

**EXTRAORDINARY LICENSING COMMITTEE held at 2.30pm at COUNCIL OFFICES HIGH STREET SAFFRON WALDEN on 17 NOVEMBER 2005**

Present:- Councillor J I Loughlin – Chairman  
Councillors R M Lemon, A Marchant and D J Morson

Officers in attendance:- M Hardy, M Perry, C Roberts and W Cockerell

L139

**APPLICATION TO VARY AN EXISTING LICENCE GRANTED BEFORE 6 AUGUST 2005 UNDER GRANDFATHER RIGHTS AND CONVERTED IN ACCORDANCE WITH THE LICENSING ACT 2003**

Members considered the report of the Licensing Officer on the application to vary an existing licence, for The Three Colts public house Stansted, granted before 6 August 2005 under grandfather rights and converted in accordance with the Licensing Act 2003.

The Council's Legal Officer described the procedure to be adopted for the hearing.

At the invitation of the Licensing Officer the holder of the premises licence and the current licensee identified themselves.

The variation applied for related to extension to the hours for the sale of alcohol and extension of hours for licensable activities, which had not previously been licensed as follows:

Live music, including provision of facilities for making music, for inside the premises only:-

Mondays – Thursdays	3.00 pm – 11.00 pm
Fridays – Sundays	3.00 pm - 12.00 midnight

Recorded music ancillary to the sale of food and drink for inside the premises only:-

Mondays – Thursdays	12.00 midday – 11.30 pm
Fridays – Saturdays	12.00 midday – 2.00 am
Sundays	12.00 midday – 1.00 am

Hours sought for the supply of alcohol on and off the premises as follows:-

Monday – Tuesday	10.00am – 11.30pm
Wednesday	10.00am – 12 midnight
Thursday	10.00am – 11.30pm
Friday – Sunday	10.00am -- 2.00am

The hours the premises would remain open to the public were:-

Monday – Tuesday	10.00am – 12.00 midnight
Wednesday	10.00am – 12.30am
Thursday	10.00am – 12 midnight
Friday – Sunday	10.00am – 2.30am

For the non-standard timings an additional hour was sought at night for all of the Saints Days, Good Friday, Easter Saturday and Sunday, Christmas Eve, Boxing Day and on a Saturday and Sunday which preceded a Bank Holiday.

The Licensing Officer outlined the measures offered by the applicants in their operating schedule to promote the licensing objective regarding the prevention of crime, the licensing objective regarding public safety, the licensing objective regarding the prevention of public nuisance and the licensing objective regarding the protection of children from harm.

He added that if the Committee in their discretion wished to impose conditions, they must be only those that were necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee could not impose conditions that duplicated the effect of existing legislation.

The Licensing Officer added that a representation had been received from the Principal Environmental Health Officer based on potential excessive noise late at night near a residential area.

The Principal Environmental Health Officer then explained his concerns and outlined conditions to address those matters which had been agreed with the applicants and could be attached to any licence. The suggested conditions were as follows:

1. The beer garden must not be used by customers between the hours of 11:30pm and 7am.
2. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place.
3. The windows of the pool room shall be fitted with secondary glazing in order to improve the sound attenuation of the premises.
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 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 any remedial action.
5. Amplified sound from the licensed premises shall not be clearly audible at the boundary of any noise sensitive premises.

6. Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The Licensing Authority had also received representations from interested parties who lived in the neighbourhood on the grounds that a public nuisance might be caused by noise from the premises.

Denise Bird, one of the objectors, described problems of noise emanating from the pub and misbehaviour by its patrons.

Martin Cooke explained that there was relatively little room inside the premises so that there was pressure to open doors and windows and to use outside areas. The children of nearby families were therefore affected by noise, swearing and rowdiness from the pub. Damage also occurred to nearby properties. He felt later hours would severely worsen the nuisance. He believed the hour extensions would attract many young people and he asked what the landlord could do to police the area.

