

Committee: LICENSING
Date: 1 AUGUST 2005
Agenda Item No: 2
Title: THE RAILWAY PUBLIC HOUSE STATION ROAD
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 to 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 Railway Public House is situated in Station Road on the corner of Station Street and operates as a Public House to sell intoxicating liquor of all descriptions by retail both on and off the premises.
- 3 Private entertainment only may be provided within the public areas, which is not regarded as public entertainment but is provided for gain. The Council does not currently control such entertainment on premises with a Justices Licence by virtue of the adoption of the Private Places of Entertainment (Licensing) Act 1967.
- 4 The Railway Public House has been in operation for a number of years and is located in a mainly residential 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 on 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 This application is made by Punch Taverns Plc on behalf of the current licensee, Patrick Frances Donnelly and they are seeking 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, New Years Day and Christmas Day and to replace them as follows.

- 7 The supply of intoxicating liquor will remain the same as the current permitted hours on Sundays – Wednesdays. However, on Thursdays, Fridays and Saturdays permitted hours are sought from 11.00 am to 12 midnight.
- 8 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.
- 9 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.
- 10 The non standard timings are the same as indicated at paragraph 8.
- 11 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.
- 12 The non standard timings are the same as indicated at paragraph 8.
- 13 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 midnight to 10.30 pm.
- 14 The non standard timings are the same as indicated on paragraph 8.
- 15 Copies of the application have been served on the statutory bodies and the only representation received by the Licensing Authority has come from the Principal Environmental Health Officer. He has based his representations 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.
- 16 The Licensing Authority has also received representations from interested parties who live in the neighbourhood on the grounds of potential disorder and the creation of a noise nuisance.
- 17 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
- 18 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.

19 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 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: Representations from Mr N Atkins, Environmental Health Officer
Operating Schedule from applicant
Plan of premises
Letters from objectors
Location of premises