

LICENSING COMMITTEE held at 6.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 1 SEPTEMBER 2005

Present:- Councillor J I Loughlin – Chairman.
Councillors K R Artus, H D Baker and R F Freeman

Officers in attendance:- W Cockerell, M Hardy, C Nicholson, P Snow and A Turner

L54

APPLICATION TO CONVERT EXISTING LICENCE AND SIMULTANEOUSLY TO VARY THE LICENCE FOR THE SALE OF ALCOHOL AT THE COACH AND HORSES PUBLIC HOUSE WICKEN BONHUNT

Members considered the report of the Licensing Officer for an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence to remove the restrictions relating to permitted hours as set out in Section 60 of the Licensing Act 1964 so that the hours that the premises would be open to the public would be 11.00 to midnight on Mondays to Thursdays, 11.00 to 01.00 hours on Fridays and Saturdays and 12.00 to 23.30 hours on Sundays.

The application also requested that recorded music could be played throughout the premises without limitations and private entertainment for gain may be provided in the premises without limitations.

The Council's Legal Officer outlined the procedure to be adopted and explained the appeal opportunity to the applicant and his legal representative, and other interested parties.

Representations had been received from interested parties on the grounds of extended hours and noise nuisance.

Mrs Jane Farrington had submitted a letter of objection and indicated that she wished to speak and ask questions. Mr Roy Kelly, landlord of the Coach and Horses was also present.

Matthew Butt, counsel for the applicants, Greene King Retailing Limited, said that the word "entertainment" in part N of the application should now be deleted.

Mrs Farrington, a local resident whose house was located directly behind the Coach and Horses, expressed concerns that the extended licence, if granted, would be disruptive to the sleep patterns of her family, particularly in view of a medical condition suffered by her young son. She was also concerned about parking difficulties in the vicinity of the public house. However, she would not object if the patio area behind the premises were not used after 11.00pm.

Mr Butt on behalf of Greene King said that the Coach and Horses was a large food centred pub that did not wish to change the nature of its clientele and wished to increase the proportion of food sales at the premises. He drew attention to the review mechanism in the Licensing Act that might result in

licences being varied or revoked. The licensee was prepared to display signs in the garden area about noise nuisance to neighbouring properties but he considered that it would not be proportionate to regulate the garden so that it closed at a particular time.

Members asked a number of questions of the applicant's representative and the existing tenant about staff training and about non-standard timings for major sporting and other events.

Mr Butt replied that the intention was for non-standard timings to be utilised on only 12 occasions in any given year.

Mrs Farrington asked how shutting windows would help in relation to noise levels emanating from the patio area. Mr Butt said that a condition about shutting windows should not be imposed if this was not considered to be necessary.

After further discussion Mr Butt offered to agree that the patio should be closed at 11.30pm.

L55 **EXCLUSION OF THE PUBLIC**

RESOLVED that under Regulation 14(2) of the 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 and Officers then left the room to consider their decision.

L56 **APPLICATION TO CONVERT EXISTING LICENCE AND TO SIMULTANEOUSLY VARY THE LICENCE FOR THE SALE OF ALCOHOL AT THE COACH AND HORSES PUBLIC HOUSE WICKEN BONHUNT**

Members then returned to the meeting to announce their decision.

RESOLVED that, following consideration of the comments made by Mrs Farrington, the licence be granted together with the following additional conditions:

1. That the patio area be closed at 11.30pm every evening and it would not be used by patrons or staff.
2. That non-standard timings be limited to only 12 occasions per year, having given 7 days prior notice to the Police for additional hours for sporting events.
3. That all external windows should be closed at 11.00pm.

The Chairman explained the right of appeal and Councillor Artus was nominated to represent the Council at any appeal hearing.

It was clarified that the condition relating to the use of the patio would not prevent the use of the patio area by residents of the premises after the stipulated time.

Councillor Freeman then left the meeting and took no further part in the proceedings.

L57

APPLICATION TO CONVERT EXISTING LICENCE AND TO SIMULTANEOUSLY VARY THE LICENCE FOR THE SALE OF ALCOHOL AT THE VICTORY PUBLIC HOUSE LITTLE WALDEN ROAD SAFFRON WALDEN

Members considered the report of the Licensing Officer on an application to convert the existing premises licence under the Licensing Act 2003 and simultaneously vary the licence in respect of the following activities:

