

**LICENSING COMMITTEE held at 10.00 am at COUNCIL OFFICES
HIGH STREET GREAT DUNMOW on 26 AUGUST 2005**

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

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

L50

**APPLICATION TO CONVERT THE EXISTING MUSIC AND DANCING
LICENCE AND SIMULTANEOUSLY TO VARY THE LICENCE TO INCLUDE
THE SUPPLY OF ALCOHOL AT THE ET FOAKES MEMORIAL HALL
GREAT DUNMOW**

The Council's Legal Officer outlined the procedure for the hearing and drew attention to the option 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 about the application and these were as follows:

O Wilson (E T Foakes Memorial Hall Trust)
C Brine
M J Miller

The application was made by Mr O J Wilson on behalf of the E T Foakes Memorial Hall Trust who was seeking to replace the current music and dancing licence and allow the supply of intoxicating liquor as set out in the new operating schedule. The application included provision that:

- The standard timings for the performance of a play would be every day of the week commencing at 2.00 pm and ending at 11.00 pm.
- The standard timings for films would be Monday – Saturday commencing at 10.00 am and ending at 11.00 pm.
- The standard timings for indoor sporting events would be every day of the week commencing at 10.00 am and ending at 11.00 pm.
- The standard timings for live music would be Mondays to Saturdays commencing at 9.00 am and ending at 12 midnight and on Sundays commencing at 10.00 am and ending at 10.00 pm.
- The standard timings for recorded music would be Mondays to Saturdays commencing at 9.00 am and ending at 12 midnight and on Sundays commencing at 10.00 am and ending at 10.00 pm.

- The standard timings for the performance of dance would be Mondays to Saturdays commencing at 9.00 am and ending at 11.30 pm and on Sundays commencing at 10.00 am and ending at 10.00 pm.
- The standard timings for the provision of facilities for making music and dancing would be Mondays to Saturdays commencing at 9.00 am and ending at 12 midnight and on Sundays commencing at 10.00 am and ending at 10.00 pm.
- The standard timings for the supply of intoxicating liquor would be every day of the week commencing at 11.00 am and ending at 12 midnight.
- The standard timings for the hours that the premises are to be open to the public would be every day from 8.00 am to 1.00 am.
- The applicant is seeking by way of the non standard timing to be permitted to the following:-
 - (a) A maximum of four extensions per annum on a Friday for all licensable activities until 1.00 am.

The Licensing Officer introduced the report and said that a fax had been received from Great Dunmow Town Council on behalf of the Trust prior to the meeting setting out amendments which it proposed to make to the application. Copies had been circulated to Members and it was noted that the Trust would be agreeable to the following amendments to the application:

- a amendment of section M (supply of alcohol), page 16, by:-
 - i substitution of 23-30 for 24-00 in the finish time Monday to Saturday, and
 - ii deletion of Sundays

subject to:-

- 1 being permitted to extend the finish time Monday to Saturday from 23-30 to 24-00 on 100 occasions per annum and from 23-30 to 24-00 and 00-00 to 00-30 on 12 occasions per annum.
- 2 being permitted to supply alcohol on Sundays from 11-00 to 23-30 on 12 occasions per annum.

b amendment of section O (hours premises are open to the public), page 17, by:-

- i substituting 00-00 to 01-00 and 08-00 to 24-59 Monday to Sunday by 08-00 to 24-00 and 00-30 Monday to Saturday and 08-00 to 24-00 Sunday.

subject to:-

- 1 being permitted to extend the finish time Monday to Saturday from 00-00 on 100 occasions per annum and from 00-00 to 01-30 on 12 occasions per annum
- 2 being permitted to extend the finish time on Sunday from 00-00 to 00-30 on 12 occasions per annum

Finally, to rectify a clerical error, it was requested that section E (live music), page 11, be amended by substituting “09-00” for “00-90” in the start time for Monday.