Mr T Young added that the noise levels had escalated and were unacceptable and that he was satisfied that the pub was the source of damage done to nearby property.

Mr P Ironmonger stressed that the area was a residential one so inappropriate for any premises staying open after midnight. The police were no help at night and the main problems and rowdiness happened when patrons left the pub.

The applicants had no questions.

The applicant's representative then addressed the hearing. He said that he was willing to amend the application so that the hours proposed for live music would end at 11pm with recorded music until the end of hours. Health and safety work was being carried out at the premises and CCTV installed for monitoring outside areas.

Members of the Committee asked questions about the air conditioning facilities and it was noted that no objections had been received from the Police.

Mrs Bird and Mr Cooke were given the opportunity to ask questions of the Principal Environmental Health Officer about the definition of "public nuisance" and the policy regarding visits by environmental health officers to noisy premises at night.

The Council's Legal Officer read out recent guidance from the Government as to the spirit and intention of the relevant legislation and how it should be administered. He stressed that the four policy objectives previously outlined were the paramount consideration to be taken into account.

L140

## **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 its 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 at 3.25 pm.

L141

## **APPLICATION TO VARY AN EXISTING LICENCE GRANTED BEFORE 6 AUGUST 2005 UNDER GRANDFATHER RIGHTS AND CONVERTED IN ACCORDANCE WITH THE LICENSING ACT 2003**

Members returned to announce their decision at 4.23 pm.

RESOLVED that the Committee having carefully considered all the written and oral representations of interested parties and the representations of the applicant and having heard the Principal Environmental Health Officer found there was clear evidence that at the premises noise was sometimes created from entertainment and from patrons leaving. Whilst this might be acceptable within existing hours the Committee was of the view that such disturbance at the hours applied for would cause a public nuisance contrary to one of the licensing objectives notwithstanding the conditions agreed with the Principal Environmental Health Officer. The Committee therefore proposed to modify the conditions set out in the operating schedule to include the six conditions agreed with the Principal Environmental Health Officer (set out in Minute L139 above) and changed hours as follows:-

Live music, including provision of facilities for making music, for inside the premises only:-

Mondays – Sundays            3.00 pm – 11.00 pm

Recorded music ancillary to the sale of food and drink for inside the premises only:-

Sundays – Thursdays        12.00 midday – 11.30 pm  
Fridays – Saturdays            12.00 midday – 12.30 am

Timings for provision of facilities for making music to be identical to those for providing live music.

Hours sought for the supply of alcohol on and off the premises as follows:-

Monday – Thursday	10.00am – 11.30 pm
Friday and Saturday	10.00am – 12.30 am
Sunday	10.00am -- 12.00 midnight

with the closing time of the premises to be 30 minutes later in each case.

The hours the premises would remain open to the public were therefore:-

Monday – Thursday	10.00am – 12.00 midnight
Friday and Saturday	10.00am – 1.00am
Sunday	10.00am – 12.30am

For the non-standard timings an additional hour was granted at night for all of the Saints Days, Good Friday, Easter Saturday and Sunday, Christmas Eve, Boxing Day and on a Saturday and Sunday which preceded a Bank Holiday.

In reaching the decision the Committee had taken into consideration the four licensing objectives, guidance issued by the Secretary of State and its own licensing policy, particularly Part V regarding prevention of public nuisance.

The applicant and objectors were advised of the right to appeal and Councillor Morson was appointed to represent the Council at any appeal hearing. The Council's Legal Officer advised the meeting about the availability of permission for up to 12 temporary special events in a year and the effects on certain conditions of limiting the permitted capacity to 150 persons.

L142

**APPLICATION TO VARY AN EXISTING LICENCE GRANTED BEFORE 6 AUGUST 2005 UNDER GRANDFATHER RIGHTS AND CONVERTED IN ACCORDANCE WITH THE LICENSING ACT 2003**

At the invitation of the Licensing Officer the holder of the premises licence and the current licensee identified themselves.

