

LICENSING COMMITTEE held at 6.10pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 5 JULY 2005

Present:- Councillor V J T Lelliott – Chairman.
Councillors H D Baker, A Marchant and D J Morson.

Officers in attendance:- M Hardy, M J Perry, M T Purkiss and A Turner.

LC22

APPLICATION TO CONVERT EXISTING CLUB REGISTRATION CERTIFICATE AND SIMULTANEOUSLY TO VARY THE LICENCE AT THE CONSERVATIVE CLUB MUSEUM STREET SAFFRON WALDEN

The Council's Legal Officer described the procedure to be adopted at each of the hearings before the Committee.

Members considered the report of the Licensing Officer for an application to convert the existing club registration certificate under the Licensing Act 2003 and simultaneously vary the licence. The club was seeking to stage indoor sporting events mainly those involving darts and snooker fixtures and finals on Tuesdays and Thursdays between the hours of 8.00pm and 12 midnight. He said that this was dependant upon the club being selected as the nominated venue. The club was also seeking to provide live music both inside and outside but still on the premises on Saturdays between the hours of 8.00pm and 12 midnight and on Sundays between the hours of 12 midday and 4.00pm.

The club was also seeking to provide recorded music in the form of a discotheque to be held in the function room on a Saturday between the hours of 8.00pm and 12 midnight. The club was seeking to supply intoxicating liquor to members and bonafide visitors on days and times as follows:

Mondays to Fridays between the hours of 11.00am to 2.30pm and again from 6.30pm to 12 midnight. On Saturdays between the hours of 11.00am and 12 midnight and on Sundays from 12 midday to 11.00pm.

The non-standard timings for the premises were to include the following; on weekdays when a darts or snooker match took place, then the supply of alcohol would cease at 12 midnight. On Sundays, the supply of alcohol would cease at 6.00pm unless booked by a member for a private function. On the evening when the Christmas club draw took place, the supply of intoxicating liquor would cease at 2.00am and on Bank Holiday weekends, which included a Friday, Saturday and the Monday intoxicating liquor would cease being supplied at 2.00am.

Representations had been made by the Principal Environmental Health Officer on grounds of excessive noise which could give rise to being a public nuisance. However, prior to the meeting a fax had been received from the Chairman of the Saffron Walden Conservative Club agreeing to conditions which had been put forward by the Environmental Health Officer to minimise noise problems.

Representatives of the applicant, Mr Gerrard (Secretary) and David Miller (Vice Chairman of the Club) were present.

Objections had been received from Colin Matthews who was present at the meeting and Rosemary Fitzgibbon who was unable to attend.

The Chairman then asked the Council's Environmental Health Officer to address the Committee. He said 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 outdoor area must not be used for amplified music other than between the hours of 12.00-18.00 hours
2. The function room must not be used for amplified music later than 23.30 hours Saturday midnight, New Year's Eve and 23.00 hours any other day, and not more than once in any fourteen day period unless the sound is not clearly audible at the adjoining property.
3. A scheme of soundproofing of the function room must be agreed with the Licensing Authority and implemented to the Licensing Authority's satisfaction within three months of the licence coming into force.
4. A designated premises supervisor shall assess the impact of amplified music events on any residential property at the start of the event and periodically throughout the event and shall take steps to reduce the level of noise where it is likely to cause disturbance to residents.

At the suggestion of the Legal Officer the reference in condition 4 to "a designated premises supervisor" was deleted and replaced by the words "a designated club employee".

The applicant confirmed that these conditions, as amended, were acceptable.

The Chairman then invited Mr Matthews, an objector, to speak.

Mr Matthews said that the suggested conditions would largely meet his concerns. He said that noise had been a problem on only a few occasions and generally the applicant had been a good neighbour. However, he said that once the windows were open noise would be a concern and he suggested that air conditioning should be provided. He also referred to taxis arriving at closing time and leaving their engines running and with their lights on. He asked whether it would be possible for taxis to pick up customers from the Market Square. He added that noise problems were of particular concern as his son suffered from health problems.

