

Committee: Licensing
Date: 1 September 2005
Agenda Item No: 2
Title: The Coach & Horses Public House Wicken Bonhunt
Author: Amanda Turner (01799) 510613

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 Coach and Horses Public House is situated along the Wicken Road in the small village of Wicken Bonhunt. 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 Wicken Road Wicken Bonhunt is situated in a residential area.

Application

- 5 The application has been made by Greene King 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.

- 8 The hours that the premises would be open to the public would be 11:00hrs to midnight Mondays to Thursdays, 11:00hrs to 01:00hrs Fridays and Saturdays and 12:00hrs to 23:30hrs on Sundays.
- 9 Representations have been received from interested parties on the grounds of extended hours and noise nuisance.
- 10 The applicant in its operating schedule has indicated that it will take the following steps to promote the prevention of public nuisance licensing objectives:
- Responsible management at all times
 - Training and supervision of all staff to prevent incidents of public nuisance
 - Cleaners will ensure any litter outside the premises is cleared
 - Noise within the premises will be monitored so as not to disturb the local residents
 - External windows will be closed at 23:00 on the evenings when the premises trades later hours.
 - Ensuring the customers leave the premises in a quiet manner
- 11 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.
- 12 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
- 13 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: Operating Schedule from applicant
Location plan of Premises
Letters from objectors

Committee: Licensing
Date: 1 September 2005
Agenda Item No: 3
Title: The Victory, Little Walden Road, Saffron Walden
Author: Murray Hardy (01799) 510598

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 therefore this application has been referred to the Committee for deliberation.

Background

- 2 The Victory Public House is situated in Little Walden Road, Saffron Walden close to the junction with Castle Street and currently has a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises.
- 3 The applicants are Greene King Retailing Ltd who own the premises and are acting on behalf of Joni and Terry King who currently hold the Justices On Licence.
- 4 The existing Justices Licence permits the sale of intoxicating liquor between the following permitted hours:

Mondays – Saturdays 11am to 11pm
Sundays 12 midday to 10.30pm

These restrictions do not prohibit the consumption of alcohol on the premises during the first 20 minutes after the normal closing time. Recorded music may be played throughout the premises without limitation.

- 5 The applicants are applying for a conversion with simultaneous variation. They are seeking to remove the restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 so as to extend the hours for the sale of alcohol and to include licensable activities which have not been previously licensed.
- 6 The applicants have applied for a license in respect of the following activities at the times stated:
 - a) Live music which will consist of karaoke and live bands both outdoors and inside the premises. The hours sought for this function are every

day of the week from 6pm to 11pm. For Bank Holidays and New Years Eve the hours are extended to cover the period from 12 midday to 1am. In addition they are seeking an extra 12 functions per annum which are described as being private and at their discretion. The times for this are between the hours of 12 midday to 1am.

- b) Recorded music which would take the form of a discothèque for both inside and outdoors then the hours sought for this function are identical to paragraph (a) above.
- c) 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 2am

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

- d) The hours the premises would remain open to the public are:

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

7 Copies of this application have been served on the statutory bodies which have attracted representations from the Chief Officer of Police. These representations are based on the licensing objective relating to the prevention of crime and disorder. Furthermore representations have been received from interested parties on the grounds that a public nuisance may be caused by noise being emitted from the premises.

8 Representations were received from the Principle Environmental Health Officer but after consultation between both parties the applicant has amended the application by agreeing to the following conditions being inserted:

- a) The performance of live music and the playing of recorded music outdoors is to end at 11pm.
- b) Prominent and clear notices will be displayed at all exits requesting customers to leave the premises and area quietly. Staff to ensure customers leave quickly and quietly.

- c) A designated premises supervisor 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.

It is on this basis that the representation from the Principle Environmental Health Officer has been withdrawn.

- 9 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder

- Proof of Identity Scheme in place
- Adequate staffing levels
- Security lighting
- Regular patrols of the premises both internal and external

- 10 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding public safety

- Daily risk checks
- Monthly testing of emergency lighting
- Table clearing and glass collection on a regular basis
- Training and supervision of all staff
- Exits kept clear with clear signage

- 11 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance

- Responsible drinks promotions to deter binge drinking
- Collection of litter
- Supervision of persons leaving the premises
- Liaison with taxi companies to ensure customers leave the premises swiftly and quietly

- 12 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the protection of children from harm

- Children only allowed on the premises under the strict supervision of an adult, and not to allow them near the bar area
- Children not allowed to remain on the premises after 8pm

- 13 In carrying out its 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

- The protection of children from harm
- 14 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 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 their discretion wishes to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

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 on behalf of the authority.

Background papers: Representations from Chief Officer of Police
 Operating Schedule from applicant
 Plan of Premises
 Location of Premises
 Letters from interested parties
 Amendment from applicant.