

EXTRAORDINARY LICENSING COMMITTEE held at 6.30pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 20 SEPTEMBER 2005

Present:- Councillor J I Loughlin – Chairman
Councillors H D Baker, C A Bayley and E W Hicks

Officers in attendance:- W Cockerell, M Hardy, M J Perry, M T Purkiss and A Turner.

L90

APPLICATION TO CONVERT THE EXISTING LICENCE UNDER THE LICENSING ACT 2003 AND SIMULTANEOUSLY TO VARY THE LICENCE AT THE DOG AND DUCK PUBLIC HOUSE STANSTED

The Council's Legal Officer outlined the procedure for the hearing which would take the form of a structured discussion and drew attention to the option for all parties to have their say. He said that in relation to the licensing objective regarding the prevention of children from harm the following condition had been agreed with the Child Protection Unit:

“There will be no adult entertainment on the premises which will give rise to concern for children”.

He also reported that discussions had been held with the Environmental Health Officer and the following conditions had been agreed with him:

1. The external seating area must not be used by customers between the hours of 23:30 – 07:00.
2. All external doors and windows must be kept closed, other than for access and egress, when events involving amplified sound are taking place.
3. No live or recorded music is to be played in the open air (including temporary structures such as marquees and tents) other than for events with the prior approval of the Environmental Health Department.
4. The licence-holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of the noise where it is likely to cause a disturbance to local residents. A written record shall be made of these checks in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including remedial action.
5. Amplified sound from the licensed premises shall not be clearly audible at the boundary of any noise sensitive premises.

Following the applicant's agreement to these conditions the Environmental Health Officer had withdrawn his objection.

The Council's Legal Officer then asked for the names of those who would be speaking against the application. The only speaker was Mr Cresswell.

The applicants, Greene King Retailing Limited, were represented by Mr Williamson (Counsel) and Mr S J Hopkins and Ms T A Hopkins, the Licensees of the Dog and Duck Public House.

The Licensing Officer then outlined the report for Members. The application had been made by Greene King Retailing Limited 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.

He explained that the applicants had applied for a licence in respect of the following activities:

- Live music which will consist of karaoke, solos, duos, small bands on unspecified days and times but up to a maximum of 12 events per annum. For the non-standard timings live music is sought for special events, celebrations, calendar nights and theme nights up to 10.00pm outdoors and 11.30pm indoors.
- Recorded music which would take the form of a discotheque for indoors only then the application mirrors the non-standard timings as indicated in the paragraph above.
- The hours sought for the supply of alcohol both on and off the premises are

Mondays – Thursdays	11.00am – 12 midnight
Fridays – Saturdays	11.00am – 1.00am
Sundays	11.00am – 11.30pm

For the non-standard timings which include Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Easter Saturday and all other Bank Holidays, the hours sought are 11.00am to 1.00am. In addition, where major events of a national or international importance take place then the times sought are 11.00am to 1.00am. This also includes events of a sporting nature.

- The hours the premises would remain open to the public are

Mondays – Thursdays	11.00am – 12.30am
Fridays – Saturdays	11.00am – 1.30am
Sundays	11.00am – 12 midnight

He explained that in their operating schedule the applicant had indicated the measures that would be taken to promote the licensing objectives regarding the prevention of crime and disorder, public safety, prevention of public nuisance and the prevention of children from harm. He said that since the preparation of his report further negotiations had been held with the Child

Protection Unit and the Environmental Health Officer as referred to by the Council's Legal Officer and he referred to the conditions which had been agreed and would be applied to any licence that was issued. He concluded that if any party was aggrieved by the decision they could appeal to the Magistrates Court.

Mr Cresswell then addressed the Committee. He said that his concerns were principally over the potential for public nuisance and emphasised that there was no personal or future animosity with the current licensees. He said that the public house was extremely close to residential properties on all four sides and many of these properties were fairly old and did not have the benefit of modern insulation. He also expressed concern at the potential nuisance from car parking and said that the car park was fairly small and Lower Street was already congested which could cause problems with access for emergency vehicles. He said that there was already some late night noise caused by taxis leaving their engines running and said that the proposed extended hours would exacerbate this problem.

In response to a question from Councillor Hicks it was explained that the term "inaudibility" meant that noise should not be attributable to particular premises and should not be above the normal ambient noise levels.

Mr Williamson then spoke for the application. He said that the application included provision for music to take place on 12 occasions each year. He accepted that the public house was not purpose built for music and was not a soundproofed structure. He said that the public house was not suitable for large bands and it was intended that there should only be a singer/guitarist performing. He said that the application included one special event each month which would stop at 11.30pm and would be at a level which would not cause problems. He said that the licensee would advertise the telephone number of the public house so that residents could contact him immediately if problems did arise. He added that the application was not looking to change the clientele of the pub and it would continue to be aimed at well behaved middle-aged regulars. If any customers did cause noise when leaving the premises, they would be barred. He explained that there had been some complaints about smells from the kitchen and said that a ventilation unit with filters would be installed shortly. He also referred to the parking issues and said that taxi drivers would be advised not to leave their engines running. He concluded that it was a relatively modest application which would allow extra drinking time in a relaxed atmosphere often with food and sometimes with music and he said that if any problems were caused residents could ask the Licensing Committee to review the licence.

In response to a question from Councillor Loughlin, the applicant explained that there was low level lighting around the Public House and this was directed downwards and did not cause light pollution problems. Councillor Loughlin asked the applicant's legal representative if he would accept a condition that the landlord would display the names of taxi firms in the premises and that firms displayed would be instructed not to sound horns nor leave engines running when collecting passengers. Mr Williamson confirmed that this condition was acceptable.

In answer to a question from Councillor Bayley, Mr Hopkins, the landlord explained that the Public House did not have wide-screen television, nor did it subscribe to Sky TV. In answer to a question from Mr Cresswell the landlord said that he would routinely patrol boundaries of the Public House to ensure that noise nuisance was not caused to neighbours.

L91 **EXCLUSION OF THE PUBLIC**

RESOLVED that 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.

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Members returned to the meeting. The Council's Legal Officer said an issue had arisen regarding the Members Code of Conduct. The Chairman then declared that she had just realised that she had a prejudicial interest as she was a friend of one of the objectors who had made written representations only and she would therefore take no further part in the proceedings. Councillor Bayley was elected to Chair the remainder of the meeting.

Members then left the Committee Room to consider their decision again. Members returned to the meeting.

The Chairman said that having considered the objections and having heard from the applicant's counsel and the applicant, the Committee were satisfied that the conditions contained in the operating schedule as amended in negotiation with the Child Protection Unit and the Environmental Health Officer and with the additional condition regarding taxis offered by the applicant this evening, met the objectives of preventing public nuisance.

RESOLVED that the licence be granted subject to the conditions referred to above.

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

The meeting ended at 7.15pm.