

EXTRAORDINARY LICENSING COMMITTEE held at 4.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 20 NOVEMBER 2006

Present:- Councillor J I Loughlin – Chairman
Councillors E Hicks and A Marchant.

Officers in attendance:- W Cockerell, M Ford, M Hardy, C Nicholson, and A Turner.

LC40 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor K Artus.

LC41 APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 AT THE WHITE HART INN, DEBDEN

The Chairman of the Committee introduced Members and officers. The applicants Mr N Hilmi and Ms A Tooley and a number of objectors from whom written representations had been received were present at the meeting. The application was for a premises licence for The White Hart Inn at Debden. This application was for longer alcohol drinking hours than the existing licence and for regulated entertainment events.

The Council's Legal Officer outlined the procedure for the hearing and drew attention to the opportunity for all parties to have their say. She then asked for the names of those who would be speaking against the application. These were as follows:-

Mr and Mrs P Waddacor
Mr M Bird
Mr L Jones
Councillor T Knight
Ms S Barton
Mr A McLean
Mr W Cockerell – Principal Environmental Health Officer, Uttlesford District Council.

The following objectors were present but did not intend to speak:-

Mr K Thornton
Ms C Burchall
Mr M Barton

The Licensing Officer asked the applicants to confirm receipt of the committee papers and objectors' letters which they did. He then outlined the application as set out in the report.

He explained that the White Hart Inn had a prominent site in High Street, Debden at the junction with Mill Road. On 12 September 2006 the Licensing Authority had granted an application to transfer the Inn's premises licence to Mandy Tooley.

The applicants now seeking a new premises licence were Nigel Hilmi and Mandy Tooley. They had submitted their new operating schedule which sought to increase regulated entertainment and to increase the times for the sale of alcohol and the opening of the premises to the public.

The following activities were sought in the schedule:

(a) Indoor sporting events

Monday – Thursday	11.00 am – 12 midnight
Friday – Saturday	11.00 am – 1.00 am
Sunday	12 noon – 12 midnight

This activity would be confined to dart matches and darts competitions.

The non-standard timings were not indicated in the application.

(b) Live music for both inside and outside the premises

Friday – Saturday only	7.00 pm – 1.00 am
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The live music would include bands, duets, vocalists and karaoke.

For the non-standard timings in relation to Christmas Eve and New Year's Eve the times sought were 7.00 pm to 1.00 am.

(c) Recorded music for both inside and outside the premises

Monday – Thursday	11.00 am – 12 midnight
Friday – Saturday	11.00 am – 1.00 am
Sunday	11.00 am – 12 midnight

This activity would mainly consist of compact discs being played on music centre.

The non-standard timings had not been indicated.

(d) For anything of a similar description relating to live music, recorded music, performance of dance for both inside and outside the premises. This form of entertainment could include activities such as quiz nights, race nights, children's entertainers.

Monday – Thursday	7.00 pm – 12 midnight
Friday – Saturday	7.00 pm – 1.00 am
Sunday	7.00 pm – 12 midnight

The non-standard timings had not been indicated.

- (e) For the provision of facilities for dancing both inside and outside the premises which would take the format of a marquee and dance area.

Friday – Saturday 7.00 pm – 1.00 am

For the non-standard timings on Christmas Eve and New Year's Eve the times sought were 7.00 pm to 1.00 am

- (f) For the supply of alcohol by retail for consumption either on or off the premises the hours sought were:

Monday – Thursday	11.00 am – 12 midnight
Friday – Saturday	11.00 am – 1.00 am
Sunday	11.00 am – 12 midnight

For the non-standard timings on Christmas Eve and New Year's Eve the times sought were 11.00 am – 1.00 am

- (g) The hours that the applicants were seeking for the premises to be open to the public would be:

Monday – Thursday	11.00 – 12.20 am
Friday – Saturday	11.00 am – 1.00 am
Sunday	11.00 am – 12.20 am

For the non-standard timings on Christmas Eve and New Year's Eve the times sought were 11.00 am to 1.20 am

The Licensing Officer informed the meeting that since the preparation of the report the Licensing Authority had received correspondence from the applicants who wished to delete any activity taking place in the marquee (see (e) above). He indicated too that objections made by the Principal Environmental Health Officer might be met by the applicants agreeing to conditions stipulated by that officer.

