

**LICENSING COMMITTEE held at 6.30 pm at COUNCIL OFFICES  
LONDON ROAD SAFFRON WALDEN ON 1 AUGUST 2005**

Present:- Councillor J I Loughlin – Chairman.  
Councillors H D Baker, C A Bayley and E W Hicks.

Officers in attendance:- W Cockerell, M Hardy, C Nicholson, M T Purkiss  
and A Turner.

L40

**APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE  
UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE  
LICENCE AT THE RAILWAY PUBLIC HOUSE STATION ROAD  
SAFFRON WALDEN**

The Council's Solicitor outlined the procedure for the hearing and emphasised the opportunities for all parties to have their say and to ask questions. She said that all representations would be taken into account and if any party was aggrieved by the decision, they could appeal to the Magistrates Court within 21 days.

Members then 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 application was made by Punch Taverns Plc on behalf of the current licensee, Patrick Francis Donnelly, and they were seeking to remove the restrictions relating to permitted hours as set out in Section 60 of the Licensing Act 1964 with exception of New Year's Eve, New Year's Day and Christmas Day and to replace them as follows:-

- 1 The supply of intoxicating liquor will remain the same as the current permitted hours on Mondays – Wednesdays. However, on Thursdays, Fridays and Saturdays permitted hours are sought from 11.00 am to 12 midnight. On Sundays 12 midday to 10.30 pm.
- 2 The non-standard timings requested for Fridays, Saturdays, Sundays and Mondays is an extra hour on Bank Holiday weekends and this is mirrored for exactly the same time and days over the Easter period. For Christmas Eve and Boxing Day again a further hour at the end of permitted hours is being sought.
- 3 The hours which the premises wish to remain open to the public are Mondays – Wednesdays, 11.00 am – 11.30 pm, Thursdays, Fridays and Saturdays, 11.00 am – 12.30 am and on Sundays, 12 midday to 11.00 pm.
- 4 The non standard timings are the same as indicated at paragraph 2.
- 5 The hours for live music which are being sought are Mondays – Wednesdays, 11.00 am – 11.00 pm, Thursdays, Fridays and Saturdays, 11.00 am – 11.00 pm and on Sundays, 12 midday to 10.30 pm.
- 6 The non standard timings are the same as indicated at paragraph 2.

7 The hours sought for the playing of recorded music are:- Mondays – Wednesdays, 11.00 am – 11.00 pm, Thursdays, Fridays and Saturdays, 11.00 am – 12 midnight and on Sundays, 12 midday to 10.30 pm.

8 The non standard timings are the same as indicated at paragraph 2.

The Licensing Officer said that copies of the application had been served on the statutory bodies and a representation had been received from the Principal Environmental Health Officer. This representation had been based on the licensing objective concerning the prevention of a public nuisance on the grounds of potential excessive noise being caused late at night in a residential area. However, he understood that discussions had been held between the applicant and the Principal Environmental Health Officer and conditions had been agreed which would overcome the objections.

The Licensing Authority had also received representations from interested parties who lived in the neighbourhood on the grounds of potential disorder and the creation of a noise nuisance.

The Principal Environmental Health Officer addressed the meeting and said that his concerns had centred around noise nuisance from amplified music and the use of the outside seating area late at night. However, discussions had been held with the applicant and conditions to address these concerns had been agreed and could be attached to any licence which was granted. He stated that the suggested conditions were as follows:-

- 1 The external seating area/beer garden must not be used by customers between the hours of 11.20 pm and 7.00 am.
- 2 All external doors and windows must be kept closed, other than for access and egress in all rooms when events involving amplified sound are taking place.
- 3 Mechanical ventilation to be provided in all rooms where events involving amplified sound are taking place.
- 4 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 levels of noise where it is likely to cause a disturbance to local residents. A written record shall be made of these checks in a logbook and kept for that purpose and shall include the time and date of the checks and the person.
- 5 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.
- 6 Ensure music is only played at such a level so not to cause a nuisance.

One of the objectors, Miss E Law, said that she was still concerned as to whether these measures would be enough. She added that there were problems when people left premises late at night and from people walking up the street and she was concerned about the amount of noise which came from such small premises.

The Licensee, Mr Donnelly, asked Miss Law about who was causing the noise and she replied that the majority of noise in the area was caused by people coming from elsewhere in the town. Mr Davies of Punch Taverns Plc said that the main changes to the licence involved an additional hour on Thursday, Friday and Saturday and the provision of live entertainment on twelve occasions each year and limited to two entertainers. He said that in his discussions with the Environmental Health Officer, it had been clarified that the concerns related to the proximity of the premises to residential properties, the low level of background noise in the area, single glazed windows and the use of the beer garden late at night. He said that the conditions, which had been suggested, would address these problems. He added that no complaints had been made to either the licensee or the Council about noise in the past. He also suggested that the noise in the area was mainly caused by students and other people leaving other establishments in the town and was not caused by customers of The Railway Public House. He concluded that the company and the licensee understood and accepted their responsibilities and duties to neighbours and said that the only difference would be the extra hour on Thursday, Friday and Saturday and he confirmed that the garden would close at 11.20 pm.

In response to a question from Councillor Loughlin, Mr Donnelly said that he undertook regular random checks to help prevent under age drinking.

Another objector, Mrs M Alberici, said that her property faced onto Station Road and she had witnessed customers from The Railway making noise. Mr Donnelly, the licensee, reiterated his claim that most of the noise was caused by people leaving other premises in the town.

#### L41 **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 Council Chamber to consider their decision.

#### L42 **APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE LICENCE AT THE RAILWAY PUBLIC HOUSE STATION ROAD SAFFRON WALDEN**

Members then returned to the Council Chamber to announce their decision.

RESOLVED that the Committee, having taken into account everything heard at the meeting and all written submissions, subject to the conditions contained in the operating schedule and as agreed with the Council's Chief Environmental Health Officer, are satisfied that the licensing objectives have been met.

The Committee therefore granted the licence subject to the conditions as set out above and agreed with the Environmental Health Officer.

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

The meeting ended at 7.00 pm.