

**LICENSING COMMITTEE held at 6.30 pm at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 5 SEPTEMBER 2005**

Present:- Councillor J I Loughlin – Chairman.
Councillors C A Bayley, J P Murphy and A R Row.

Officers in attendance:- N Atkins, W Cockerell, M Hardy, J Jones, M J Perry
and M T Purkiss.

L60

**APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE
UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY TO VARY
THE LICENCE AT THE QUEEN'S HEAD PUBLIC HOUSE LITTLEBURY**

The Council's Legal Officer outlined the procedure for the hearing and drew attention to the options for all parties to have their say. 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 and it was emphasised that Members would take all representations into account. The Chairman pointed out that in part F of the operating schedule the applicant had not clarified whether they were applying for the playing of recorded music indoors or outdoors or both. Mr Yeo, the applicant's counsel, clarified that it was intended to cover both areas.

The Council's Legal Officer then asked for the names of those who would be speaking against the application. These were as follows:

Dr B Sanders
P Winterbottom
J Higham
P Farnsworth
Mrs P Hubbard
J Broomfield

The applicants, Greene King Retailing Ltd, were represented by N Yeo (Counsel) and L Compton and the current licensees, Alison and Paul Lloyd. Mr Yeo said that further letters in support of the application had been received and asked if these could be circulated and taken into account at the hearing. Dr Sanders said that there had been ample opportunity to comment on the application and he did not feel it was appropriate to take these letters into account at this late stage. The Council's Legal Officer confirmed that as the information had not been sent to the objectors in advance of the hearing and having regard to the rules of natural justice it would not be appropriate to consider the additional letters.

The Licensing Officer then outlined the report for Members. The application had been made by Greene King Retailing Ltd and he explained that the applicants were applying for a conversion with simultaneous variation. They were 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 had not been previously licensed.

The operating schedule indicated that they had applied for the following activities:

a) Recorded music which would be comprised of a discothèque

Sundays – Thursdays 11am – 11.30pm
Fridays – Saturdays 11am – 12.30am

For the non standard timings then permission is being sought to allow this activity to take place up to 12.30am on New Years Eve.

b) The hours sought for the supply of alcohol both on and off the premises are

Sundays – Thursdays 11am – 11.30pm
Fridays – Saturdays 11am – 12.30am

For the non standard timings which include the Christmas, New Year, Easter periods and all Bank Holidays then the times sought are from 11am – 1am. On Maundy Thursday then the identical times are sought. The applicant also seeks flexibility during the World Cups, Boxing Day and other sporting events of a National or International flavour.

c) The hours sought when the premises will remain open to the public are

Mondays – Thursdays 11am – 12 midnight
Fridays – Saturdays 11am – 1am

For seasonal variations and other sporting events as described in paragraph 6 above then an extra 30 minutes is sought to close the premises at 1.30am.

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding the prevention of crime and disorder.

- Training and supervision of all staff
- Premises is a member of pubwatch
- Proof of identification scheme
- Responsible management to keep within capacity levels

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding public safety.

- Risk management assessments carried out

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding the prevention of public nuisance.

- Liaison with all emergency services and authorities

- Management of persons entering and leaving the premises
- Collection of litter
- Adoption of best practices

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding the protection of children from harm.

- Children must be accompanied by adults
- Provision of sufficient staff

The Licensing Officer pointed out that if any party was aggrieved by the decision they could appeal to the Magistrates' Court.

The Council's Legal Officer then asked those objectors present if they wished to speak. Mr Farnsworth said that he was speaking on behalf of the parish council which represented a number of objectors. He said that Littlebury was a quiet village with a narrow road and dangerous bend adjacent to the public house. He added that buildings around the public house were listed and did not have modern insulation and loud music could be heard when windows were open. He said that the public house already had a variety of uses and he did not feel that the extension of hours was necessary. He concluded that residents should be able to enjoy peace and quiet in the early hours of Sunday morning.

Dr Sanders agreed with these comments and asked whether it was common practice for a licensee to display letters of objections, which included names and addresses, within the public house. He said that he felt threatened by this activity. The Council's Legal Officer said that he would respond to this question in due course.