The Licensing Officer also reported that a further letter had been received from Dr and Mrs Short and copies of this were circulated to Members. He also reported that copies of the application had been served on all of the statutory bodies with no formal representations being made. However, the Child Protection Department from Essex County Council had since agreed with the applicant the inclusion of the following conditions:

- (a) The Town Council will maintain the existing proof of age controls in respect of plays and films and also improve such controls as detailed in the operating schedule.
- (b) The Town Council will ensure that any material that is shown is suitable for the respective age groups.
- (c) The Town Council will make suitable additions to the conditions of hire to ensure that the above is achieved.

He also reported that following the requirement to display a notice on the premises and publish details in a local newspaper representations had been made by three interested parties and whilst these people had not attended the hearing no indication had been received that the representations had been withdrawn. He added that the applicant had completed a detailed risk assessment form which Members might wish to address. He concluded that the applicant and the objectors had a right to appeal if they were not satisfied with the decision of the Committee.

Mr Wilson then spoke for the application. He explained that the hall had been in operation since 1934 and was a major public meeting place in Great Dunmow. He added that there had been consistent good management since the opening of the Hall. He said that the concerns of the objectors had been addressed and he had offered to meet them informally but only one of the objectors had taken this offer up. Amendments had been made to the application as reported earlier in the meeting and the hours had been amended to take account of the operating needs and the likely growth of the town. The hours of operation had been reduced to address the points made by Dr and Mrs Short. He accepted that whilst there had been some noise in the vicinity of the Hall this was not caused by persons attending functions at the Foakes Hall. He concluded that a detailed risk assessment had been carried out and this had addressed the licensing objectives as defined in the Licensing Act 2003.

The other representatives present confirmed that they had nothing to add to the comments made by Mr Wilson.

In response to a question from Councillor Lemon, Mr Wilson confirmed that the Hall was double-glazed and there was now money in the capital programme to improve ventilation. He added that there was a condition that events should not cause noise nuisance to neighbours but there was no specific requirement to keep windows closed.

In response to a question from Councillor Morson, Mr Wilson said that the amendments to the application would result in a reduction in the hours that the Hall could be used. He added that local clubs in the town often used the car park as a picking up and dropping off point for coaches.

In answer to a question from Councillor Loughlin, Mr Wilson confirmed that there was a payphone in the Hall so that those attending could contact taxi companies and there was a call box outside the Hall. Councillor Row asked whether there had been any complaints about noise over the past two to three years. Mr Wilson confirmed that no complaints had been received about events at the Hall but there had been some representations about the use of recycling bins but this had now been resolved.

L51 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 its 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.

The applicant, representatives, Environmental Health Officer and the Licensing officers then left the meeting to enable Members to consider their decision.

LE52 APPLICATION TO CONVERT THE EXISTING MUSIC AND DANCING LICENCE AND SIMULTANEOUSLY TO VARYING THE LICENCE TO INCLUDE THE SUPPLY OF ALCOHOL AT THE ET FOAKES MEMORIAL HALL GREAT DUNMOW

The public were readmitted to the meeting. The Chairman said that the Committee had recognised the importance of community halls and had carefully considered everything they had heard and the written representations received and were satisfied that, subject to a condition that on occasions when regulated entertainment took place all windows and doors shall be closed at 10.30 pm, the licensing objectives of the prevention of public nuisance would be met.

RESOLVED that the licence be granted subject to the inclusion of the above condition and subject to the conditions set out above and contained in the operating schedule as amended in the FAX received from the applicant.

L53 APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE LICENCE AT THE DUKE'S HEAD PUBLIC HOUSE HATFIELD BROAD OAK

The Committee noted that the applicant had been given the opportunity to attend this hearing but was not present. Members expressed their concern that the applicant had not attended as it did not give the opportunity to deal with any questions which they wished to raise. The meeting was adjourned to enable the applicant to be contacted to see whether he intended to attend the meeting. However, it was later confirmed that he would not be present and the Committee decided to proceed in his absence. It was emphasized that Members would take all representations into account in dealing with this application.

