

**Committee:** Licensing  
**Date:** 22 September 2005  
**Agenda Item No:** 2  
**Title:** Kings Arms, Market Hill, 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 Kings Arms is situated in Market Hill, Saffron Walden near to the junction with Church 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 Market Hill Taverns Ltd who own the premises and are acting on behalf of James David Webster who currently holds 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 the premises was granted a Musical Entertainment Licence for Sundays only between the hours of 2.30pm and 10.30pm. In addition measures are in place to 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 for both indoors and outdoors  
Every day of the week 11am – 1am
  - b) For recorded music of all descriptions to be confined to indoors only  
Every day of the week 11am – 1am
  - c) For the provision of facilities for making music which will consist of compact discs or something similar the times sought are  
Every day of the week 11am – 1am
  - d) The provision of facilities for dancing which consists of a discothèque at a dinner/dance function the times sought are  
Every day of the week 11am – 1 am
  - e) For the supply of alcohol for consumption on the premises only then the hours sought are  
Every day of the week 11am – 1am
  - f) The hours which the premises are open to the public would be  
Every day of the week 11am – 1.30am
- 9 Copies of this application have been served on the statutory bodies which have attracted representations from the Principle Environmental Health Officer. These representations are based on the licensing objective relating to the prevention of a public nuisance. 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 The representations that were received from the Principle Environmental Health Officer may be withdrawn if the following conditions were inserted on any licence that was issued.
- a) Amplified sound shall not be permitted to be played outside the building
  - b) Live music shall not take place in the outside area for longer than 4 hours in any 7 day period and shall end no later than 8pm.
  - c) A designated premises supervisor shall regularly assess noise from the premises during amplified and acoustic music events. Steps shall be taken to reduce the level of noise when advised to by an officer of the Council.
- 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
- Drinking out of bottles not permitted
  - No more than 100 persons to be allowed on premises at any one time
  - No drinks promotion
  - Proof of identity scheme in operation
- 12 The applicants in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding public safety
- All escape routes and exits to be clearly indicated
  - First Aid Kit available on premises
  - Free drinking water available at all times
  - Maintain a valid public liability insurance policy
- 13 The applicants in the operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance
- Not permit the playing of live or recorded music in the garden area after 12 midnight
  - Ensure staff available at door when closing to remind patrons to leave premises quietly.
- 14 The applicants in their operating schedule have not demonstrated how they will promote the licensing objective regarding the protection of children from harm.

- 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  
                                    Location of Premises  
                                    Plan of Premises  
                                    Letters from interested parties  
                                    Sunday Music Licence condition  
                                    Amendment to Operating Schedule

**Committee:** Licensing  
**Date:** 22 September 2005  
**Agenda Item No:** 3  
**Title:** The Hop Poles, Great Hallingbury  
**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 Hop Poles Public House is situated at Bedlars Green, Great Hallingbury and currently has a Justices License to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises. This area mainly consists of residential properties.

- 3 The applicant is Peter Burke Cullen who currently holds 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 The applicant is applying for a conversion with simultaneous variation. He is 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 operating schedule indicates that they have applied for the following activities:

- a) Plays for both inside and outside the premises  
Every day of the week for 24 hours per day
- b) Films for both inside and outside the premises  
Every day of the week for 24 hours per day
- c) Indoor sporting events  
Every day of the week for 24 hours per day
- d) Boxing or wrestling entertainment for both inside and outside the premises  
Every day of the week for 24 hours per day
- e) Live music for both inside and outside the premises  
Every day of the week for 24 hours per day
- f) Recorded music for both inside and outside the premises  
Every day of the week for 24 hours per day
- g) Performance of dance for both inside and outside the premises  
Every day of the week for 24 hours per day
- h) Anything of a similar description to that falling within (e) (f) or (g) above for both inside and outside of the premises  
Every day of the week for 24 hours per day
- i) Provision of facilities for making music for both inside and outside the premises  
Every day of the week for 24 hours per day
- j) Provision of facilities for dancing both inside and outside the premises  
Every day of the week for 24 hours per day
- k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j) above  
Every day of the week for 24 hours per day
- l) Late night refreshments for both inside and outside the premises  
Every day of the week for 24 hours per day

