

Committee: Licensing
Date: 16 August 2005
Agenda Item No: 2
Title: The Eight Bells PH Bridge Street 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 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 Eight Bells Public House is situated in Bridge Street on the fringe of the town of Saffron Walden. 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 On one side of the premises there is a car park for patrons of the premises. The other side of the premises consists of a small garden area.
- 4 Bridge Street Saffron Walden is situated in a residential area.

Application

- 5 The application has been made by The Spirit Group 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.
- 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.

- 8 Representations were received from the Police but after consultation between the applicants and police, the applicant has amended their application, the police have withdrawn their objection and the following times and days have been agreed:
- A Live music indoors from 10:00hrs to Midnight Sundays to Wednesday, and 10:00hrs to 00:30hrs Thursdays to Saturday. Events will be limited to 2 performers. Bank holidays of 1-hour on the above finishing times. An additional 1-hour extension on finishing times has been requested for up to 12 local, national, international or charitable events
 - B Recorded music indoors from 10:00hrs to Midnight Sundays to Wednesday, and 10:00hrs to 00:30hrs Thursdays to Saturday. Bank holidays of 1-hour on the above finishing times. An additional 1-hour extension on finishing times has been requested for up to 12 local, national, international or charitable events
 - C For events of a similar description from 10:00hrs to Midnight Sundays to Wednesday, and 10:00hrs to 00:30hrs Thursdays to Saturday. This includes live entertainment and Karaoke. Bank holidays of 1-hour on the above finishing times. An additional 1-hour extension on finishing times has been requested for up to 12 local, national, international or charitable events
 - D For events of provision for facilities for dancing from 10:00hrs to Midnight Sundays to Wednesday, and 10:00hrs to 00:30hrs Thursdays to Saturday. Bank holidays of 1-hour on the above finishing times. An additional 1-hour extension on finishing times has been requested for up to 12 local, national, international or charitable events
- 9 The hours that the premises would be open to the public would be 09:00hrs to 01:00hrs Mondays through to Sundays. Bank holidays of 1 hour on the above finishing times.
An additional 1-hour extension on finishing times has been requested for up to 12 local, national, international or charitable events.
- 10 Representations were received from Uttlesford District Council's Environmental Health Officer but after consultation between the applicants Mrs A Lee-Moore the applicant has amended their application, the Council's Environmental Health Officer has withdrawn their objection and the following times and days have been agreed:
- a) Prominent and clear notices will be displayed at all exits requesting customers leave quickly and quietly
 - b) No drinking shall be permitted outside the premises between the hours of 23:00hrs and 11:00hrs other than in the external seating area
 - c) A responsible member of staff shall regularly assess noise from the premises during amplified music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents
 - d) External doors shall be kept closed other than for access and egress whilst amplified music events are taking place
- 11 Representations have been received from interested parties on the grounds on noise nuisance. Main concerns relate to opening hours, noise, rubbish, vandalism and parking problems.

- 12 The applicant in its operating schedule has indicated that it will take the following steps to promote the prevention of public nuisance licensing objectives:
- Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises
 - If appropriate, notices will be displayed asking our customers to respect our neighbours when leaving the premises
 - When already used taxi radios pagers will continue to be used for the additional hours of trading and will be monitored by a reasonable member of staff
 - Soft drinks and non-alcoholic refreshment will be available if we decide to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises
- 13 As part of the discussions with the Police over representations on the grounds of crime and disorder the applicant has agreed to add the following conditions which have been agreed by the Police, to ensure that suitable and sufficient measures are in place after the hours of 00.30hrs.
- a) no alcohol to be served after 00.30hrs
 - b) where the premises is open after 00:30hrs door supervisors will be employed
 - c) 14 days notice given to the police of Saint day extensions and local, national, international and charity events
 - d) an operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions will be completed and served upon the police and licensing authority. It will include a risk assessment which addresses the outline issues
- 14 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.
- 15 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
- 16 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:

Memo from Mrs A Lee-Moore, Environmental Health Officer
Letter from Mr S Sparrow, Essex Police
Memo and e-mail from The Spirit Group
Operating Schedule from applicant
Location plan of Premises
Letters from objectors