Mr Gerrard, the Secretary of the Conservative Club, said that live music was performed once a month and there were some private parties but there had only been one occasion where a band had exceeded reasonable noise levels. He asked the objector how long he had been living at his property and Mr Matthews confirmed that he had moved-in in September 2004. Mr Gerrard said that the other objector, Mrs Fitzgibbon, had been provided with a list of dates when live music would be taking place. He said that the club was

hoping to have an investment from the Royal British Legion which would include provision for soundproofing but not air conditioning. He said that doors were being changed to double glazed and would incorporate soundproofing. He said that outdoor music had only been provided on one afternoon each year between the hours of 2 and 6 pm. He added that the Club's Steward would regularly monitor sound levels. He said that club rules required members to ask taxi drivers to turn off their engines when waiting outside the club.

Members then had the opportunity to question the objector and applicant and in answer to a question from Councillor Marchant concerning private events, Mr Gerrard said that the booking forms asked for details of music to be provided and made it clear that the noise levels of music was at the discretion of the club. He said that he would contact taxi companies and ask them not to leave their engines running and would remind members that they could be collected in the Market Square. In answer to a question from Councillor Morson, Mr Gerrard said that the provision of air conditioning would be looked at as part of the refurbishment programme.

Mr Matthews asked the applicant whether there was a possibility that there could be a booking each week. Mr Gerrard said that this would not be possible as no more than one event incorporating amplified music could be held in any fourteen day period. The Council's Legal Officer suggested that there could be a condition that the club should nominate two Hackney Carriage or private hire vehicle companies and that their drivers should be asked to not leave their engines running unnecessarily. Mr Gerrard confirmed that such a condition would be acceptable to the club.

LC23

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 considers 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.

The applicant, objector and the Environmental Health and Licensing Officers then left the meeting to enable Members to consider their decision.

LC24

APPLICATION TO CONVERT EXISTING CLUB REGISTRATION CERTIFICATE AND SIMULTANEOUSLY TO VARY THE LICENCE AT THE CONSERVATIVE CLUB MUSEUM STREET SAFFRON WALDEN

The applicant, Officers and public were then readmitted to the meeting.

RESOLVED that the Committee are satisfied that the conditions agreed with the Council's Environmental Health Department together with other conditions discussed during the hearing were sufficient to meet the licensing objectives of the prevention of public nuisance.

The Committee therefore granted the licence subject to the conditions referred to in the Officer's report and the conditions agreed with the Environmental Health Officer and the following conditions:

Windows and external doors shall be closed save for access and egress when amplified music is being played

The club shall nominate two Hackney Carriage or private hire vehicle companies for the purpose of collecting persons from the club. The numbers of those companies shall be prominently displayed in the club premises. The companies shall be instructed that drivers are to behave considerately, not to sound their horns on arrival at the premises and not to leave their engines running unnecessarily.

The Chairman also asked that Mr Matthews be provided with a list of events to be held at the club. The objector was advised of the right to appeal and Councillor Morson was nominated to represent the Council at any appeal hearing.

LC25

APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE AND TO SIMULTANEOUSLY VARY THE LICENCE AT THE CRICKETERS PUBLIC HOUSE BEAUMONT HILL GREAT DUNMOW

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. The variation applied for related to the extension of hours for the sale of alcohol, the inclusion of late night refreshments and the addition of various forms of regulated entertainment outlined below. The only representations received related to the provision of regulated entertainment only.

The applicant had requested the following regulated entertainment be included in a licence:

- a. Film exhibitions to take place indoors (TV screens and video entertainment) are from 11.00 hours to 01.00 hours Monday to Thursdays and 11.00 hours to 02.00 hours Friday and Saturday, and 12.00 hours to 01.00 hours on Sundays. When hours for the sale of alcohol are extended on Bank Holidays these hours are also extended.
- b. Indoor sporting events (pub games that attract an audience) between 11.00 hours to 00.00 hours Monday to Thursdays, 11.00 hours to 01.00 hours Fridays and Saturdays and 12.00 hours to 00.00 hours on Sundays.
- c. Live music indoors from 11.00 hours to 00.00 hours Monday to Saturdays, 12.00 hours to 00.00 hours on Sundays, limited to a maximum of 30 events per annum and a record maintained for inspection at the premises. New Year's Eve will start as shown and finish at 01.00 hours New Year's Day.

