

Committee: Licensing
Date: 9 September 2005
Agenda Item No: 2
Title: The Cross Keys Hotel, High Street, 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 Cross Keys Hotel is situated in High Street, Saffron Walden at the junction of King Street and currently has a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises. In addition the premises has a Supper Hour Certificate which allows the sale of intoxicating liquor after the end of permitted hours provided it is ancillary to a substantial table meal. This allows consumption of intoxicating liquor until one hour after the normal closing time with a 30 minute drinking up period.
- 3 The applicants are Spirit Group Limited who own the premises and are acting on behalf of Christine Louise Vincent and David Alan Reynolds who currently hold the Justices 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.

- 5 On 1 January 2005 the premises was granted a full music and dancing licence which permits 26 events per year between the hours of 7pm and 11pm. In addition measures are in place to limit noise emissions and restrict the numbers of patrons on the premises. The applicants are seeking to remove the current conditions on this licence and replace them with activities as indicated in the Operating Schedule with no conditions. A Copy of the current conditions are attached as a background paper

- 6 Private entertainment may be provided throughout the premises without limitation. The Council does not currently control such entertainment in premises with a Justices Licence by virtue of the adoption of the Private Places of Entertainment (Licensing) Act 1967.
- 7 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 other forms of licensable activities.
- 8 The applicants have applied for a licence in respect of the following at the times stated

- a) Live music as currently permitted by their Music and Dancing Licence but to extend the hours as indicated

Sundays – Thursdays 7am – 1am
 Fridays – Saturdays 7am – 2am

For the non standard timings on the Saint's Days an extra hour is sought provided that 7 days notice has been given to the Chief Officer of Police and no objections have been made.

On all Bank Holidays, Maundy Thursday and Christmas Eve again an extra hour is sought. Where international, national and local events take place which are significant then an extra hour is sought provided that 14 days notice has been given to the Chief Officer of Police and no objections have been made.

- b) For amplified recorded music of all descriptions then the hours and non-standard timings with seasonal variations are identical to paragraph (a) above.
- c) For anything of a similar description to that mentioned in paragraphs (a) and (b) above then the hours and non-standard timings with seasonal variations are identical to that as previously stated. All of these types of licensable activity will be confined to inside the premises.
- d) The provision of facilities for dancing then the hours and non-standard timings with seasonal variations are identical to those contained in paragraph (a) above. This licensable activity will be confined to inside the premises.
- e) For late night refreshment then the hours sought are

Sundays – Thursdays 11pm – 2am
 Fridays – Saturdays 11pm – 3am

For the non standard timings on the Saints Days an extra hour is sought provided that 7 days notice has been given to the Chief Officer of Police and no objections have been made. On all Bank Holidays,

Maundy Thursday and Christmas Eve an extra hour is sought. Where international, national and local events take place which are significant then an extra hour is sought provided that 7 days notice has been given to the Chief Officer of Police and no objections have been made.

- f) For the supply of alcohol for consumption either on or off the premises then the hours sought are

Sundays – Thursdays 7am – 1am
Fridays – Saturdays 7am – 2am

For the non standard timings on the Saints Days an extra hour is sought provided that 7 days notice has been given to the Chief Officer of Police and no objections have been made. On all Bank Holidays, Maundy Thursday and Christmas Eve an extra hour is sought. Where international, national and local events take place which are significant then an extra hour is sought provided that 14 days notice has been given to the Chief Officer of Police and no objections have been made.

- g) The hours which the premises are open to the public would be

Sundays – Thursdays 6am – 2am
Fridays – Saturdays 6am – 3am

For the non-standard timings and seasonal variations then the hours sought with the embedded notices to the Police are identical to that in paragraph (f) above.

- 9 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. Further representations have been received from interested parties on the grounds that a public nuisance may be caused by noise being emitted from the premises.
- 10 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) 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 other than in the external seating area and in no event between the hours of 11.20pm and 7am.
 - 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.
- e) Windows shall be kept fully closed from at least 10pm onwards whilst amplified music events are taking place.
- 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 crime and disorder
- When door staff are used they will be Security Industry Authority approved.
 - Zero tolerance towards illegal drugs will be enforced at all times.
 - If a disc jockey is used on any night, then announcements will be made to customers to leave quietly.
 - All instances of crime and disorder to be reported to the Police and details kept in a log book.
 - If a CCTV system is installed it will operate during the additional hours of trading with notices being displayed accordingly.
- 12 The applicant in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding public safety
- Free drinking water available at all times
 - Continual staff training
 - Health and Safety Policy subjected to regular reviews.
- 13 The applicant in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance
- Additional patrols to take place by members of staff both internally and externally to limit any noise pollution when entertainment is taking place.
 - If appropriate, notices will be displayed asking customers to respect the neighbours when leaving the premises.
 - Where already used text/radio pagers to be used for the additional hours of trading and will be monitored by a responsible member of staff.
 - Soft and non-alcoholic refreshments to be available if the applicant decides to use the option to stay open between the cessation of the sale of alcohol to the closing of the premises.
- 14 The applicant in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the protection of children from harm.
- Children will be required to be supervised by the accompanying adult at all times.
 - A no-smoking area will be provided

- A recognised proof of age policy will be enforced
 - When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons
- 15 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
- 16 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
- 17 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 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 on behalf of the authority.