The Licensing Officer referred to the need for the schedule to meet the Council's licensing objectives.

The applicants' operating schedule indicated that the following measures would be taken to promote the licensing objective regarding the prevention of crime and disorder.

- List of taxi numbers available to customers
- Liaise with Police Authority
- Pub Watch scheme

The operating schedule indicated that the following measures would be taken to promote the licensing objective regarding public safety.

- External lighting
- Liaise with the Fire Authority
- Liaise with Environmental Health Department and other safety authorities

The operating schedule indicated that the following measures would be taken to promote the licensing objective regarding the prevention of public nuisance.

- Staggering trading hours to liaise with other public houses in area
- Awareness of alcohol consumption to individuals

The operating schedule indicated that the following measures would be taken to promote the licensing objective regarding the protection of children from harm.

- Staff awareness and training
- Proof of age scheme in force

Copies of the application had been served on the seven statutory consultees with representations being received from the Principal Environmental Health Officer based on the licensing objective regarding the prevention of a public nuisance. Notices had been placed on the premises and in local newspapers. There had also been a newspaper article identifying what the applicants were seeking to achieve. The premises were already licensed and the original licence had been converted under the provisions of the Licensing Act 2003 but the applicants were seeking additional activities.

Representations had been received from interested parties based on the licensing objectives that related to the prevention of crime and disorder and the prevention of a public nuisance. It was feared that anti-social behaviour might result if the current licensing hours were extended and that excessive noise would result from the live or recorded music coming from the premises.

The premises currently had the benefit of a licence, but the applicant had had to apply for a new licence rather than vary the existing due to seeking new activities which under the Act and regulations required a new licence to be applied for. The licence permitted the following:

Playing of recorded music (indoors)	
Monday to Saturday	11am – 11.20 pm
Sunday	12 noon – 10.50 pm
For the non-standard timings	
Christmas Day	12 noon – 3.20 pm 7.00 pm – 10.50 pm
Good Friday	12 noon – 10.50 pm

New Years Eve Except on a Sunday	11.00 am – 11.20 pm
New Year's Eve On a Sunday	12 noon – 10.50 pm

must end at New Year's Eve from the end of permitted hours on that day to the start of permitted hours on New Year's Day (or if there are no permitted hours this form of regulated entertainment 12 midnight).

The sale of alcohol by retail both on and off the premises.

Monday – Saturday	11.00 am – 11.00 pm
Sunday	12 noon – 10.30 pm

For the non standard timings

Christmas Day	12 noon – 3.00 pm 7.00 pm – 10.30 pm
Good Friday	12 noon – 10.30 pm
New Year's Eve except On a Sunday	11.00 am – 11.00 pm
New Year's Eve on a Sunday	12 noon – 10.30 pm

New Year's Eve from the end of permitted hours on that day to the start of permitted hours on New Year's Day (of if there were no permitted hours this activity must end at 12 midnight).

The hours of opening the premises to the public

Monday – Saturday	11.00 am – 11.20 pm
Sunday	12 noon – 10.50 pm

For the non-standard timings

Christmas Day	12 noon – 3.20 pm 7.00 pm -10.50 pm
Good Friday	12 noon – 10.50 pm
New Year's Eve except on a Sunday	11.00 am – 11.20 pm
New Year's Eve on a Sunday	12 noon – 10.50 pm

New Year's Eve from the end of permitted hours on that day to the start of permitted hours on New Year's Day (of it there were no permitted hours the premises must close to the public at 12 midnight).

The Licensing Officer informed the Committee that 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

He explained that the decision that the Committee could make for this application was to:

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

The Licensing Officer added that when determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance and that if the Committee in their discretion wished to impose conditions, the only conditions that could be imposed were 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 Principal Environmental Health Officer explained that the Department had written to the applicants as the premises were situated in a quiet residential area and he was concerned at the potential for public nuisance arising from the additional activities and the use of the premises later at night.

