

Committee: Licensing
Date: 20th February 2007
Agenda Item No: 2
Title: The Queen Elizabeth Public House
East Street, Saffron Walden
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Summary

- 1 This report sets out a review of the premises licence in respect of The Queen Elizabeth Public House Saffron Walden following a closure order issued by Harlow Magistrates Court on 5th February 2007.
- 2 The Licensing Act 2003 places an obligation on a Licensing Authority to hold a review where a Magistrates Court notifies the Authority that they have ordered a premises to remain closed until the review has been determined.
- 3 The Licensing Act 2003 requires a Licensing Authority to promote the objectives contained within the Act. These objectives are listed below
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4 The Queen Elizabeth is situated in East Street, Saffron Walden at the junction with Faircroft Road and can be described as being located in both a business and residential area of the town.
- 5 On 4 July 2005 following a licensing hearing, the Licensing Authority granted a conversion of their previous licence issued under the Licensing Act 1964; however the variation was modified to take account of the representations made by the Principal Environmental Health Officer and interested parties.
- 6 On the 21st April 2006 the Joint Premises Licence Holders namely Myra Stokley, Cindy Hare and Deborah Hare sought a variation the premises licence to increase the hours on a Friday and Saturday to 1 am with the premises remaining open to the public to 1.30 am.
- 7 Their operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder.
 - Regular checks are made of the premises and pathways surrounding the premises.

- Any person found on the premises who appears to be drunk is refused service.

After due deliberation the variation was refused

- 8 The applicants subsequently appealed against this decision and the matter was heard before Epping Magistrates Court on 1st September 2006. The decision of the Court was to allow the appeal as originally applied for.
- 9 At 23.47 hrs on 2nd February 2007 Essex Police issued a closure order in respect of these premises following the execution of a search warrant and arrest of persons for drug related and disorder related offences. This order was subsequently reviewed by a Senior Police Officer on 3rd February 2007 and he authorised that the closure remain in place until the next available Court date.
- 10 On 5th February 2007 Officers from Essex Police attended Harlow Magistrates Court, to seek a further extension of the closure order which was subsequently granted.
- 11 Following the notification from the Court, the Licensing Authority notified details of this review to all of the statutory bodies, advertised the review on its website, and placed a notice on the Public Notice Board situated outside the Main Building of its offices in Saffron Walden. Letters were also sent to all three of the premises licence holders.
- 12 The decision that the Committee can make in respect of this application is to
 - (a) to modify the conditions of the premises licence,
 - (b) to modify the conditions of the premises licence for a specified period not exceeding three months
 - (c) to exclude a licensable activity from the scope of the licence,
 - (d) to exclude a licensable activity from the scope of the licence for a specified period not exceeding three months
 - (e) to remove the designated premises supervisor from the licence,
 - (f) to suspend the licence for a period not exceeding three months, or
 - (g) to revoke the licence;

and for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

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

Background Papers

- Current Premises Licence.
- Map of Area.
- Magistrates Determination Order.
- Notification to Licensing Authority by Essex Police.
- Application for consideration of Police Closure Order by the Magistrates Court.
- Notice to the Chief Executive of the Licensing Authority
- Police Closure Order Decision
- Reviews of Police Closure Order
- Explanatory Notice – Licensing Act 2003.