

**Committee:** Licensing  
**Date:** 14 July 2005  
**Agenda Item No:** 3  
**Title:** The Star Inn, Mill End, Thaxted  
**Author:** Murray Hardy (01799) 510598

### **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 therefore this application has been referred to the Committee for deliberation.

### **Background**

- 2 The Star Inn is situated in Mill End, Thaxted and is approximately in the centre of the village. It does operate currently under a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises.
- 3 The Star Inn is operated by Adnams Brewery and has been functioning for a number of years in Thaxted. The premises are located in a mainly residential and business area and the village does become a tourist attraction during the summer months.
- 4 The existing justices licence allows for the sale of intoxicating liquor between the following permitted hours:

Mondays – Saturdays 11am to 11pm  
Sundays 12 midday to 10.30pm

These restrictions do not prohibit the consumption of alcohol on the premises during the first 20 minutes after the normal closing time.

- 5 The premises does have a Public Entertainment Licence which permits Sunday entertainment only between the hours of 7.30pm to 10.30pm in the main bar area. The numbers of persons attending is restricted to 50 and the occasions when entertainment takes place must not exceed two Sundays in any one month.

- 6 The application has been made on behalf of Adnams Brewery who are seeking to remove the restrictions relating to permitted hours as set out in section 60 Licensing Act 1964 and replace them as follows:

Mondays – Thursdays 11am – 12 midnight  
Fridays – Saturdays 11am – 1am  
Sundays 11am – 12 midnight

For the non-standard timings and extra hour is being sought if Christmas Eve falls between a Sunday and a Thursday

- 7 Furthermore, they are seeking for the premises to remain open to the public as follows:

Mondays – Thursdays 11am – 1am  
Fridays – Saturdays 11am – 2am  
Sundays 11am – 1am

For the non-standard timings the applicants are seeking an extra hour for the premises to remain open if Christmas Eve falls between Sunday and a Thursday.

- 8 The applicants upon the expiration of their current Public Entertainment Licence are seeking that both live and recorded music are included on their operating schedule as it becomes a licensable activity under the Licensing Act 2003.

- 9 The hours sought for the live music which will be confined to inside the premises are 8pm to 10.30pm on Sundays with an extra hour being included if Christmas Eve falls on a Sunday.

- 10 The hours sought for recorded music which again will be confined to inside the premises are as follows:

Mondays – Thursdays 11am – 1am  
Fridays – Saturdays 11am – 2am  
Sundays 11am – 1am

- 11 The operating schedule also includes a request to permit karaoke on alternate Sundays between the hours of 8pm and 10.30pm, with a caveat that if Christmas Eve falls on a Sunday then an extra hour is being sought to 11.30pm.

- 12 Copies of this application have been served on the statutory bodies which have attracted representations from Essex Police, the Principle Environmental Health Officer and local residents. The representations are

based on the grounds that crime and disorder may result , and that a public nuisance may be caused by noise being emitted from the premises.

- 13 Following those representations and in consultation with Essex Police the applicant has now revised the operating schedule in the following terms

Hours of premises open to the public reduced on Fridays and Saturdays from 2am to 1.30am.

Hours recorded music is permitted to be played reduced on Mondays – Thursdays from 1am to 12 midnight. Fridays and Saturdays from 2am to 12.30am.

Sundays from 1am to 12 midnight.

Supply of alcohol reduced Mondays – Thursdays from 1am to 12 midnight. Fridays – Saturdays from 2am – 12.30am. Sundays from 1am to 12 midnight.

Further consultations have taken place between the applicant and the Principle Environmental Health Officer resulting in the representation being withdrawn on the proviso that the following conditions are inserted in the premises licence

- A Prominent and clear notices will be displayed at all exits requesting Customers to respect the needs of local residents and to leave the premises and the area quietly. Staff to ensure customers leave quickly and quietly.
- B No drinking shall be permitted outside the public house, other than in the external seating area between the hours of 11am to 11pm.
- C A designated premises supervisor shall regularly assess the noise from the premises during live entertainment events, karaoke events and, whilst background music is being played. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents. A logbook shall be kept with records of any complaints and the remedial action taken.
- D The external door at the front of the premises shall be kept closed other than for access and egress whilst live entertainment and Karaoke events are taking place. All ground floor front and side windows shall be kept closed for a minimum of the last 30 minutes of these events.