Members considered the report of the Licensing Officer on the application to vary an existing licence granted for the Crown and Thistle public house at Great Chesterford before 6 August 2005 under grandfather rights and converted in accordance with the Licensing Act 2003. The variation applied for related to extension to the hours for the sale of alcohol, currently:-

Monday – Saturday	11.00 a.m. – 11.00 p.m.
Sunday	12 midday – 10.30 p.m.

and extension of hours for licensable activities, which had not previously been licensed, as follows:

Live music, which would consist of a jazz band, groups, duos and solo artists using amplified or non-amplified music for both inside and outside the premises. The outside functions would mainly take place during the summer months.

Friday – Sunday 12 midday – 12 midnight.

For recorded music described as being ancillary to the sale of food and drink, occasional discos and times sought were:

Monday – Thursday	11.00 a.m. – 12 midnight
Friday – Saturday	11.00 a.m. – 1.00 a.m.
Sunday	11.00 a.m. – 10.30 p.m.

For the provision of facilities making music both for indoors and outdoors, the times sought were:

Friday – Sunday 12 midday – 12 midnight

For the supply of alcohol both on and off the premises the hours sought were:

Monday – Wednesday	10.00 a.m. – 11.00 p.m.
Thursday	10.00 a.m. – 12 midnight
Friday – Saturday	10.00 a.m. – 1.00 a.m.
Sunday	10.00 a.m. – 11.00 p.m.

For the non-standard timings in all cases an additional hour was sought at night for all of the Saints Days, Burns Night, Valentines Day, Good Friday, Easter Saturday and Sunday, Christmas Eve, Boxing Day and on a Saturday and Sunday preceding a Bank Holiday.

The hours that the premises were to remain open were:

Monday – Wednesday	7.00 a.m. – 11.30 p.m.
Thursday	7.00 a.m. – 12.30 a.m.
Friday – Saturday	7.00 a.m. – 1.30 a.m.
Sunday	9.00 a.m. – 11.30 p.m.

For seasonal variations the applicants were seeking the hours that were permitted by the Regulatory Reform (Special Occasions Licensing) Order 2002 namely from 11am to New Years Eve to 11pm on New Years Day.

The Licensing Officer outlined the measures offered by the applicants in their operating schedule to promote the licensing objective regarding the prevention of crime, the licensing objective regarding public safety, the licensing objective regarding the prevention of public nuisance and the licensing objective regarding the protection of children from harm. He explained that if the Committee in their discretion wished to impose conditions, they must be only those that were necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee could not impose conditions that duplicated the effect of existing legislation.

The Licensing Officer added that a representation had been received from the Principal Environmental Health Officer regarding the potential for public nuisance from loud musical events and the use of the outside seating area late at night in a residential area.

The Principal Environmental Health Officer then explained his concerns and outlined conditions to address these matters which had been agreed with the applicants and could be attached to any licence. The suggested conditions were as follows:

1. The outside seating areas must not be used by customers between the hours of 11:30pm and 7am.
2. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified sound are taking place.
3. No live 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 Principal Environmental Health Officer.
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 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 any remedial action.
5. Amplified sound from the licensed premises shall not be clearly audible at the boundary of any noise sensitive premises.

The Licensing Authority had also received representations from interested parties who lived in the neighbourhood on the grounds that a public nuisance might be caused by noise from the premises.

Mrs M Cookson representing residents of Great Chesterford including Mr Walker described their concerns about safety and noise nuisance.

Mr C Ridge drew attention to public safety issues; he felt increased hours would lead to increased traffic.

Mrs S Marshall stressed the danger to the public including children from the seating area which was extremely close to the road. The Council's Legal Officer advised the Committee that since matters affecting children had not been raised in Mrs Marshall's letter, it was not open to the Committee to take this aspect into consideration.

Mrs B Beresford, whose cottage was about forty feet away from the pub and less from its tables, complained about noise, litter, abandoned glasses and objects put through the letterbox.