- d. Recorded music (indoors) from 11.00 hours to 00.00 hours Monday to Saturday, 12.00 hours to 00.00 hours on Sundays. This includes karaoke with or without a DJ. New Year's Eve to start as shown and finish at 01.00 hours New Year's Day.
- e. For events of a similar description including Quiz nights, performance with voice amplifications and comedians the hours will be 11.00 hours to 00.00 hours Monday to Saturday, and 12.00 hours to 00.00 hours on Sunday. Hours also to be extended to match Bank Holidays.
- f. Provision of facilities for making music (microphones with amplifier) hours are 11.00 hours to 00.00 hours Mondays to Thursdays, 11.00 hours to 01.00 hours Fridays and Saturdays, 12.00 hours to 00.00 hours on Sundays with hours extended on Bank Holidays.

The hours that the premises were open to the public would be 11.00 hours to 01.00 hours Mondays to Thursdays, 11.00 hours to 02.00 Fridays and Saturdays and 12.00 hours to 01.00 hours Sundays. Bank Holiday extension until 02.00 hours with the consumption of alcohol in the garden to cease at 23.00 hours.

The Licensing Officer reported that Essex Fire and Rescue Service had withdrawn a representation which had previously been submitted and at the request of the Child Protection Unit the applicant had agreed to the inclusion of the following activity restrictions "in the event of any adult content on TV and amusement machines children will be excluded from that area". The Licensing Officer also reported that representations had been received from the Environmental Health Officer on the grounds of public nuisance. 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 the concerns regarding a possible nuisance being caused by noise coming from the premises. These were as follows:

- 1. All external windows and doors in all rooms where events involving live or amplifying sound are taking place must be kept closed other than when used for access and egress.
- 2. Amplified sound from the licensed premises shall not be clearly audible at the boundary of any noise sensitive premises so as to cause a nuisance.
- 3. 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.

Mr Veitch and Mr Summers of T D Ridley and Sons Ltd (the applicant) were present and confirmed that these conditions had been discussed with the Environmental Health Officer at a site visit and were acceptable.

Councillor Morson asked how noise levels would be monitored and the Environmental Health Officer said that this would be the responsibility of the licensee but no complaints had been received in recent years.

LC26

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 considers 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.

The applicant, the Licensing and Environmental Health Officers then left the meeting to enable Members to consider their decision.

LC27

APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE AND TO SIMULTANEOUSLY VARY THE LICENCE AT THE CRICKETERS PUBLIC HOUSE BEAUMONT HILL GREAT DUNMOW

RESOLVED that the Committee are satisfied that the conditions agreed with the Council's Environmental Health Department together with the conditions discussed during the hearing were sufficient to meet the licensing objectives of the prevention of public nuisance.

The Committee therefore granted the licence subject to the conditions referred to in the Officer's report and the conditions agreed with the Environmental Health Officer.

LC28

APPLICATION TO CONVERT EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE LICENCE AT THE STAG PUBLIC HOUSE LITTLE EASTON

Members considered the report of the Licensing Officer for an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously to vary the licence. The variations applied for related to the extension of hours for the sale of alcohol, the inclusion of late night refreshments and the addition of various forms of regulated entertainment outlined below. The only representation received related to the provision of the regulated entertainment only.

The applicant had requested that the following regulated entertainment be included in the licence:

- a. Film exhibitions to take place indoors (TV screens and video entertainment) are from 11.00 hours to 12.30 hours Monday to Thursdays and 11.00 hours to 01.30 hours Friday and Saturday, and 12.00 hours to 12.30 hours on Sundays. When hours for the sale of alcohol are extended on Bank Holidays these hours are also extended.
- b. Indoor sporting events (pub games that attract an audience between 11.00 hours to 00.30 hours Monday to Thursdays, 11.00 hours to 01.30 hours Fridays and Saturdays and 12.00 hours to 23.30 hours on Sundays.