- m) Supply of alcohol for consumption both on and off the premises  
Every day of the week for 24 hours per day
- n) Hours premises are open to the public  
Every day of the week for 24 hours per day
- 7 The applicant in his operating schedule has not indicated how he will promote the licensing objective relating to the following
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
- 8 In respect of the licensing objective relating to the prevention of children from harm the applicant has indicated that parents and carers should take full responsibility for children in their care.
- 9 Copies of this application have been served on the statutory bodies which have attracted representations from the Chief Officer of Police. These are based on the licensing objective relating to crime and disorder based on the grounds that the application is for 24 hour opening 7 days a week.
- 10 Representations have also been made by the Principle Environmental Health Officer based on the licensing objective relating to a public nuisance on the grounds that the application is for 24 hours opening 7 days per week.
- 11 Following discussions between the applicant and the Principle Environmental Health Officer his representation will be withdrawn subject to the following conditions being inserted on any licence that may be granted. The applicant appears to support these conditions which are listed below.
- i) The outside areas within the curtilage of the licensed premises shall not be used for licensable activities including the performance of plays, the exhibition of films, boxing or wrestling entertainment, the performance of live music, the playing of recorded music, the performance of dance, the provision of facilities for making music, the provision of facilities for making music, the provision of facilities for entertainment of a similar description between the 2320 hours and 0700 hours.
  - ii) All external windows and doors in all rooms where events involving live or amplified sound are taking place must be kept closed other than when used for access and egress.
  - iii) Amplified sound from the licensed premises shall not be audible at the boundary of any noise sensitive premises.

- iv) 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 noise where it is likely to cause a disturbance of 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 any remedial action.
- v) Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the area quietly.
- 12 Representations have been received from interested parties mainly based on the public nuisance licensing objective concerning noise that could be emitted from the premises based on the operating schedule for 24 hour opening.
- 13 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, i.e:
- 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:      Operating Schedule from applicant  
Plan of Premises  
Location of Premises  
Letters from interested parties  
Amendment from applicant agreeing  
additional conditions  
Letter of representation from the Chief Officer  
of Police

**Committee:**            **Licensing**  
**Date:**                **22 September 2005**  
**Agenda Item No:**    **4**  
**Title:**                **The White Hart, Stebbing**  
**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 White Hart Public House is situated in High Street, Stebbing and currently has a Justices License to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises. This area mainly consists of residential properties.
- 3      The applicant is Nicholas Mark Eldred who currently holds 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 The applicant is applying for a conversion with simultaneous variation. He is 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 operating schedule indicates that they have applied for the following activities:

a) Live music which will be confined to inside the premises

Fridays – Saturdays	7pm – 11.30pm
Sundays	2pm – 7.30pm

The non-standard timings indicate that these are to be on a regular basis with an interval of approximately 6 to 7 weeks between each event.

b) Recorded music which will be confined to inside the premises and be comprised of amplified background music

Sundays – Thursdays	10am – 12 midnight
Fridays – Saturdays	10am – 12.30am

c) Provision of facilities for dancing which will be confined to inside the premises and be comprised of live music and background amplified music

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

For the non-standard timings the applicant is seeking to extend these times to 1am on Christmas and New Years Eve all the relevant Bank Holidays, Saints Days, Halloween and Burns night.

d) The hours sought for the supply of alcohol for on the premises only are

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

For the non-standard timings the applicant is seeking to extend these times to 1am on Christmas and New Years Eve, all Public Holidays except when they fall on a Monday, Saints Days, Halloween, Burns night and Valentines Day.

e) The hours the premises are to open to the public are

Mondays – Thursdays	10am – 12.30am
Fridays – Saturdays	10am – 1am
Sundays	12 midday – 12.30am

For the non-standard timings the applicant is seeking an extra 30 minutes to the above times which is described as a “wind down” period on Christmas Eve, all Public Holidays, Saints Days, Halloween, Burns night and Valentines Day.

7 The applicant in his operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder

- Premises fitted with burglar alarm and safety locks
- Car park well lit
- Street lighting adequate

8 The applicant in his operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding public safety

- Entry and exits will be clear of any obstruction
- Fire extinguishers in place on premises
- Furniture in premises spread out to provide sufficient access to all areas.

9 The applicant in his operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance.

- Noise levels kept to a minimum
- Windows and doors shut during music events
- Signs in place asking patrons to leave quietly

10 The applicant in his operating schedule has indicated that the following measures will be taken to promote the licensing objective regarding the protection of children from harm

- No person under 18 to be served with alcohol
- Dining area for families which is no smoking and separate from the bar area.

11 Copies of this application have been served on the statutory bodies which did initially attract representations from the Principle Environmental Health Officer. These were based on the licensing objective regarding public

nuisance but after negotiations with the applicant they have been withdrawn on the basis that should the licence be granted the following conditions are applied

- i) All external windows and doors in all rooms where events involving live or amplified sound are taking place must be kept closed other than when used for access and egress.
  - ii) The outside beer garden shall not be used by customers between 2320 and 0700 hours.
  - iii) Prominent and clear notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
  - iv) Amplified sound from the licensed premises shall not be clearly audible at the boundary of any noise sensitive premises so as to cause a nuisance.
- 12 No representations have been received from other statutory bodies however, representations have been received from interested parties. These are based on the licensing objective relating to public nuisance on the grounds that an increase in noise may be the result should this application be granted.
- 13 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, i.e:
- 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. Page 12

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:      Operating Schedule from applicant  
                                 Plan of Premises  
                                 Location of Premises  
                                 Letters from interested parties  
                                 Representations from Principle Environmental  
                                 Health Officer  
                                 Agreement to suggested conditions