

Committee: LICENSING
Date: 29 August 2006
Agenda Item No: 2
Title: THE CROCUS PUBLIC HOUSE 40 PLEASANT VALLEY
SAFFRON WALDEN
Author: Murray Hardy (01799) 510598

Summary

- 1 This report sets out an application to vary the existing premises licence. Representations have been made to the variation contained in the operating schedule; therefore this application has been referred to this Committee for deliberation.
- 2 The Crocus Public House is situated in Pleasant Valley at the junction with Debden Road and can be described as being located in a residential area.
- 3 On 24 August 2005, the Licensing Authority granted a conversion and simultaneous variation for the premises in accordance with the Licensing Act 2003.
- 4 The new premises licence was granted in the following terms:-
 - (a) Indoor Sporting Events

No standard timing or days were nominated, however, for the non standard timings for events such as Darts and Pool Finals or Exhibition Matches the times were as required. In relation to the pétanque finals, the times indicated were 7.00 pm to 12 midnight.
 - (b) Performance of live music indoors only the standard times granted were Monday to Sunday 7.00 pm to 12 midnight.

For the non standard timings, the times granted were 12 noon to 12 midnight on all Bank Holidays
 - (c) The playing of recorded music indoors only; the standard times and non standard timings granted were identical to those indicated at paragraph (b) above.
 - (d) The sale of alcohol by retail both on and off the premises, the standard timings granted were:-

Monday – Thursday	10.00 am to 1.00 am
Friday – Saturday	10.00 am to 2.00 am
Sunday	10.00 am to 1.00 am

For the non standard timings, the times granted were:-

10.00 am to 2.00 am on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and all other Bank Holidays.

In addition, the licence permits 12 private functions on the premises per annum from 10.00 am to 2.00 am.

- (e) The hours that the premises are allowed to remain open to the public for standard timings are:-

Monday – Thursday	10.00 am to 1.30 am
Friday – Saturday	10.00 am to 2.30 am
Sunday	10.00 am to 1.30 am

For the non standard timings, the times granted were:-

10.00 am to 2.30 am on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and all other Bank Holidays.

In addition when any of the 12 private functions take place, then the times are from 10.00 to 2.30 am.

- 5 In respect of access to the premises by children, the Licensing Authority imposed the following conditions:-
- (a) No person under 14 years of age shall be in the bar of the licensed premises during the permitted hours.
 - (b) Children not to be allowed on the premises after 9.00 pm.
 - (c) Children to be supervised by an adult at all times.
 - (d) Children not to be allowed on the premises during entertainment.
- 6 Since having granted the licence and variation in accordance with the Licensing Act 2003, the Licensing Authority has not received a notice of appeal against its decision either from the applicant, statutory body or interested party.
- 7 The applicant seeking the variation is Greene King Retailing Ltd based in Bury St Edmunds, Suffolk.
- 8 They are seeking to remove the conditions which currently relate to children and also to permit the sale of alcohol by retail and remain open to the public from 10.00 am on New Year's Eve until 10.00 am on New Year's Day.
- 9 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder:-

- Responsible Management of Premises
 - Keeping to capacity levels and staffing accordingly
 - Responsible drinks promotions and no happy hours
 - Member of Pub Watch
 - Plastic glasses used for outside areas
 - Regular visits to all areas of the premises
- 10 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding public safety:-
- Testing of all appliances, equipment and certification
 - Emergency lighting
 - Car parks checked regularly
 - Clear signage
 - Regular checks for any risks
- 11 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance:-
- All windows and doors kept closed during entertainment
 - Supervision of customers when leaving the premises
 - Air extraction and litter bins available
- 12 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the protection of children from harm:-
- Children must be supervised by an adult at all times
 - Proof of age and photo identification scheme in place
- 13 Copies of this application have been served on the statutory bodies with representations being received from the Child Protection Unit at Essex County Council. The operating schedule does not satisfactorily identify the steps that will be made to ensure the protection of children from harm. These are based on the licensing objective regarding the protection of children from harm.
- 14 No other representation has been received from a statutory body or interested party.
- 15 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 16 The decision that the Committee can make for this application is to:-
- Grant the application

- Modify the application by inserting conditions
- Remove the licensable activity from the licensee
- Reject the application

- 17 When determining an application, then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 18 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 A Member is nominated to represent The Council in the event of an appeal.

Background Papers: Operating Schedule
Representations from the Child Protection Unit,
Essex County Council
Plan of Premises
Location of Premises
Current Premises Licence