No other variations have been applied for by the applicant.

- 14 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, i.e:-
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 15 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 16 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 licence
  - Reject the application

RECOMMENDED that

- 1 the application is determined.
- 2 in the event of an appeal against the decision of the Licensing Authority, then a member is nominated to give evidence on behalf of the authority.

Background papers: Representations and consultation letter from  
Mrs A Lee-Moore, Environmental Health Officer  
Mr S Sparrow, Essex Police  
Operating Schedule from applicant  
Revised Operating Schedule  
Plan of Premises  
Location of Premises  
Letters from objectors

**Committee:** Licensing  
**Date:** 14 July 2005  
**Agenda Item No:** 4  
**Title:** Rose & Crown PH Crown Hill Ashdon  
**Author:** Amanda Turner (01799) 510613

### **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 Rose & Crown PH Ashdon is situated in the small village of Ashdon on Crown Hill. It 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 in premises with Justices Licences by virtue of the adoption of the Private Places of Entertainment (Licensing) Act 1967 by the Council.)
- 3 At the side and rear of the premises there is a car park for patrons of the premises. The garden area is immediately to the rear of the premises.
- 4 Crown Hill Ashdon is situated in a residential area.

### **Application**

- 5 The application has been made by Punch Taverns Plc and is for a conversion with simultaneous variation. The existing Justices Licence allows for the sale of all intoxicating liquor of all descriptions by retail both on and off the premises within the standard hours of the Licensing Act 1964.
- 6 Recorded music may be played throughout the premises without limitations and private entertainment for gain may be provided in the premises without

limitation. The premises currently hold events under the 2 in a bar rule which will be abolished under the 2003 Act.

- 7 The variations applied for relate to the extension of hours for the sale of alcohol, the inclusion of late night refreshment and the addition of various forms of regulated entertainment outlined below. The only representations received relate to the provision of the regulated entertainment only.
- 8 The applicant requests the following regulated entertainment be included in a licence
  - a. Live music indoors from 11:00hrs to 23:00hrs Monday to Wednesdays, 11:00hrs to 00:00hrs Thursdays, 11:00hrs to 01:30 hrs Fridays and Saturdays, and 12:00hrs to 22:30hrs on Sundays. Not more than 2 entertainers will perform amplified and/or unamplified music.  
Bank holiday and Christmas Eve extensions of 1 hour on the above finishing times.
  - b. Recorded music (indoors) from 11:00hrs to 23:00hrs Monday to Wednesdays, 11:00hrs to 00:00hrs hrs on Thursdays, 11:00hrs to 01:30 hrs Fridays and Saturdays and 12:00hrs to 22:30hrs on Sundays.  
Bank holiday Christmas Eve extensions of 1 hour on the above finishing times.
- 9 The hours that the premises would be open to the public would be 11:00hrs to 23:30hrs Monday to Wednesdays, 11:00hrs to 00:30hrs Thursdays, 11:00hrs to 02:00hrs Fridays and Saturdays, and 12:00hrs to 23:00hrs Sunday. Bank holiday extensions plus Christmas Eve 1 hour on the above finishing times.
- 10 Representations have been received from Uttlesford District Council's Environmental Health Department on the grounds of public nuisance. They state that they are concerned that the applicant's operating schedule fails to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to ensure noise from live and amplified music along with late noise from customers does not disturb nearby residents.
- 11 The applicant in its operating schedule has indicated that it will take the following steps to promote the prevention of public nuisance licensing objective:
  - All windows are lockable if required
  - The fabric of the building retains sound
  - Customers to be requested to leave the premises quietly

- A kitchen extractor system is installed in the premises

12 In carrying out their statutory function the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, i.e.

- 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 licensing, and the Guidance issued by the Secretary of State.

13 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 licence
- Reject the application

14 If the Committee in its discretion wishes to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objectives relative to the representations received only. The Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application for the licence be determined.
- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to give evidence at Court on behalf of the authority.

Background Papers:           Representation from Mrs A Lee-Moore - Noise Nuisance  
  Application from applicant  
  Plan of premises