

**LICENSING COMMITTEE held at 10.00 am at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 4 JULY 2005**

Present:- Councillor J I Loughlin – Vice Chairman in the chair
Councillors E W Hicks, A Marchant and J P Murphy

Officers in attendance:- M Cox, M Hardy, C Nicholson, M Perry and A Turner.

LC19

**APPLICATION TO CONVERT EXISTING LICENCE AND TO
SIMULTANEOUSLY VARY THE LICENCE FOR THE SALE OF ALCOHOL
AT THE QUEEN ELIZABETH PUBLIC HOUSE SAFFRON WALDEN.**

Members considered the report of the Licensing Officer for an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence to remove the restrictions relating to permitted hours as set out in Section 60 of the Licensing Act 1964 with the exception of New Years Eve and to replace them as follows

The supply of intoxicating liquor will be on Mondays to Thursdays inclusive from 10.00 am to 12 midnight. The supply of intoxicating liquor on Fridays and Saturdays will be from 10.00 am to 2.00 am and on Sundays 12 midday to 12 midnight.

The non-standard timings requested for New Years Eve is 24 hours and until 2.00 am on Sundays that precede a Bank Holiday and also on 31 October each year.

The hours which the premises are sought to remain open without the sale of intoxicating liquor are Mondays to Thursdays inclusive 10.00 am to 1.00 am, Fridays and Saturdays 10.00 am to 2.30 am and Sundays 12 midday to 1.00 am.

The application for recorded music on Fridays and Saturdays is from 8.00 pm to 1.00 am and on Sundays 8.00 pm to 12 midnight with the non-standard timings for New Years Eve being 24 hours and on 31 October and Sundays preceding a Bank Holiday is 1.00 am.

The application for the performance of dance on Fridays and Saturdays is from 8.00 pm to 1.00 am and on Sundays 8.00 pm to 12 midnight with the non-standard timings for New Years Eve being 24 hours and on 31 October to 2.00 am with Sundays preceding a Bank Holiday to 1.00 am.

At the request of the Child Protection Unit the applicant had agreed to vary the operating schedule to include the following conditions

- (a) All persons under 16 years to be accompanied by an adult.
- (b) All persons under 16 years to leave the premises by 8.00 pm.

(c) The placing of a person under 18 years in the Bed and Breakfast part of the premises must only be agreed in exceptional circumstances with the licensees and Essex County Council

(d) The Pool and Function Room to be closed by 11pm

The Essex Fire and Rescue Service, the Principle Environmental Health Officer and a number of local residents had made representations.

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

The Council's Legal Officer described the procedure to be adopted.

The applicants, Myra Stokely and Cindy Hare were present. .

The following objectors asked to address the meeting

Andrew Brown - 52 Fairycroft Road
Nikki Bertoya - 1 New Road
Jo McDonald - 38 Elm Grove
Lynn Ingamells – 27 Hill Street
Tony Shrosbree - 11 Fairycroft
David Heathcote – 25a Hill Street

The Licensing Officer also read an email from Mrs Lodge of 4 Common Hill objecting to the application on the grounds that the noise and disturbance outside her house would continue later at night.

The applicant then stated that following discussions with the Police she wished to amend the application to alter the hours of opening as follows

Recorded music

Thur 8pm – midnight
Fri 8pm – 00:30
Sat 8pm – 00:30
Sun 8pm – midnight

Provision of facilities for dancing

Thurs 8pm – midnight
Fri 8pm – 00:30
Sat 8pm – 00:30
Sun 8pm – midnight

Supply of alcohol

Mon, Tue, Wed, Thur 10:00 – Midnight

Fri 10:00 – 00:30
Sat 10:00 – 00:30
Sun 12:00 – midnight.

