

**Committee:** Licensing  
**Date:** 26 September 2005  
**Agenda Item No:** 2  
**Title:** The Axe PH Ashdon Road Saffron Walden  
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### **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 Axe Public House is situated in Ashdon Road in the centre of the town of Saffron Walden. 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. There is also a car park situated along the side and rear of the premises for the use of patrons.
- 4 Ashdon Road Saffron Walden is in a residential area.

### **Application**

- 5 The application has been made by Greene King Retailing Ltd and 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 car parking congestion and noise disturbance.
- 8 The applicant requests the following regulated entertainment be included in a licence
- a. Live music indoors and outdoors from 19:00hrs to 00:00hrs Mondays through to Sundays. Bank Holidays and New Years Eve from 12:00hrs until 00:00hrs.
  - b. Recorded music (indoors and outdoors) from 19:00hrs to 00:00hrs Mondays through to Sundays. Bank Holidays and New Years Eve from 12:00hrs until 00:00hrs.
- 9 The hours that the premises would be open to the public would be 10:00hrs to 00:30hrs Sundays to Wednesdays, and 0:00hrs to 01:30hrs Thursday to Saturday. All Bank Holidays plus Christmas Eve to be open from 10:00hrs to 01:30hrs
- 10 A Representation has been received from an interested party on the grounds on noise nuisance. The representation is concerned about the extension of hours causing parking congestion and noise disturbance to nearby residents.
- 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:
- Training and supervision of all staff to encourage strong visible management during all service times
  - External area well lit with no blind spots
  - Loitering actively discouraged
  - Management of staff and customers arriving and leaving the premises
- 12 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.
- 13 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

14 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.  
Letter of objection from local residents.