Mr R Pope emphasised that very many habitations were crowded around this public house so that increased noise from the pub would indeed be a nuisance to a substantial group of local residents.

Ms S Ross expressed concerns about inadequacy of parking facilities to absorb increased custom at the pub, and possible adverse effects on emergency access and access for public transport as well as increased noise from increased traffic.

Mr P Hickmott re-iterated concerns about fear of crime, increased numbers of revellers and the transformation of the area into one unsuitable for bringing up children.

In answer to a question from the Chairman of the Committee, Mrs M Cookson explained that the houses in Carmel Street, High Street, Rose Lane, Manor Lane and South Street were likely to be affected by the proposals.

Members were informed that there were no outstanding objections from the police.

The applicants had no questions.

The applicant's representative and the landlord of the pub both then addressed the hearing. They said that there was no intention to change the type or frequency of entertainment provided and any instances of bad behaviour would be pursued. Tables were placed outside the pub to prevent danger from people parking cars there. The pub and its clientele were not the sort that created vandalism problems. The five residential rooms above the pub were usually all occupied. The transport issue came from elsewhere than the pub. Windows were shut as much as possible to keep noise in.

In answer to questions from the Committee the landlord confirmed that patrons were able to summon taxis to the pub but that there was no climate control and that double glazing was not acceptable due to the listed character of the building.

Mrs Cookson, Mr Hickmott and Mr Howe with the consent of the Chairman asked questions about the possibility or otherwise of double glazing, the fire limit on numbers of patrons on the premises and the reason why the application had been made. The Council's Legal Officer advised the Committee that since a decision could only be taken on the basis of the licensing objectives, it was not open to the Committee to take the answers to their questions into consideration.

L143

## **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 its 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 at 5.55 pm.

L144

**APPLICATION TO VARY AN EXISTING LICENCE GRANTED BEFORE 6 AUGUST 2005 UNDER GRANDFATHER RIGHTS AND CONVERTED IN ACCORDANCE WITH THE LICENSING ACT 2003**

Members then returned to announce their decision at 6.30 pm.

RESOLVED that the Committee had carefully considered all the written representations received from interested parties and had heard verbal submissions from persons present including representatives of the applicant. The Committee was of the view that the hours applied for would give rise to a public nuisance in a predominantly residential area. The Committee would grant a licence subject to the conditions contained in the operating schedule with the addition of conditions negotiated with the Principal Environmental Health Officer (set out in Minute L142 above) and changed hours as follows:-

Live music, including provision of facilities for making music, for inside the premises only:-

Fridays and Saturdays	12 midday – 12 midnight
Sundays	12 midday – 11.00 pm

In agreeing to provision of live music until midnight on Fridays and Saturdays the Committee accepted that this music would not be a regular occurrence but limited events to special occasions only. The Committee would not impose a condition to that effect but in the event that it proved not to be the case and public nuisance did arise, it would be open to interested parties to apply to the licensing authority to review the licence.

Recorded music ancillary to the sale of food and drink only:-

Mondays – Thursdays	11 am – 12.00 midnight
Fridays – Saturdays	11 am – 12.30 midnight
Sundays	11 am – 10.30 pm

The timings for provision of facilities for making music to be identical to those for providing live music.

For the supply of alcohol both on and off the premises the hours permitted would be:

Monday – Wednesday	10.00 a.m. – 11.00 p.m.
Thursday	10.00 a.m. – 11.30 pm
Friday – Saturday	10.00 a.m. – 12.30 a.m.
Sunday	10.00 a.m. – 11.00 p.m.

For the non-standard timings referred to in the operating schedule an additional hour would be granted at night for all permitted hours and the Licence would reflect the hours permitted by the Regulatory Reform (Special Occasions Licensing) Order 2002

In reaching the decision the Committee had had full regard to the four licensing objectives, guidance issued by the Secretary of State and its own licensing policy.

The applicant and objectors were advised of the right to appeal and Councillor Lemon was appointed to represent the Council at any appeal hearing.

The meeting ended at 6.40pm