Non standard timings

New years Eve – 24 hours opening
Fridays, Saturdays and Sundays on the eve of bank Holiday Mondays 10:00 – 01:00
31 October each year 10:00 – 00:30

Hours open to the public

All start times as above (supply of alcohol)
All finish times 1 hour later

The applicant also wished to amend the request so as to include the conditions recommended by the Fire Service for the purpose of effecting the Council's licensing objectives for the prevention of public nuisance, as follows

- 1 The cabin hooks at present fitted to some of the doors in the licensed area should be removed.
- 2 The self closing device missing from the kitchen door should be reinstated.
3. Additional fire exit signs should be provided.
- 4 Additional emergency lighting should be provided.
- 5 An additional foam extinguisher should be provided in the new roofed area to provide additional cover for the barbecue

The Chairman then asked the Council's Environmental Health Officer to address the Committee. He said that the applicant had agreed to a number of conditions, which addressed concerns regarding a possible nuisance being caused by noise coming from the premises. These were as follows

- 1.The patio must not be used by customers between the hours of 11pm and 7am
2. All external doors/windows must be kept closed, other than for access and egress whilst events involving amplified sound are taking place
3. The door from bar area to the corridor that leads to the patio must be kept closed, other than for access and egress whilst events involving amplified sound are taking place.
4. Air conditioning to be provided in all rooms where amplified sounds are taking place

5. Amplified sound from the premises shall not be clearly audible at the boundary of any noise sensitive premises so as to cause a nuisance.

6. 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 shall include, the time and date of the checks, the person making them and results including any remedial action.

7. Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The applicant confirmed that these conditions were acceptable.

The Chairman then invited the objectors to speak. The objections referred to the disturbance and noise experienced by the residents when people left the premises. This would be made worse with the later opening hours and it was not acceptable for local residents to be kept awake until the early hours of the morning. Later opening hours would mean greater amount of alcohol being consumed and an increasing number of problems on leaving the premises. The objectors cited incidents of anti social behavior. Objectors that lived close to the premises were concerned about the excessive noise from the amplified music which caused them unacceptable disturbance.

Members then had the opportunity to question the objectors. Councillor Murphy asked if a doorman might help the situation. However, it was felt that the employment of a doorman was not necessary, as this would not address the problem of disturbance that occurred further away from the premises.

The applicant had an opportunity to answer the objectors' questions. She explained measures that were in place to control excessive drinking. She did try to monitor people when they left the premises but pointed out that it was very difficult to prove that disturbances in the town came from this particular pub.

She then made a statement outlining the measures that she hoped to put in place to address the concerns of the objectors and explained that she had agreed to all the amendments and extra conditions that had been requested

The members of the Committee then asked questions of the applicant. In answer to a question from the Chairman she gave details of the training courses that she hoped to attend. Councillor Murphy asked if she would accept a condition for no new admissions after 11.30pm. The applicant said that this would only be possible if no other pubs in the area had been granted a similar licence for later opening hours. In answer to a question from Councillor Marchant, the applicant said that on a Friday and Saturday night 2 licensees were on duty together with 3 bar staff and the owner.

One of the objectors, Mr Brown, then made a further statement reiterating that later opening hours would lead to worse behavior and more disturbance for residents

The applicant made a final statement in support of the application. She said that she had been involved in managing pubs and bars for many years both here and in Europe. In her experience, with later opening, hours people tended to spread out their drinking and there were generally fewer problems at closing time.

LC20 **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.

LC21 **APPLICATION TO CONVERT EXISTING LICENCE AND TO SIMULTANEOUSLY VARY THE LICENCE FOR THE SALE OF ALCOHOL AT THE QUEEN ELIZABETH PUBLIC HOUSE SAFFRON WALDEN.**

Members returned to the Council Chamber

RESOLVED that the Licence be granted with the additional conditions agreed with Environmental Health, the Fire Authority and the Police.

The Committee was satisfied that the reduction in hours from those put forward in the application to the hours agreed with the Police and the conditions negotiated with the Council's Environmental Health Department were sufficient to meet the licensing objective of preventing public nuisance and the agreement with the Fire Authority meets the Licensing objective of securing public safety.

The objectors were advised of their right to appeal by lodging a notice with the Clerk to Justices, Osprey House, Hedgerows business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days.

The Chairman informed the meeting that in the event of problems, the relevant authorities and interested parties had a right to seek a review of the licence.

The meeting ended at 11.25am.