Mrs Hubbard said that she enjoyed using the pub but had expressed some concerns at the application and had received an assurance from the licensees. However, the application appeared to ignore those assurances and included a statement that longer hours would be used where it was deemed necessary. In relation to special sporting events she said that there had been three such occasions over the past few days. She also referred to problems caused by a group of youths who had congregated outside her property on 5 August and said that such instances were a breach of her rights to have quiet enjoyment of her property.

Mr Winterbottom said that he lived directly opposite the public house and was affected by the noise of cars leaving the premises. Later opening hours would impact on his family's ability to have a good night's sleep.

Mr Higham said that he lived a few seconds away from the public house and supported the views put forward by the other speakers. He said that he was concerned about antisocial behaviour which was on the increase in the village. He added that he failed to see how a village pub could justify opening for special sporting occasions as these tended to finish during normal licensing hours. He continued that there had been several instances of bad parking in the village and any additional cars would exacerbate parking

problems. He said that he was a sound engineer and from his experience considered that there could be a breach of the peace involved with recorded music being played both inside and outside the premises. He also expressed concern at the applicant's approach to a planning application for car park lighting at the premises.

Mr Broomfield said that he was supportive of the pub and wished to see it thrive within reasonable parameters. However, he was concerned at the potential impact of pre-recorded music which could breach noise nuisance rules. He concluded that he had no issue with occasional events but suggested that rather than a blanket approach the applicant should apply for selective events.

Councillor Murphy said that he felt that the main objections were related to the potential impact of open windows, outside drinking and music and problems caused by lighting in the car park. He asked the objectors whether they felt that these could be overcome by conditions. In response, Mrs Hubbard said that whilst conditions would be helpful they would not address the main concerns of the objectors.

The applicant's legal representative then spoke for the application. He said that it was a balanced moderate application seeking an additional half hour drinking time on weekdays and one and a half hours additional at weekends. He said that there was no intention to change the way that the pub was run, only to give a degree of flexibility. He said that amplification would only be for occasional events and he did not anticipate that there would be more than one or two each month. He said that the current licensees had been there for two and a half years and there had been no problems at the premises. He explained that 40% of the public house's turnover was food related and the applicants lived above the premises and had six lettable rooms. There had been no complaints about the premises and the police had raised no objection and letters of support had been received. He asked the Committee to bear in mind the spirit of the Licensing Act to give greater flexibility and longer hours and pointed out that if any nuisance was caused the matter could be brought back to the Committee. Mr Yeo said that there had been no complaints about noise prior to the application and he suggested that a condition that, during the hours of regulated entertainment, doors and windows remained closed and the outside area should close at 2300 hours, would be acceptable to the applicant. He added that the antisocial behaviour referred to was not related to the premises and its clientele were mainly mature people who did not cause such problems. He also said that the applicants would be prepared to place notices in the premises requesting customers to respect neighbours and leave quietly. He said that the premises had a substantial car park but this was often used by non-customers. He also said that the issues relating to the lighting of the car park had now been dealt with. He said that the reason for the non-standard times for sporting events was intended to deal with such events which were held in other countries in different time zones.

In response to a question from Councillor Loughlin, Mr Yeo confirmed that music was not currently played in the garden and in response to a further question from Councillor Bayley, Mr Lloyd said that the premises did not have wide screen television and did not subscribe to Sky TV. Councillor Murphy said that he noted the capacity for the premises was for 80 people and asked

whether the applicant would accept a condition to restrict this. However, Mr Yeo did not feel that this was appropriate.

In response to a question concerning car park lighting, Mr Lloyd said that the lights had been replaced with low-level sodium lights and these were particularly helpful for female customers who travelled to the premises on their own. In response to a further question from Councillor Murphy, Mr Yeo confirmed that the applicants would accept a condition that there should be no more than 24 special events per annum.

