

**Committee:** Licensing  
**Date:** 15 September 2005  
**Agenda Item No:** 2  
**Title:** The Farmhouse Inn Monk Street Thaxted  
**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 Farmhouse Inn is situated in Monk Street on the outskirts of Thaxted. 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 the Private Places of Entertainment (Licensing) Act 1967 by the Council.)
- 3 At the side of the premises there is a garden area where the consumption of food and alcohol can take place in the open air with a car park is situated on the other side of the premises for patrons.
- 4 Monk Street Thaxted is a tiny residential hamlet.

### **Application**

- 5 The application has been made by Holmes and Hills on behalf of Neilson Moore and Sylvia Foreman 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. The premises currently hold events under the 2 in a bar rule which will be abolished under the 2003 Act.

- 7 The variations applied for relate to the extension of hours for the sale of alcohol, the inclusion of late night refreshment and the addition of various forms of regulated entertainment outlined below. The representations received relate to the provision of the regulated entertainment and noise disturbance.
- 8 The applicant requests the following regulated entertainment be included in a licence
- a. Live music (indoors) from 11:00hrs to 03:00hrs Monday through to Sunday.
  - b. Recorded music (indoors) 11:00hrs to 03:00hrs Monday through to Sunday.
  - c. Provision of facilities for dancing (indoors) hours are 11:00hrs to 03:00hrs Monday through to Sunday.
- 9 The hours that the premises would be open to the public would be 11:00hrs to 03:30hrs Monday through to Sunday.
- 10 Representations have been received from Uttlesford District Council's Environmental Health Officer Mrs Ann Lee-Moore on the grounds of public nuisance. They are concerned about the noise from live and amplified music inside, and also the noise from customers leaving the premises.
- 11 The applicant in its operating schedule has indicated that it will take the following steps to promote the prevention of public nuisance licensing objectives:
- To ensure that all doors and windows are closed after 23:00hrs
- 12 Representations have been received from interested parties on the grounds on noise nuisance. The representatives are concerned about the extension of hours, noise from live or recorded music, and the disturbance caused from patrons when leaving the premises.
- 13 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.
- 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 licence
- Reject the application

15 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.  
Representation from Mrs A Lee-Moore - Noise Nuisance.  
Letters of objection from local residents.

**Committee:** Licensing  
**Date:** 15 September 2005  
**Agenda Item No:** 3  
**Title:** The Stag PH The Heath Hatfield Heath  
**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 Stag Public House is situated in The Heath in the centre of the village of Hatfield Heath. 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 the Private Places of Entertainment (Licensing) Act 1967 by the Council.)
- 3 At the rear of the premises there is a garden area where the consumption of food and alcohol can take place in the open air.
- 4 The Heath Hatfield Heath is in a residential area.

### **Application**

- 5 The application has been made by GW Cooper and Co on behalf of Karen Allen 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. The premises currently hold events under the 2 in a bar rule which will be abolished under the 2003 Act.

- 7 The variations applied for relate to the extension of hours for the sale of alcohol, the inclusion of late night refreshment and the addition of various forms of regulated entertainment outlined below. The representations received relate to the provision of the regulated entertainment and noise disturbance.
- 8 The applicant requests the following regulated entertainment be included in a licence
- a. film exhibitions to take place indoors from 11:00hrs to 00:00hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:00hrs on Sundays. When hours for the sale of alcohol are extended on Bank holiday weekends these hours are also extended until 02:00hrs
  - b. indoor sporting events between 11:00hrs to 00:00hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:00hrs on Sundays. When hours for the sale of alcohol are extended on Bank holiday weekends these hours are also extended until 02:00hrs
  - c. Live music indoors from 11:00hrs to 00:00hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:00hrs on Sundays. When hours for the sale of alcohol are extended on Bank holiday weekends these hours are also extended until 02:00hrs
  - d. Recorded music (indoors) 11:00hrs to 00:00hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:00hrs on Sundays. When hours for the sale of alcohol are extended on Bank holiday weekends these hours are also extended until 02:00hrs
  - e. For events of a similar description including Quiz nights, performance with voice amplification and comedians the hours will 11:00hrs to 00:00hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:00hrs on Sundays. When hours for the sale of alcohol are extended on Bank holiday weekends these hours are also extended until 02:00hrs
  - f. Provision of facilities for making music (an area set aside in the bar to accommodate musicians during their performance) hours are 11:00hrs to 00:00hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:00hrs on Sundays. When hours for the sale of alcohol are extended on Bank holiday weekends these hours are also extended until 02:00hrs
  - g. Provision of facilities for dancing (an area in the bar will be set aside for customer participation) hours are 11:00hrs to 00:00hrs Monday to Thursdays and 11:00hrs to 01:00hrs Friday and Saturday, and 12:00hrs to 00:00hrs on Sundays. When hours for the sale of alcohol are extended on Bank holiday weekends these hours are also extended until 02:00hrs
- 9 The hours that the premises would be open to the public would be 11:00hrs to 00:30hrs Mondays to Thursdays, 11:00hrs to 01:30hrs Fridays and Saturdays and 12:00hrs to 00:30hrs Sunday. Bank holiday weekends (to include Friday,

Saturday, Sunday and Monday) extension until 02:00hrs. Additionally 20 times per year with 7 days notice to Police. Sporting events: unlimited occurrences hours subject to prior written notice to police.

- 10 Representations have been received from Uttlesford District Council's Environmental Health Officer Mr R Dorney on the grounds of public nuisance. They are concerned that the public house is located in a residential area and the extension of opening hours and the use of the outside area after 23.00hrs could give rise to public nuisance.
- 11 The applicant in its operating schedule has indicated that it will take the following steps to promote the prevention of public nuisance licensing objectives:
  - Where appropriate notices displayed requesting the customers to leave the premises and area quietly
  - Noise or vibration shall not emanate from the premises so as to cause nuisance to nearby properties
  - Kitchen extractors shall be cleaned on a regular basis to minimise the impact of cooking smells on neighbours
  - The DPS will be a member of the local pub watch scheme so long as one exists
- 12 Representations have been received from interested parties on the grounds on noise nuisance. The representatives are concerned about the extension of hours and the disturbance caused from patrons when leaving the premises.
- 13 Representations were also received from Georgina Parkin on the grounds of child protection. Discussions with the applicant and Mrs Parkin have taken place and the applicant has agreed to the inclusion of the following conditions "No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification" and on that basis the representation is withdrawn.
- 14 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.
- 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 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.

Representation from Mr R Dorney - Noise Nuisance.

Representation agreement from Mrs G Parkin – Child Protection.

Letters of objection from local residents.