1. Live music consisting of karaoke and live bands both outdoors and inside the premises to be permitted every day of the week from 6.00pm to 11.00pm. For bank holidays and New Years Eve the hours to be extended to cover the period from 12 midday to 1am. A variation was also being sought for an extra 12 functions per annum as private functions between the hours of 12 midday to 1am at the discretion of the applicants.
2. Recorded music to be permitted which would take the form of a discothèque both inside and outdoors during the hours of 1 above.
3. The hours sought for the supply of alcohol both on and off the premises were:

Sundays to Thursdays from 10am to 12 midnight
Fridays and Saturdays from 10am to 2am

For the non-standard timings which would include Christmas Eve, Christmas Day, Boxing Day, New Years Day and all other Bank Holidays, the hours sought were 10am to 2am. In addition, where a Sunday preceded a Bank Holiday then the identical times were sought as mentioned above. It was further requested that the applicants be permitted 12 private functions per annum at the applicants discretion between the hours of 10am and 2am.

4. The hours the premises would remain open to the public were:

Sundays to Thursdays from 10am to 12.30am
Fridays and Saturdays from 10am to 2.30am

This would allow an extra 30 minutes after ceasing the sale of alcohol and would mean that the premises would not remain open after 2.30am on any day of the year.

The Licensing Officer referred to late representations received from Mr and Mrs Griffin who lived in the vicinity of the Victory Public House and who were

present at this hearing. Mr Butt, on behalf of the applicants, objected to the consideration of late representations from Mr and Mrs Griffin as they were not interested parties under the terms of the Licensing Act.

The Licensing Officer also reported that the Chief Officer of Police had withdrawn his objections so the Committee would have to consider only those written representations already received. It was noted that a letter had now also been received from Mr Planterose another nearby resident.

The Principal Environmental Health Officer said that he had been in contact with the applicants and had agreed conditions that he hoped would be included in the granted licence. These were:

1. The performance of live music and the playing of recorded music outdoors was to end at 11.00pm.
2. Prominent and clear notices would be displayed at all exits requesting customers to leave the premises and area quietly and staff to ensure that customers left quickly and quietly.
3. A designated premises supervisor would regularly assess noise from the premises during amplified music events and steps would be taken to reduce the level of noise where it was likely to cause disturbance to local residents.

Mr Butt on behalf of the applicants invited Members of the Committee to read through a number of letters received in support of the application as no prior copies had been made available. He said that The Victory was a local public house focused on drink with no sales of food. It was intended that the provision of occasional music would continue and there were no plans to change the nature of the premises. The existing licensee had been at the premises for 10 years and a new licensee was due to take over in the near future. The existing licensee was supportive of local residents and the conditions suggested by Environmental Health Officers had been agreed to dispel any concerns they may have. However, a degree of flexibility was required so that occasional events could be run within the hours to be permitted. There was no intention to open the premises to the extent of the hours requested in the licence application.

One of the letters from a nearby resident had mentioned a music event outside the premises but this had finished at 8.00pm. There was nothing to suggest that reports of anti-social behaviour were connected with the premises and this was more likely to be caused by patrons of other establishments in the town centre returning home. One of the other letters had also suggested the installation of CCTV and it was his view that this was neither necessary nor proportionate.

Members asked a number of questions of the applicant's representative and the landlord and the Council's Legal Officer advised that Members could only examine matters specifically raised in those representations received.

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EXCLUSION OF THE PUBLIC

RESOLVED that under regulation 14(2) of the 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 to do so to permit a free and frank exchange of views between Members.

Members then adjourned to consider their decision.

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APPLICATION TO CONVERT EXISTING LICENCE AND SIMULTANEOUSLY TO VARY THE LICENCE FOR THE SALE OF ALCOHOL AT THE VICTORY PUBLIC HOUSE LITTLE WALDEN ROAD SAFFRON WALDEN

Members then returned to announce their decision.

RESOLVED that:

- 1 The Licence be granted subject to the imposition of the following conditions:
 - Live and recorded music outside the premises to be limited to 12 times a year, plus Bank Holidays.
 - The garden to be closed and not used after 11.30 pm from Sunday to Thursday and not after 12 midnight on Fridays, Saturdays and Bank Holidays by either patrons or staff.
 - The supply of alcohol to finish at 1.30 am on Friday and Saturday.
 - The premises to close to the public at 2.00 am on Friday and Saturday
- 2 In making this decision the Committee took into account the concerns raised by interested parties with regard to the use of outside areas and considered this to be both necessary and proportionate to satisfy the licensing objective of prevention of public nuisance, and was in accordance with the Council's own licensing policy, in particular paragraphs 5.6 and 5.7;
- 3 With regard to alcohol and closing times, the Committee had considered the representations made and felt that the conditions imposed were necessary and proportionate to deal with public nuisance and were in accordance with paragraph 5.3 of the policy.

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