 5 The existing Justices Licence allows for the sale of all intoxicating liquor of all descriptions by retail both on and off the premises between the following permitted hours.
 - (a) On weekdays other than Christmas Day, Good Friday or New Year's Eve 1000 –2300 hrs.
 - (b) On Sundays other than Christmas Day or New Year's Eve 1200 – 2230 hrs.
 - (c) On Good Friday 1200-2230 hrs.
 - (d) On Christmas Day 1200-1500 hrs and 1900 – 2230 hrs.
 - (e) On New Year's Eve, except on a Sunday 1000-2300 hrs.
 - (f) On New Year's Eve on a Sunday 1200-2230 hrs.

- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours the following day.

The above restrictions do not prohibit

- (a) During the first 20 minutes after the above hours the consumption of alcohol on the premises or the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel.
- (b) During the first 30 minutes after the above hours the consumption of alcohol on the premises by persons taking meals there, if the alcohol was supplied for consumption as ancillary to the meal.
- 7 Children under 14 accompanied by an adult may be present until 1900 hrs each day in the certificated area.
- 8 Recorded music may be played throughout the premises without limitations and private entertainment for gain may be provided in the premises without limitation.
- 9 There are no restrictions on the provision of food to anyone who may reside at the premises. For non-residents food may be sold in line with alcohol sales with an additional 30 minutes thereafter.
- 10 The application in this matter made by J D Weatherspoon PLC is to remove the restrictions and affects 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. It also seeks 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 to replace them as follows.
- 11 The supply of alcohol will be from 0900-0030 hrs Monday to Thursdays, 0900-0200 hrs on Fridays and Saturdays and on Sundays 0900-0030 hrs.
- 12 The non-standard timings requested are on Christmas Eve until 2.00 am and similar hours for Boxing Day.
- 13 An additional hour to the above finishing hours is sought on the following days:
- | | | |
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| Burns Night | - | 25 January |
| Australia Day | - | 26 January |
| St David's Day | - | 1 March |
| St Patrick's Day | - | 17 March |
| St George's Day | - | 23 April |
| St Andrew's Day | - | 30 November |
- 14 An additional 30 minutes is being sought to the finishing times on the following days:
- Thursday preceding Easter
Sundays preceding a Bank Holiday

- 15 The applicant is also seeking to extend the hours during which alcohol may be sold or supplied on no more than 15 occasions per calendar year either at the beginning of standard hours or 3.00 am. These extensions can only take place if at least 7 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent.
- 16 The provision of late night refreshment will only take place inside the premises and the hours that are sought are Mondays to Thursdays 2300-0030 hrs, Fridays and Saturdays 2300-0100 hrs and on Sundays 2300 – 0030 hrs..
- 17 The hours that 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.
- 18 The applicant is 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 to remove 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.
- 19 Representations have been made by Essex Police, Essex Fire and Rescue Service, the Principle Environmental Health Officer.
- 20 In carrying out their statutory function the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, ie
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance and
 - The protection of children from harm

In determining an application then due regard should be given to the Council's Policy regarding liquor licensing.

- 21 The decision which the Committee can make for this application is to
 - Grant the application
 - Modify the application by inserting conditions
 - Remove the licensable activity from the licensee
 - Reject the application

RECOMMENDED that

- 1 The operating schedule regarding this be determined.
- 2 In the event of the applicant appealing against the decision of the Licensing Authority, then a member is nominated to give evidence at Court on behalf of the authority.

Background Papers:

Representations from Mr S Sparrow, Essex Police
Representations from Mrs A Lee-Moore, Environmental Health Officer
Representations from Essex Fire and Rescue Service
Letter from Mrs J Goddard
Operating Schedule from applicant.
Plan of premises.