The Licensing Officer introduced the report and explained that the applicants had applied for a licence for the following activities during the following hours:

- a. films consisting of video entertainment on television screens and amusement machines and indoor sporting events whether by way of any advertisement or spontaneously:

Mondays	10am to 12 midnight
Tuesdays – Thursdays	10am to 12.30am
Fridays – Saturdays	10am to 1.30am
Sundays	10am to 12.30am

An extra hour was sought on Sunday and Monday bank holidays.

- b. live music which will consist of live acoustic or amplified music confined to inside the premises every day of the week from 10am to 11pm.
- c. playing of recorded music consisting of a jukebox or karaoke which can involve audience participation will be confined to inside the premises. The hours that are sought for this function are:

Sundays – Thursdays	10am to 12 midnight
Fridays – Saturdays	10am to 1am

An extra hour was sought on Sunday and Monday bank holidays.

- d. For functions that are similar to live or recorded music or the performance of dance the applicants are seeking authority for every day of the week from 10am to 11pm. This could take the form of quiz evenings with or without a compere or the performance of a comedian.
- e. In addition the applicants are applying for the provision of late night refreshment for which they have not held a licence previously. This would take the form of providing hot drinks and snacks 30 minutes after ceasing the supply of alcohol. The hours sought are:

Sundays – Thursdays	11pm to 12.30am
Fridays – Saturdays	11pm to 1.30am

An extra hour was sought on Sunday and Monday bank holidays.

- f. The hours sought for the supply of alcohol both on and off the premises are:

Sundays – Thursdays 10am to 12 midnight
Fridays – Saturdays 10am to 1am

For the non standard timings an extra hour is being sought on Sundays and Mondays to 1am when they fall on a Bank Holiday and in addition to 30 other occasions throughout the year at the applicants discretion between the hours of 10am and 1am.

g. The hours the premises would remain open to the public are:

Sundays – Thursdays 10am to 12.30am
Fridays – Saturdays 10am to 1.30am

This would allow an extra 30 minutes after the termination for the sale of alcohol for what is described by the applicants as a “wind down” period. The premises would not remain open after 1.30am on any day of the year.

The Licensing Officer reported that representations had been received from the Council’s Environmental Health Department. He understood that discussions had been held with the applicant who had agreed that all live music would terminate at 11.20 pm and all windows would be closed at 10.30 pm. He reminded Members that both the applicant and the objectors had a right of appeal if they were not satisfied with the Council’s decision.

The Council’s Environmental Health Officer then addressed the Committee. He said that he had met with the applicant and had discussed the concerns about the outside drinking areas as the premises were in a residential area. He explained that the beer garden bordered properties in the Broad Street area and there was a further garden area around the conservatory. He said that the applicant wished this area to be used as part of the premises but had verbally agreed to close the beer garden from 2320 hours to 0700 hours.

He said that the following suggested condition had been put to the applicant:

“That the beer garden shall not be used by customers between 2320 hours and 0700 hours”.

Councillor Row expressed some concern at some events continuing until 1.30 am. However, the Licensing Officer said that these would be the maximum hours and the applicant was seeking flexibility but probably had no intention of holding events for those hours. He added that the statutory bodies had been consulted and the Police had not objected to these provisions.

Councillor Lemon suggested that there should be a condition that all windows and doors should be closed and it was confirmed that this was contained in the operating schedule which would be part of the conditions of the licence.

RESOLVED that the licence be granted subject to the conditions contained in the operating schedule and to the additional condition regarding the use of the beer garden.

The Council's Legal Officer explained the right of appeal in respect of the two applications which had been determined at this hearing and Councillor Lemon was appointed to represent the Council at any appeal hearing.

The meeting ended at 11.00 am.