- c. Live music indoors from 11.00 hours to 23.00 hours Monday to Thursdays, 11.00 hours to 00.00 hours Fridays and Saturdays and, 12.00 hours to 23.00 hours on Sundays, limited to a maximum of 30 events per annum and a record maintained for inspection at the premises. A maximum of 6 events to be held outdoors in the pub garden, with closure of the garden at 23.00 hours. New Year's Eve will start as shown and finish at 01.00 hours New Year's Day.
- d. Recorded music (indoors) from 11.00 hours to 00.00 hours Monday to Thursday, 11.00 hours to 01.00 hours Fridays and Saturdays, 12.00 hours to 23.00 hours on Sundays. This includes karaoke with or without a DJ. New Year's Eve to start as shown and finish at 01.00 hours New Year's Day.
- e. For events of a similar description including Quiz nights, performance with voice amplifications and comedians the hours will be 11.00 hours to 00.00 hours Mondays to Thursdays, 11.00 hours to 01.00 hours Fridays and Saturdays and 12.00 hours to 23.00 hours on Sunday. Hours also to be extended to match Bank Holidays.
- f. Provision of facilities for making music (microphones with amplifier) hours are 11.00 hours to 00.00 hours Mondays to Thursdays, 11.00 hours to 01.00 hours Fridays and Saturdays 12.00 hours to 23.00 hours on Sundays with hours extended on Bank Holidays.

The hours that the premises were open to the public would be 11.00 hours to 00.30 hours Mondays to Thursdays, 11.00 hours to 01.30 Fridays and Saturdays and 12.00 hours to 11.30 hours Sundays. Bank Holiday extension until 02.00 hours with the consumption of alcohol in the garden to cease at 23.00 hours.

The Licensing Officer reported that a representation made by the Essex Fire and Rescue Service on the grounds of public safety had been withdrawn prior to the meeting. Representations had also been received from the Child Protection Unit and following discussions with the applicant it had been agreed that the following activity restriction be placed on any licence which was issued: "in the event of any adult content on TV and amusement machines, children will be excluded from that area".

The Licensing Officer also reported that a letter of representation had been made by a neighbour, Mr and Mrs Blackshaw, stating that whilst the pub was well run the use of the garden for music had caused problems and they also suggested that the use of a wooden structure for music should be controlled and that the use of an adjoining field for events should be controlled. The applicant submitted that the representation had been received out of time. However, the Licensing Officer confirmed that it had been received within the prescribed period.

The Chairman then asked the Council's Environmental Health Officer to address the Committee. He said that the applicant had agreed to the following condition which would address his Department's concerns:

The area to the front of the public house including the area used for parking shall not be used as an addition to the premises either for activities involving the playing of live or amplified music or for activities associated with the playing of live or amplified music within the public house.

Mr Veitch and Mr Summers of T D Ridley and Sons Ltd and Mr Western, the landlord were present. Mr Veitch said that the company took any complaints seriously. He said that the objectors had visited the pub when they had moved in and it had been explained what activities went on at the pub. Mr Veitch contested some of the statements in the letter in that the wooden structure had only been used on three occasions for rehearsals for a local band and was not part of the application. He said that occasional events took place in the field and these were community events and not part of the application. He added that the application was for a maximum of 30 events in any one year with 6 events being outside but these would close at 11.00pm. He concluded that such events made the pub viable.

Mr Western, the landlord, said that a Certificate of Lawfulness had been obtained for the use of the field but if licensable activities were to take place he would serve a temporary events notice. He added that he undertook monitoring of noise levels on a regular basis. The Legal Officer advised the committee that as the wooden structure and field were not included in the application conditions could not be imposed to regulate their use as the carrying out of any licensable activity from those areas would be illegal.

LC29

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 considers 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.

The applicant and the Licensing and Environmental Health Officers then left the room to enable Members to consider their decision.

LC30

APPLICATION TO CONVERT EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE LICENCE AT THE STAG PUBLIC HOUSE LITTLE EASTON

RESOLVED that the Committee are satisfied that the conditions agreed with the Council's Environmental Health Department together with other conditions discussed during the hearing are sufficient to meet the licensing objectives of the prevention of public nuisance.