The objectors then put a number of questions to the applicant. Dr Sanders asked why work had started on the lights before planning permission had been obtained and the applicant's representative said that the lighting was like for like. Mrs Hubbard asked why the licencees had previously said that they did not wish to hold special events but the applicant was now applying for 24 such events. She said she was concerned at the general approach. Mr Farnsworth asked why extra hours were being applied for when it had been stated that the normal trading hours would not change. Mr Yeo said that it was not the intention to change the way the premises were operated but to have a little more flexibility. He confirmed that the premises would not be changed into a late night public house. Mr Higham asked why the applicant was applying for special sporting occasions when the licensees did not have a big screen or Sky TV. However, the applicant confirmed that there was a television in the bar. Mr Broomfield asked the applicant to confirm that 24 events exceeded the current number held and said that in Halsbury's Statutes reference was made to the rights of residents to have comfortable enjoyment of their properties and for issues such as the character of a locality to be taken into account when determining a licence. Mr Winterbottom added that there had not been many complaints in the past because there had not been many late night events. Mr Yeo concluded that the premises were well run and had the benefit of responsible landlords.

L61 **EXCLUSION OF THE PUBLIC**

RESOLVED 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 Committee Room to consider their decision.

L62 **APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY TO VARY THE LICENCE AT THE QUEEN'S HEAD PUBLIC HOUSE LITTLEBURY**

Members returned to the meeting. The Chairman said that having taken into account the various objections the Committee considered that the conditions offered in the operating schedule with additional conditions will meet the licensing objective of the prevention of public nuisance.

The additional conditions are:

- 1 There shall be no regulated entertainment outside the public house building
- 2 There shall be no drinking permitted outside the public house building between the hours of 2300 – 1100
- 3 Windows and doors, save for access and egress, shall be kept closed when regulated entertainment is being provided
- 4 The extension of non-standard hours for sporting events and other national and international events shown live shall only apply and be limited to where at least part of the event is televised after 2200 hours.
- 5 There shall be no more than 24 special events per year.
- 6 Conspicuous signs shall be displayed at exits from the premises asking patrons to leave quietly and respect neighbours.

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 hearing.

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

L63

APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE LICENCE AT THE SUN PUBLIC HOUSE GOLD STREET SAFFRON WALDEN

The Council's Legal Officer outlined the procedure for the hearing. He said that two written representations had been received but neither of the objectors had attended the hearing. The Committee decided to proceed in their absence. He explained that one of the residents had objected on the grounds that the premises were in the middle of a densely populated residential area away from the town centre. However, the objector was not present to expand on this statement. The second resident had referred to antisocial behaviour in the area but there was no evidence in the letter to link these problems to the premises.

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. He said that the application was made by T D Ridley and Sons who were applying for a conversion and variation however the Music and Dancing Licence was not convertible. They were seeking to remove the restrictions relating to permitted hours as set out in Section 60 Licensing Act 1964 so as to extend the hours of sale of alcohol and to include other forms of licensable activities.

The operating schedule indicates that they had applied for the following activities at the times and days indicated.

- a) Films which will consist of video entertainment on television screens to take place inside the premises. This also includes amusement machines. The hours sought are:

Monday – Thursday	11am – 12.30am
Fridays – Saturdays	11am to 1.45am
Sundays	12 midday – 12.30am

For the non standard timings which include all Bank Holidays the hours are extended to mirror the sale of alcohol.

- b) For indoor sporting events to include normal pub games which attract audiences whether by prior advertisement or spontaneously the hours sought are:

Monday – Thursday	11am – 12 midnight
Fridays – Saturdays	11am to 1.00am
Sundays	12 midday – 12 midnight

- c) Live music which will be acoustic/amplified with amplified voice will be as follows:

Thursdays – Saturdays 8pm – 11pm

This form of regulated entertainment mirrors the current conditions of their music and dancing licence and no change is sought, which is confined to inside the premises,

- d) Recorded music which would take the form of karaoke with or without a disc jockey mirrors the times and days as indicated in paragraph (c) above.
- e) Performance of dance to reflect either live or recorded music mirrors the times and days as indicated in paragraph (c) above.
- f) Provisions of facilities for dancing in a designated area inside the premises the times and days are identical as indicated in paragraph (c) above.
- g) For entertainment which include quizzes or similar events and the potential for acts performed by comedians using voice amplifications the hours sought are:

Mondays – Thursdays	11am – 12 midnight
Fridays – Saturdays	11am – 1am
Sundays	12 midday - 12 midnight

These activities to be confined to inside the premises.

The non standard timings indicate an extension beyond the times stated to 1 am on New Years Day.

- h) For the provision of facilities for making music by means of a microphone with amplification on an ad hoc basis then the standard

and non-standard timings are identical to those days at paragraph (g) above.

