

Committee: LICENSING
Date: 4 JULY 2005
Agenda Item No: 2
Title: QUEEN ELIZABETH EAST 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 variations so therefore this application has been referred to the Committee for deliberation.

Background

- 2 The Queen Elizabeth is situated in East Street on the corner of Fairycroft Road, Saffron Walden and operates as a Public House under a Justices Licence to sell intoxicating liquor by retail both on and off the premises. It does also have facilities to operate as a bed and breakfast establishment.
- 3 Private entertainment only may be provided within the public areas, which is not regarded public entertainment but is provided for gain. The Council does not currently control such entertainment on premises with a Justice' Licence as it has adopted the Private Places of Entertainment (Licensing) Act 1967.
- 4 The Queen Elizabeth has been operating as a public house for a number of years and is located in a mainly residential and business area.
- 5 The existing Justices Licence allows for the sale of intoxicating liquor between the following permitted hours Mondays to Saturdays 11.00 am to 11.00 pm and Sundays 12 midday to 10.30 pm. These restrictions do not prohibit the consumption of alcohol on the premises during the first 20 minutes after the normal closing time.
- 6 Recorded music may be played throughout the premises without limitation.
- 7 This application is made by current licencees who are Deborah Joan Hare, Cindy Hare and Myra Stokley who are seeking to remove the restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 with the exception of New Years Eve and to replace them as follows.
- 8 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.

- 9 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.
- 10 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 non-standard times are the same as paragraph 9 above.
- 11 A copy of the application has been served on Essex Police, Health and Safety, The Planning Authority and Trading Standards who have not made any formal representations.
- 12 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.
- 13 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.
- 14 A copy of the application has also been served on the Child Protection Unit of Essex County Council. Following discussions between the Applicant and the Child Protection Unit at the request of the latter the applicant has asked 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 licences and Essex County Council
 - (d) The Pool and Function Room to be closed by 11pm.
- 15 Representations have been made by Essex Fire and Rescue Service on the grounds that the licensing objective regarding public safety has not been met. The Principal Environmental Health Officer has made representations regarding a possible nuisance being caused by noise coming from the premises. Local Residents have made representations regarding the proposed hours of opening to the public, and on noise and nuisance grounds.
- 16 In carrying out its 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
 - The protection of children from harm
- 17 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance..
- 18 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 application is determined.
- 2 In the event of any of the applicants 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 N Atkins, Environmental Health Officer
Representations from Essex Fire and Rescue Service
Operating Schedule from applicants
Plan of premises
Letters from objectors
Map of area