

**EXTRAORDINARY LICENSING COMMITTEE held at 2.30pm at COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN on 21 APRIL 2006**

Present:- Councillor J I Loughlin – Chairman  
Councillors E W Hicks, R M Lemon and A R Row

Officers in attendance:- N Atkins, M Hardy, V Harvey and M Perry

Also present:- Councillor S C Jones

**L174 APPLICATION TO VARY EXISTING PREMISES LICENCE IN RESPECT OF THE QUEEN ELIZABETH PUBLIC HOUSE SAFFRON WALDEN**

Prior to the commencement of the hearing the Legal Officer made reference to an article that had appeared in a local newspaper which had a bearing on this hearing by stating that Licensing Officers had recommended to the Licensing Committee that this application be granted. The article was factually incorrect and the Chief Executive had received an apology from the Editor of that newspaper and a suitable correction was to be placed in the following weeks edition.

The applicants, Myra Stokely and Cindy Hare were present.

An objector, Mr R Eastham of 8 Faircroft Road asked to address this meeting.

Written representations of objection were also annex to the Licensing Officer's report from C Brown, P D Owen and K Wedderburn.

The Legal Officer then described the procedure that would be followed for the hearing and asked those present whether or not they wished to speak regarding this application, either as an interested party, statutory body or the applicants. All parties involved indicated a desire to speak.

The Chairperson then invited the Licensing Officer to outline the application made to the Licensing Authority.

The Licensing Officer then told members that this application was made in accordance with the Licensing Act 2003 and that the applicants were Myra Stokley, Cindy Hare and Deborah Hare. They were seeking to vary their current premises licence by extending the supply of alcohol by retail for consumption both on and off the premises from 12.30 am to 1 am on Fridays and Saturdays only. There were no other changes to the current licence.

The Licensing Officer explained to members the current hours of opening for the supply of alcohol:

Monday – Thursday 10 am – 12 midnight.

Friday – Saturday 10 am – 12.30 am.

Sunday – 12 noon – midnight.

He further explained that when applicants seek the grant or variation of a Premises Licence, they must when submitting their application demonstrate in the operating schedule how they are going to promote the licensing objectives i.e.

- a) The prevention of crime and disorder.
- b) Public safety.
- c) The prevention of public nuisance.
- d) The protection of children from harm.

He indicated that the applicants would take the following measures to promote the above objectives.

Under crime and disorder regular checks were made of the premises and pathways surrounding the premises. Any person found on the premises who appears to be drunk would be refused service.

For public safety extra lighting had been installed in the car park. The collection of glasses and bottles were made on a regular basis inside the premises.

Under public nuisance regular noise level checks were made when discotheques were in progress which included both inside and outside the premises. Customers were encouraged to be quiet when leaving and make their way home quickly. Windows and doors in the premises were closed at midnight.

Under the protection of children from harm objective a new system had been introduced regarding under age drinking. Identity must be produced if staff think that a customer may be under 21 years of age. All other measures previously submitted were still in place.

The Licensing Officer told members that since the granting of the new premises licence on 5 July 2005 the Licensing Authority had not received a notice of appeal regarding its decision and that to date no application had been made for a review of the licence.

He outlined the procedure which the applicants were required to follow when submitting such an application under the Licensing Act 2003 and said that representations had been received from the Principal Environmental Health Officer and interested parties. The representations were based on the

licensing objectives relating to the prevention of public nuisance and the prevention of crime and disorder.

The Licensing Officer reminded members of their powers relating to decision making and invited them to have due regard to their licensing policy, guidance issued by the Secretary of State and any conditions they may consider imposing are necessary and proportionate to promote the licensing objectives relative to the representations received and that they cannot impose conditions that duplicate existing legislation.

In conclusion he invited members to hear all of the evidence that was presented and to determine the case on its merits.

The Chairperson then invited Mr N Atkins from the Environmental Health Department to address the Committee regarding the representations that had been made.

Mr Atkins told members that his concerns were that problems of noise would be exacerbated and cause problems for local residents albeit he did state that this was not a full objection.

Mr R Eastham was then invited to address the Committee on the matters relative to this application. He explained that he opposed any extension to the current hours on the grounds of crime and disorder and the prevention of public nuisance. He had on one occasion been threatened with violence by customers using the premises and had witnessed damage being caused to parked motor vehicles.

Councillor A Row then asked the Licensing Officer if the police had made any representations to which the reply was in the negative.

The Chairperson then invited Ms M Stokley who was one of the applicants to address the Committee. She stated that the reasons for seeking the variation was to prevent the bulk purchasing of alcohol before the 12.30 am deadline which would encourage customers to consume alcohol in a more controlled manner and to seek parity with other licensed premises within Saffron Walden. She confirmed the measures contained in the operating schedule relating to the collection of glasses was undertaken and that extra lighting in the car park area had been installed.

Mr Eastham asked the applicant if the collection of glasses took place every night of the week. Ms Stokley replied that this mainly takes place on Fridays and Saturdays and sometimes on other nights of the week.

The Chairperson then invited any further comments from either the statutory body, interested party or applicants to which there was nothing further to add. Before retiring to consider their verdict the Legal Officer outlined the details contained at 5.2 of the Licensing Policy and the Guidance Issued by the Secretary of State.

## **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 at 3.10 pm to consider their decision.

## **L175 APPLICATION TO VARY EXISTING PREMISES LICENCE IN RESPECT OF THE QUEEN ELIZABETH PUBLIC HOUSE SAFFRON WALDEN**

Members returned to the committee room where Councillor J I Loughlin announced their decision.

RESOLVED that the Committee, having considered the written representations of C.Brown, P.D Owen, K Wedderburn, the written representation and oral evidence of Mr Eastham the representations of the Environmental Health Department and having heard from the applicant, refused the application for a variation. The Committee are of the view that to extend the time for sale of alcohol will attract more customers from licensed premises closing earlier than the Queen Elizabeth and that people leaving the premises having had the opportunity to consume a larger quantity of alcohol are likely to be the source of further annoyance to local residents. This will be contrary to the licensing objective of the prevention of public nuisance, the authority Licensing Policy Section 5 as well as contrary to Government guidance.

The Legal Officer then gave details to the applicants regarding their right of appeal against this decision and confirmed that the decision would be conveyed to them in writing.

The meeting ended at 3.40pm.