

**LICENSING COMMITTEE held at 6.00 pm at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN ON 16 AUGUST 2005**

Present:- Councillor J I Loughlin – Chairman.
Councillors A Marchant, D J Morson and A R Row.

Also present: R Fitzgibbon, M Gordon, Mrs D Huddart, G Ladenburg,
Councillor R M Lemon, M McConnell, M Palmer, G Smith and
M Thuys.

Officers in attendance:- L Bunting, M Hardy, A Lee-Moore and M Perry.

L43

**APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE
UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE
LICENCE AT THE EIGHT BELLS PUBLIC HOUSE BRIDGE STREET
SAFFRON WALDEN**

The Council's Legal Officer outlined the procedure for the hearing and drew attention to the options for all parties to have their say and to ask questions. A number of people who had made written representations and had been notified of the hearing had not attended. The Committee decided to proceed in their absence. It was emphasised that Members would take all representations into account. The Council's Legal Officer asked for the names of those who would be speaking against the application. These were as follows:

M J Palmer
G Smith
S M McConnell
Mrs Huddart

The Legal Officer referred to amendments which should be made to paragraph 10(b) and paragraph 12, bullet point 3 of the Licensing Officer's report. These were agreed by the applicant.

The Licensing Officer outlined the report for Members who then considered the application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence. The application had been made by The Spirit Group and was for a conversion with simultaneous variation. The existing Justices Licence allowed 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. Recorded music may be played throughout the premises without limitations and private entertainment for gain may be provided in the premises without limitation.

The variations applied for related 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. Representations had been received from the Police although, after consultation between the applicants and the Police, the applicant had amended their application, the Police had withdrawn their objection and the following times and days had been agreed:

- (a) Live music indoors from 10:00 hrs to midnight Sunday to Wednesday, and 10:00 hrs to 00:30 hrs Thursday to Saturday. Events would be limited to two performers. Bank holidays of one hour on the above finishing times. An additional one hour extension on finishing times had been requested for up to 12 local, national, international or charitable events.
- (b) Recorded music indoors from 10:00 hrs to midnight Sunday to Wednesday, and 10:00 hrs to 00:30 hrs Thursday to Saturday. Bank holidays of one hour on the above finishing times. An additional one hour extension on finishing times had been requested for up to 12 local, national, international or charitable events.
- (c) For events of a similar description from 10:00 hrs to midnight Sunday to Wednesday, and 10:00 hrs to 00:30 hrs Thursday to Saturday. This would include live entertainment and Karaoke. Bank holidays of one hour on the above finishing times. An additional one hour extension on finishing times had been requested for up to 12 local, national, international or charitable events.
- (d) For events of provision for facilities for dancing from 10:00 hrs to midnight Sunday to Wednesday, and 10:00 hrs to 00:30 hrs Thursday to Saturday. Bank holidays of one hour on the above finishing times. An additional one hour extension on finishing times had been requested for up to 12 local, national, international or charitable events
- (e) The hours that the premises would be open to the public would be 09:00 hrs to 01:00 hrs Monday through to Sunday. Bank holidays of one hour on the above finishing times. An additional one hour extension on finishing times had been requested for up to 12 local, national, international or charitable events.

The Licensing Officer reported that representations had been received from Uttlesford District Council's Environmental Health Officer. After consultation with the applicants, the application had been amended and the Council's Environmental Health Officer had withdrawn the objection and the following times and days had been agreed:

- (a) Prominent and clear notices would be displayed at all exits requesting that customers leave quickly and quietly
- (b) No drinking would be permitted outside the premises, other than in the external seating area, and in any event between the hours of 23:00 hrs and 11:00 hrs
- (c) A responsible member of staff would regularly assess noise from the premises during amplified music events. Steps would be taken to reduce the level of noise where it was likely to cause disturbance to local residents
- (d) External doors would be kept closed other than for access and egress whilst amplified music events were taking place

Representations had also been received from interested parties on the grounds of noise nuisance. The main concerns had related to opening hours, noise, rubbish, vandalism and parking problems.

The applicant in their operating schedule had indicated that the following steps would be taken to promote the prevention of public nuisance licensing objectives:

- (a) Additional patrols would take place by members of staff, internally and externally, to limit any noise pollution when entertainment was being offered within the premises
- (b) If appropriate, notices would be displayed asking customers to respect neighbours when leaving the premises
- (c) Taxi radios pagers would continue to be used for the additional hours of trading and would be monitored by a responsible member of staff
- (d) Soft drinks and non-alcoholic refreshment would be available if it was decided to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises

As part of the discussions with the Police over representations on the grounds of crime and disorder the applicant had agreed to add the following conditions which had been agreed by the Police, to ensure that suitable and sufficient measures are in place after the hours of 00.30 hrs:

- (a) no alcohol to be served after 00.30hrs
- (b) where the premises were open after 00:30 hrs door supervisors would be employed
- (c) 14 days notice would be given to the Police of Saint day extensions and local, national, international and charity events
- (d) an operating plan covering the additional measures that would be taken to manage crime and disorder on these occasions would be completed and served upon the Police and licensing authority. It would include a risk assessment which would address the outline issues.

