

**Committee:** Licensing  
**Date:** 20 November 2006  
**Agenda Item No:** 2  
**Title:** The White Hart Inn, Debden  
**Author:** Murray Hardy (01799) 510598

### Summary

- 1 This report sets out an application for the grant of a Premise Licence in respect of the above. Representations have been made to this application therefore this matter has been referred to the Committee for deliberation.
- 2 The White Hart Inn is situated in High Street, Debden at the junction with Mill Road and can be described as being located in a prominent part of the village.
- 3 On 12 September 2006 the Licensing Authority granted an application to transfer the current licence from Jennifer Eileen White into the name of Mandy Tooley.
- 4 The applicant's seeking the grant of a new premises licence are Nigel Hilmi and Mandy Tooley. They have submitted their new operating schedule which seeks to increase activities in relation to regulated entertainment and also to increase the times for the sale of alcohol and the opening of the premises to the public.
- 5 The new operating schedule now seeks the following activities:

(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 have not been indicated

(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 are 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 have not been indicated.

- (d) For anything of a similar description relative 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 have 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
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For the non-standard timings on Christmas Eve and New Year's Eve the times sought are 7.00 pm to 1.00 am

Since the preparation of this report the Licensing Authority has received correspondence from the applicants who now wish to delete any activity taking place in the marquee.

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

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 are 11.00 am – 1.00 am

- (g) The hours that the applicants are 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 are 11.00 am to 1.20 am

- 6 The operating schedule indicates that the following measures will 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
- 7 The operating schedule indicates that the following measures will 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
- 8 The operating schedule indicates that the following measures will 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
- 9 The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the protection of children from harm.
- Staff awareness and training
  - Proof of age scheme in force
- 10 Copies of this application have been served on the statutory bodies with representations being received from the Principle Environmental Health Officer. These are based on the licensing objective regarding the prevention of a public nuisance.
- 11 Representations have been received from interested parties based on the licensing objectives that relate to the prevention of crime and disorder and the prevention of a public nuisance. It is feared that anti-social behaviour may be the result if the current licensing hours are extended and that excessive noise would result from the live or recorded music coming from the premises.
- 12 The premises currently has the benefit of a licence, but the applicant has had to apply for a new licence rather than vary the existing due to seeking new activities which under the Act and regulations require a new licence to be applied for. For information purposes, the current licence permits the following:

- (a) Playing of recorded music (indoors)

Monday to Saturday  
Sunday

11am – 11.20 pm

Page 3 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

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 must end at 12 midnight).

(b) 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 are no permitted hours this activity must end at 12 midnight)

(c) 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 are no permitted hours the premises must close to the public at midnight).

- 13 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
- 14 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
- 15 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 17 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 In the event of an appeal against the decision of the Licensing Authority, then an member is nominated to represent the Authority at Court.

Background Papers:      Operating Schedule  
                                    Representations from the Principal Environmental  
                                    Health Officer  
                                    Plan of premises  
                                    Location of premises  
                                    Letters from interested parties  
                                    Current premises licence  
                                    Amendment Letter to application from Mr Hilmi  
                                    and Mrs Tooley