- i) For the performance of dance which will be to either live or recorded music then the times and days indicated are identical to those stated at paragraph (c) above.
- j) For the activity of late night refreshment which has not been present at the premises before the hours sought are:

Sundays – Thursdays	11pm – 12.15am
Fridays – Saturdays	11pm – 1.30am

This facility will include hot non alcoholic drinks and food during what is described as a wind down period.

The non standard timings for this facility indicate that an extra 15 minutes are sought on Bank Holidays.

- k) The hours sought for the supply of alcohol both on and off the premises are hereby amended to reflect the agreement made between the Chief Officer of Police and the applicant. The hours now sought are:

Mondays – Thursdays	11am – 12 midnight
Fridays – Saturdays	11am – 12.30am
Sundays	12 midday - 12 midnight

The non standard times for the New Year is from 11am on New Years Eve through until the close of trade of New Years Day. For all Bank Holidays and Bank Holiday weekends which includes the Friday the times sought are 11am to 1am. On Maundy Thursday then the identical times are sought.

- l) The hours sought when the premises will remain open to the public have been amended to reflect the agreement made between the Chief Officer of Police and the applicant. The hours now sought are:

Mondays – Thursdays	11am – 12.30am
Fridays – Saturdays	11am – 1.45am
Sundays	12 midday – 12.30am

The applicants had indicated that to minimise nuisance that may be caused to neighbours the consumption of alcohol in the garden area would cease at 11pm.

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding the prevention of crime and disorder

- Provision of a 30 minute extension of opening hours and 45 minutes at weekends after the sale of alcohol ceases will ensure that last drinks will be consumed less quickly

- Staff training covers the non service of drunks and drug awareness
- The promotion of a wind down period
- Proof of age identification will be requested
- Glasses collected at regular intervals

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding public safety

- Details of local taxi services available for customer use
- Risk assessment in place to prevent overcrowding
- First aid kit available on the premises

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding the prevention of public nuisance

- The pub garden will be closed at 11pm
- Noisy customers will be barred from the premises
- The times for the last sales of alcohol and final closing are staggered to allow a wind down period

The applicants in their operating schedule had indicated that the following measures would be taken to promote the licensing objective regarding the protection of children from harm

- Children to be under the supervision of an accompanying adult
- Children to be excluded from the area where adult entertainment on television or amusement machines are located
- Children only allowed in the garden area and pool room until 9pm

The applicants were represented by Mr Veitch of T D Ridley & Sons and Mr and Mrs Jones, the licensees of the Sun.

Mr Veitch said that the applicants had submitted a proper and structured application which addressed the licensing objectives. He added that following discussion with the police the drinking hours had been reduced and the police were satisfied with the application. He said that regulated live entertainment would be in the same form as currently existed. He added that the representations must be relevant to the licensing objective and the incidents highlighted in one of the letters could not be linked to these premises and referred to potential rather than proven events. He said that there had been no problems of any nature at the pub for a number of years and explained that the pub was situated on a thoroughfare leading from the town and there were four licensed premises in the surrounding area. He concluded that the applicants had taken account of the concerns of residents and the application provided that music would stop at 11.00 pm and the garden would also close at that time.

In response to a question from Councillor Row, Mr Veitch said that the incident referred to in one of the letters could not be linked to the Sun and added that the licensees were vigilant and always asked customers to leave

quietly. In answer to a further question from Councillor Murphy, Mr Veitch explained why the showing of films had been included within the application.

L64 **EXCLUSION OF THE PUBLIC**

RESOLVED 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.

The applicant's representatives, and the Licensing and Environmental Health Officers then left the meeting.

L65 **APPLICATION TO CONVERT THE EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY VARY THE LICENCE AT THE SUN PUBLIC HOUSE GOLD STREET SAFFRON WALDEN**

The public were readmitted to the meeting. The Chairman said that the Committee considered that conditions contained in the operating schedule amended as referred to in the officer's report were sufficient to meet the licensing objectives and therefore granted the licence, subject to those conditions.

RESOLVED that the licence be granted subject to the conditions contained in the operating schedule amended as referred to in the officer's report.

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

The meeting ended at 8.30 pm.