He had suggested the following conditions which had been agreed by the Applicants:-

- 1 Prominent and clear notices shall be displayed at all exits requesting customers to leave the premises and area quietly. Staff to ensure customers leave quickly and quietly.
- 2 No drinking shall be permitted outside the public house between the hours of 23.20 hours and 11.00 hours
- 3 A responsible member of staff shall regularly assess noise from the premises during amplified and live music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.
- 4 Amplified sound shall not be permitted to be played outside the building.
- 5 Live music shall not be permitted to be played outside the building for longer than 4 hours in any 7 day period and no later than 20.00 hours.
- 6 Amplified and live music events shall end at 23.00 hours.
- 7 Windows to the licensed area and external doors shall be kept closed other than for access and egress for a minimum of the last 2 hours of amplified and live music events.

There were no questions for the Principal Environment Health Officer.

Objectors from whom written representations had been received were present at the meeting. They were invited to make their statements and did so as follows:-

Mr and Mrs P Waddacor of High Street Debden said that they lived directly opposite the Inn. They were concerned about child safety and nuisance. They asked that activities did not go on past 11.00 pm or they would infringe their privacy. Similarly they asked that there be no music outside the Inn, no amplification inside the Inn, and no performance of dance.

They stressed that police were not present in the village to deal with problems of over-indulgence in alcoholic drinks. The Inn was sited on a blind corner and many children on bikes and young teenagers used the immediate vicinity at night visiting the village hall behind the Inn and the Youth Club as well as walking to visit friends at night. The area behind the Inn was too small to cater for all the parking needs of the Inn and the increased traffic and congestion would compromise their safety. Further, the drink/drive aspect would set them a bad example.

The noise aspect was one of the most important issues and Mr and Mrs Waddacor felt that noise was bound to escape from the Inn due to its structure as well as emanating from the childrens' entertainment in the garden area. They also feared the petty crime associated with late night revelry and thought there would be more light pollution and air pollution from the traffic and extra lighting at the Inn which was now low lit. The proposed "dance" was only vaguely described.

They were also most concerned about how the licensed activities would be controlled if there was a change of licensee and wished to retain the rural character of the residential village without jumping castles or dancing.

Mr M Bird who was an immediate neighbour of the White Hart Inn, stressed that the village was a very quiet residential one and that the sort of pub found in eg Saffron Walden with late hours and brawling would be wholly inappropriate in such a silent village. Equally a carte blanche for amplification which permitted resonating bass thumps on any day was unacceptable. It must be restricted to special occasions.

Mr L Jones said that he lived within 75 yards of the White Hart Inn and he feared that the boom of the amplified bass would resonate around the village. Parking would be needed for outsiders. He thought the Danes Road access would become very restricted and that the noise of engines revving would be a public nuisance.

Mr K Thornton expressed his agreement with everything already said by the previous speakers.

Councillor T Knight said she was representing Mr and Mrs Waddecor, Mr and Mrs Moore, Mr and Mrs Barton and another stated in her letter. She added that she lived outside the village, owned The Swan Inn at Thaxted and was not expressing her personal opinions. She explained that she and the village had a positive attitude towards the Inn, having worked hard to save it from sale as a house and she sympathised with the new landlords. She thought the licensees could increase the marketing by providing for a darts team, dominos etc, but that amplified sound was undesirable; the village was a small one in a very rural area and sound carried a long way. She stressed the concern for safety since the Inn was located on a blind bend, and she felt that music until midnight was unreasonable and would attract the sort of clientele that might necessitate calling out the police, but there were no police near at hand.

She also raised the matter of light pollution which the Chairman informed her was a planning matter not a licensing one.

Mr and Mrs Barton explained that they lived ten yards from the Inn and that Mrs Barton would speak as representative of the Parish Council. (Mrs Barton was informed that the Committee was not empowered to hear representations from parish councils in these matters unless they were specifically representing individuals by speaking on their behalf, and if so could she identify them, which she could not. She decided that Mr Barton should speak for both of them).