The Committee therefore granted the licence subject to the conditions referred to in the Officer's report and the conditions agreed with the Environmental Health Officer.

The applicant was advised of the right to appeal and Councillor Lelliott was appointed to represent the Council at any appeal hearing.

LC31

APPLICATION TO CONVERT EXISTING LICENCE AND TO SIMULTANEOUSLY VARY THE LICENCE AT THE ROSE AND CROWN PUBLIC HOUSE MILL END THAXTED

Members considered the report of the Licensing Officer for an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously to vary the licence. The variations applied for related to the extension of hours for the sale of alcohol, the inclusion of late night refreshments and the addition of various forms of regulated entertainment outlined below. The only representation received related to the provision of the regulated entertainment only.

Mr Veitch and Mr Summers of T D Ridley and Sons Ltd, the applicant, were present.

The applicant had requested the following regulated entertainment be included in the licence:

- a. Film exhibitions to take place indoors (TV screens and video entertainment) are from 11.00 hours to 00.00 hours Monday to Wednesdays and 11.00 hours to 01.00 hours Thursday to Saturday, and 12.00 hours to 00.00 hours on Sundays. When hours for the sale of alcohol are extended on Bank Holidays these hours are also extended.
- b. Indoor sporting events (pub games that attract an audience) between 11.00 hours to 00.00 hours Monday to Wednesdays, 11.00 hours to 01.00 hours Thursdays to Saturdays and 12.00 hours to 00.00 hours on Sundays.
- c. Live music indoors from 11.00 hours to 23.00 hours Monday to Wednesdays, 11.00 hours to 00.00 hours Thursdays to Saturdays and 12.00 hours to 23.00 hours on Sundays, limited to a maximum of 30 events per annum and a record maintained for inspection at the premises. New Year's Eve will start as shown and finish at 01.00 hours New Year's Day.
- d. Recorded music (indoors) from 11.00 hours to 23.00 hours Monday to Wednesday, 11.00 hours to 00.00 hours Thursday to Saturday, and 12.00 hours to 23.00 hours on Sundays. This includes karaoke with or without a DJ. New Year's Eve to start as shown and finish at 01.00 hours New Year's Day.
- e. For events of a similar description including Quiz nights, performance with voice amplifications and comedians the hours will be 11.00 hours to 00.00 hours Monday to Wednesdays, 11.00 hours to 01.00 hours Thursdays to Saturdays, and 12.00 hours to 00.00 hours on Sunday. Hours also to be extended to match Bank Holidays.

- f. Provision of facilities for making music (microphones with amplifier) hours are 11.00 hours to 00.00 hours Monday to Wednesdays, 11.00 hours to 01.00 hours Thursdays to Saturdays 12.00 hours to 00.00 hours on Sundays with hours extended on Bank Holidays.

The hours that the premises would be open to the public would be 11.00 hours to 00.00 hours Mondays to Wednesdays, 11.00 hours to 01.00 hours Thursdays to Saturdays and 12.00 hours to 00.00 hours Sunday. Bank Holiday extension until to 01.30 hours with the consumption of alcohol in the garden to cease at 23.00 hours.

The Licensing Officer reported that a representation had been made by the Essex Fire and Rescue Service on the grounds of public safety but this had now been withdrawn. At the request of the Child Protection Unit the applicant had agreed to the inclusion of the following activity restrictions on any licence that was granted: "in the event of any adult content on TV and amusement machines, children will be excluded from that area".

It was also reported that representations had been made by the Environmental Health Officer on the grounds of possible nuisance. However, discussions had been held with the applicant and he had agreed to the inclusion of the following conditions "provision of facilities for making music including a microphone with amplifier to end at midnight on Thursday, Friday and Saturday". It was reported that this condition now satisfied the representations and as there were no outstanding objections the Committee had no discretion other than to resolve to grant the licence subject to the agreed conditions. The Committee so resolved.

The meeting ended at 7.40pm.