Background papers: Operating Schedule
 Memorandum from Mrs A Lee-Moore
 Environmental Health Officer
 Letter from Mr S Sparrow, Essex Police
 Location of Premises
 Plan of Premises
 Letters from interested parties
 Music and Dancing Conditions

Committee: Licensing
Date: 9 September 2005
Agenda Item No: 3
Title: The Crown Inn, Elsenham
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 Crown Inn is situated at The Cross in Elsenham and currently has a Justices Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises. The property is located on the outskirts of the village with residential properties close by.
- 3 The applicants are Punch Taverns Plc who own the premises and are acting on behalf of Eunice Avril Fisher and Avril Jeffrey Mason, 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.

- 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 sale of alcohol and to include other forms of a licensable activity.
- 6 The operating schedule indicates that they have applied for the following activities:
 - a) Live music which would consist of not more than two entertainers with amplified or non amplified music.

Sundays – Thursdays 10am – 11pm
Fridays – Saturdays 10am – 12 midnight
Sundays 12 midday – 11pm

For the non standard timings then an additional hour is sought at night for Christmas Eve and Boxing Day.

- b) For recorded music which is described as being ancillary to the sale of alcohol then the times sought are

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

For the non standard timings permission is being sought to mirror that as indicated at paragraph (a) above.

- c) For the provision of facilities similar to that described in paragraph (a) and (b) above then the applicants are looking to provide karaoke sessions as follows:

Mondays – Thursdays 10am – 11pm
Fridays – Saturdays 10am – 12 midnight
Sundays 12 midday – 11pm

For the non standard timings permission is being sought to mirror that as indicated in paragraph (a) above.

- d) For the supply of alcohol both on and off the premises the hours sought are

Mondays – Thursdays 10am – 12 midnight
Fridays – Saturdays 10am – 1am
Sundays 12 midday – 12 midnight

For the non standard timings permission is being sought to mirror that as indicated in paragraph (a) above.

- e) The hours that the premises are to remain open are

Mondays – Thursdays 10am – 12.30am
Fridays – Saturdays 10am – 1.30am
Sundays 12 midday – 12.30am

For the non standard timings permission is being sought to mirror that as indicated in paragraph (a) above.

- 7 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.

- Illumination is provided to the exterior areas of the pub including the car park

- The Licencees/staff to monitor customer behaviour during busy periods
 - Burglar alarm system in place
 - Drug prevention measures are employed and signs displayed
- 8 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding public safety
- Monthly risk assessment carried out
 - A weekly fire alarm test
 - All fire fighting equipment is serviced annually
 - Accident/incident book on site for staff and public
 - First aid facilities available
- 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 public nuisance.
- A noise survey is carried out regularly especially when entertainment is being provided.
 - Customers are seen off the premises and encouraged to disperse at closing time.
 - Signs displayed requesting patrons leave quietly to respect the needs of neighbours
 - When required staff organise taxis to transport customers home.
- 10 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.
- Unaccompanied children are not permitted to be on the premises at any time
 - No children are permitted on the premises after 9.00 pm.
 - Children not permitted in the bar except for access to the dining area, garden area or the use of toilets
 - The amusement with prizes and cigarette machine are positioned in sight of the bar counter and can be easily monitored by staff who use the machines
- 11 Copies of this application have been served on the statutory bodies with no representations being received, however following consultations between the applicants and the Principle Environmental Health Officer it has been agreed by both parties that the following condition be inserted on any license that may be granted.
- “Windows to be kept closed at least from 10pm onwards, and external doors to be kept closed other than for access and egress whilst amplified music events are in progress”.
- 12 Representations have been received from interested parties based on the licensing objective which relate to the prevention of crime and disorder and

the prevention of a public nuisance. It is feared that anti-social behaviour may be the result of the current licensing hours being extended and the noise coming from the live or recorded music would cause a nuisance.

13 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

14 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 licensee
- Reject the application

15 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.

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

3 The application is determined.

4 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: Operating Schedule
 Condition agreed by Principle Environmental
 Health Officer
 Plan of Premises
 Location of Premises
 Letters from interested parties

Committee: Licensing
Date: 9 September 2005
Agenda Item No: 4
Title: Tesco Stores, Radwinter Road, Saffron Walden
Author: Christine Oliva (01799) 510417

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 Tesco Stores is situated on the Radwinter Road B1053 on the eastern edge of Saffron Walden town. It is a large supermarket with petrol sales and large car park. All the usual items to be found in a supermarket are on sale including alcohol.
- 3 The site is on the built-up limits of the town with residential premises and some business premises along the Radwinter Road to the west and on the opposite side of the road from the supermarket.

Application

- 4 The application has been made by Tesco Stores Limited and is for a conversion with simultaneous variation. The existing licence is for the sale of alcohol for consumption off the premises with the usual statutory limitations.
- 5 The application requests that a licence be granted for off sales of alcohol 24 hours a day during the hours when the store is open for sales to the public.
- 6 A representation has been received from a member of the public who lives in Radwinter Road, a copy of which is attached. The main concern being that persons buying alcohol at Tesco's Stores in the evening or late at night could walk down Radwinter Road into town consuming the alcohol and causing noise and nuisance to residents.
- 7 The applicant in its operating schedule has outlined its policies to ensure compliance with the licensing objectives. Tesco Stores has a nationwide programme of formal training for staff, with written procedures which are regularly up-dated. Staff are trained locally with regular refresher training. Public notices are in the store to inform the public of Tesco's policies to ensure compliance with the legislation.

- 8 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
- 9 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.
- 10 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
- 11 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

- (i) The application for the licence be determined.
- (ii) In the event of the applicant appealing against the decision of the Licensing Authority, then a member is nominated to give evidence at Court on behalf of the Authority.

Background Papers: Application from applicant with covering letter
Plan of premises
Letter from member of the public