Mr Barton explained that five households lived in the triangle of land associated with the White Hart Inn. They were aware that the Inn had to make a profit and they wanted good relations with the licensees but the lack of consultation with the Parish Council had been a bad start. The Chairman stated that the licensees were not obliged to consult. Mr Barton was concerned about police response time to Debden which he thought would be inadequate to cope with the times/activities applied for and he thought the nearby school should not have the example of all day drinking obtruded upon it. He wished to ensure prevention of crime, protection of property and minimum light and noise pollution.

Mr A McClean said that he supported the comments of previous speakers, his main concerns being late hours, car parking and noise.

Mrs Burchall agreed with the others and stressed the public nuisance aspect particularly since it was such an open-ended application which could result in live music on every Friday and Saturday in the year.

There were no questions from Members.

The Licensing Officer informed the meeting that no representations had been made by the Chief Constable.

The applicants were invited to ask questions and Mr Hilmi said that he thought the circular letter sent around the village by the Waddacors was wrong and

misinformed. Mrs Waddacor explained that the letter was prompted by the licensing application process which directed objections to Mr Hardy. No one was compelled to sign the letter.

Mrs Tooley then made comments in respect of the application. She stated that the villagers concern could have been rectified if they had asked at the Inn about the plan. She said there was no intention to have all day opening. The longer hours were to cover the drinking up period, wakes, weddings etc and the lights would be off at 11.00pm. They had been asked to provide a jazz band and country and western; there was no plan to have a disco or rock band. The planned castle was only a small one for families with toddlers up to age 8 and a fence would be provided to keep them safe from the road. There was a public car park next to the Inn. The family entertainment she envisaged would be about once a month and only on a Friday or a Saturday. They had withdrawn their original application to have outdoor music, and similarly the application for a marquee had been withdrawn. They felt that they had via several routes done their best to consult local opinion on the matter. The dancing would be music from three musicians and a tiny part of the bar area used for a dance space. Children's entertainment would only happen in summer on a bank holiday probably between 12 noon and 3.00pm.

Members asked questions of the Principal Environmental Health Officer who gave his view that volume control was essential and the speakers should be positioned so as to point away from windows and doors. He thought that a responsible licensee listening outside would have a better effect on sound control than setting decibel limits.

An objector asked where the castle would be sited and Ms Tooley described where it would, subject to planning permission, be sited.

In response to questions over withdrawing the application Mrs Nicholson explained to the applicants that it was open to them to limit their application by time, number or frequency by altering the proposed operating schedule. The applicants were clear that they wanted hours extended to 11.20 pm so that they did not have to "risk" their licence at drinking up time.

L42

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 5.50 pm.

L43

APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 AT THE WHITE HART INN, DEBDEN

Members returned to announce their decision at 6.35 pm.

RESOLVED

- 1 that having carefully considered the report of the Licensing Officer and have considered the written representations sent in, and in addition from those who have spoken today, the Committee having regard to the licensing objectives has decided that no evidence has been submitted to suggest that the objective of the prevention of crime and disorder would not be met if the licence were to be granted. General issues of anti-social behaviour have been raised, but there has been nothing to link these allegations with the subject premises.

Government guidance at para 7.23 and 7.24 indicates that conditions cannot seek to manage the behaviour of customers once they are beyond the premises.

The main thrust of the complaints has been with regard to noise. The Committee has noted concerns over the provision of live and amplified music. The Committee has considered the comments of the Environmental Health Officer and the agreement reached with the applicant.

The Committee has considered paragraphs 5.6 and 5.7 of this policy in deciding on the imposition of conditions.

The Committee has felt that the conditions agreed by Mr Cockerell the Principal Environmental Health Officer deal mainly with the concerns over nuisance, but in addition the committee feels that the hours applied for relating to the provision of alcohol should be reduced to:

Weekdays and Sundays -	11.30
Weekends (Friday and Saturday) -	12.30

and that the premises be open to 12 midnight in the week and on Sundays and 1 am on Friday and Saturday (for New Years Eve and Christmas Eve – times as applied for until 1 am).

The Committee considered that these conditions are necessary and proportionate to deal with the issues raised.

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.

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

The meeting ended at 6.50 pm.