

Committee: Licensing
Date: 26 September 2005
Agenda Item No: 3
Title: Yew Tree PH The Street Manuden
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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 Yew Tree Public House is situated in The Street in the centre of the small village of Manuden. 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 front and side 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 large car park situated along the side and rear of the premises for patrons
- 4 The Street Manuden 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 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 and outdoors from 18:00hrs to 01:30hrs Fridays and Saturday evenings only. All Bank holidays and Christmas Eve from 18:00hrs to 01:30hrs. Special occasions e.g birthdays and weddings from 12:00hrs until 01:30hrs.
 - b. Recorded music indoors and outdoors from 18:00hrs to 01:30hrs Fridays and Saturday evenings only. All Bank holidays and Christmas Eve from 18:00hrs to 01:30hrs. Special occasions e.g birthdays and weddings from 12:00hrs until 01:30hrs
 - c. Provision of facilities for dancing (dancing for live and recorded music) both indoors and outdoors ours are from 18:00hrs to 01:30hrs Fridays and Saturday evenings only. All Bank holidays and Christmas Eve from 18:00hrs to 01:30hrs. Special occasions e.g birthdays and weddings from 12:00hrs until 01:30hrs
- 9 The hours that the premises would be open to the public would be 08:00hrs to 02:00hrs Mondays through to Sundays. With the supply of alcohol ceasing at 01:30hrs.

The following requests have been made under non-standard timings:

- All Bank holidays and Christmas Eve from 08:00hrs to 02:00hrs
- All sporting and non sporting events shown live of local, national and international significance

- 10 Representations have been received from Uttlesford District Council's Environmental Health Officer Mr N Atkins on the grounds of public nuisance. They are concerned over possible noise nuisance to nearby residential premises from recorded music/live performances outside the above venue and the use of the outside seating area late at night.
- 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:
- Responsible management at all times
 - Training and supervision of all staff to prevent incidences of public nuisance.
 - Cleaners will ensure any litter outside the premises is cleared
 - Noise within the premises will be monitored so as not to disturb local residents
 - External windows will be closed at 23:00hrs on the evenings when the premises trades later hours
 - Ensure the customers leave the premises in a quiet manner

12 Representations have been received from interested parties on the grounds on noise nuisance. The representatives are particularly concerned about the extension of hours causing extra disturbance when entertainment is played and when patrons are 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 Mr N Atkins - Noise Nuisance.
Letters of objection from local residents.