The Council's Legal Officer then asked those objectors present if they wished to speak.

Mrs Huddart informed the Committee that she had no problems with the current licensee and the way he operated the Eight Bells. Her worry was that, currently, the Police did not monitor as far down Bridge Street as the premises were situated. She was also concerned about late night noise and the narrowness of the road for additional cars from the car park. She also expressed her concern that if the current licensee were to leave, another may be appointed who would not be so concerned about the neighbourhood.

Mr Palmer said that he had no complaints at the moment but had unpleasant memories from past years before the current licensee. He was concerned about young people getting drunk and extra time entertainment which would very likely upset the locality. He considered that, unless there was extra control over hours, there could be many problems.

Mr Smith agreed with Mrs Huddart and Mr Palmer but asked if data was available regarding the locations of residential objectors as he considered that supporters of the application lived outside the location and would not be troubled by noise from the premises. He believed that the applicant was aiming at custom from further afield who would fill the car park. Noise from

slamming doors would emanate from the car park and he considered this would be wholly inappropriate for such a residential area.

Mr McConnell also agreed with what had already been said, although he considered that the changes to the licence would make the premises into a mini nightclub in the area. He said that noise definition changed after midnight and noise carried further which would create a nuisance. He regarded the application as open to abuse and that the changes to the licence would also create an opportunity for the applicants to sell the premises on.

Councillor Morson then asked the objectors what type of nuisance had been caused in the past. Mr Smith answered that there had been noise from groups of young people and rubbish, such as beer cans and eggs, being thrown onto doorsteps had been a regular occurrence.

Councillor Marchant asked what evidence there had been of the Police not being available and Mrs Huddart and Mr Palmer said that cars had been damaged.

Councillor Row referred to paragraph 10 (c) and (d) of the report and asked the Environmental Health Officer what steps could be taken to assess noise levels from the premises. She answered that the report referred to amplified music which should be able to be regulated and staff should regularly go outside the premises to check on the noise levels.

The applicant's legal representative then spoke for the application. He said he had heard the concerns of the objectors and would try to allay their fears. He detailed the variations and explained that they were a modest increase in hours and did not represent a major change to current activities provided at the premises. He referred to the requirement by the Government for all public houses to renew their licences and the fact that most of them would apply for extra hours. It was considered that the premise was a happy and friendly pub. The current management were good and this was not going to change. He referred to safeguards built into the new legislation and said that if there were to be any complaints, the Environmental Health Officers or the Police could easily be contacted. He considered that neighbouring residents should not be adversely affected by the variation in hours and that the licensee was sensitive to the concerns of nearby residents. He pointed out that the premises had the benefit of a supper hours licence from the licensing justices which permitted the sale of alcohol incidental to the supply of meals until 1.00am so the premises already had a 1.00am licence.

In response to a question regarding parking from Councillor Morson, the licensee answered that there were signs in place indicating that the car park was for patrons only. Concerning kerb parking, he usually tried to find the owners and asked them to move. He said that he patrolled the premises about four times during the evening as he was very conscious of noise affecting neighbouring residents. Councillor Marchant asked a question regarding the use of taxis and the licensee answered that he did not know what companies were used as customers made their own arrangements. He did however, use an intercom to let patrons know when a taxi was waiting.

Councillor Morson referred to paragraph 13 (c) of the report concerning Saint day extensions. The applicant's legal representative answered that the extensions were to be agreed with the Police. The Council's Licensing Officer said that there was a limit of 12 per annum and a minimum of 14 days prior notice should be provided.

Answering a question regarding closing time, the applicant's legal representative and the licensee assured objectors that there would be controls in place to ensure that customers left the premises quietly. The applicant said that the Spirit Group had taken a forward lead in responsible drinking.

Mr Palmer considered that the whole point of the application was to raise income and suspected that a large number of new customers would be encouraged. The legal representative insisted that the application was not to encourage customers from further afield and said that the premises had not been picked out for changes. It was a local pub and it was not in the landlord's interests to change its character.

The Chairman asked how many public houses had now changed their licenses. The Licensing Officer replied that the majority of Saffron Walden pubs had now taken advantage of the new legislation.

L44 **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 grounds 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.

L45 **APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE LICENCE AT THE EIGHT BELLS PUBLIC HOUSE BRIDGE STREET SAFFRON WALDEN**

Members returned to the meeting. The Chairman said that there was no evidence that the premises had been poorly managed by the existing licensee. The objections of the Police and the Environmental Health Department of the Council had been met. The Committee therefore considered that the conditions contained in the operating schedule, amended as detailed in the officer's report, provided adequate safeguards for residents. The licence was therefore granted subject to those conditions.

In addition to the powers of the Police and Environmental Health with regard to poorly managed premises, if problems persisted, interested parties or responsible authorities, could apply for a review of the licence when more stringent conditions, including shorter hours, could be imposed or in extreme circumstances, the licence could be revoked.

RESOLVED that the licence be granted subject to the conditions contained in the operating schedule, amended as detailed in the officer's report and agreed at the commencement of the hearing .

The Council's Legal Officer explained the right of appeal and the procedure. Councillor Morson was appointed to represent the Council at any appeal hearing.

The meeting ended at 7.17 pm.