

**EXTRAORDINARY LICENSING COMMITTEE held at 2.30 pm at the
COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 23 JULY
2007**

Present: - Councillor J Loughlin – Chairman.
Councillors J E Hudson, R M Lemon, J A Redfern.

Officers in attendance: - M Hardy, E O'Malley and M Perry.

LC11

**APPLICATION TO VARY A CLUB PREMISES CERTIFICATE UNDER
THE LICENSING ACT 2003 FOR THE CONSERVATIVE CLUB AT
MUSEUM STREET SAFFRON WALDEN**

The Chairman of the Committee introduced Members and Officers. Those speaking for and against the Committee introduced themselves Mr T Raine, Mr J Gerrard, Mr M Gebbie from the Saffron Walden Conservative Club and Mr C Matthews, and Dr R Freeman who were local residents.

The Uttlesford District Councils solicitor outlined the procedure for the hearing and drew attention to the opportunity for everyone concerned to speak. The Chairman then asked who would be speaking for and against the application. Mr C Matthews of 7 Museum Street and Dr Richard Freeman of 2 The Maynard's, Museum Street, stated that they would be speaking against the application. Mr T Raine, Mr J Gerrard and Mr M Gebbie stated that they would be speaking for the application.

The Licensing Officer then outlined the application as set out in the report, explaining that it concerned an application to vary the current club premises certificate. He stated that this was not an application to reinstate regulated entertainment, but the application was to consider the hours of opening. He explained that due to the representations that had been made to the application it was referred to the Committee for deliberation.

The Licensing Officer stated that the Conservative Club is situated in Museum Street, Saffron Walden near to the junction of Church Street and operates as a Registered Club under a club premises certificate. It is managed by Officers and Committee Members of the club and operates in accordance with the approved rules. The Club was established in 1885 and is one of the oldest Conservative clubs in Great Britain. Visitors may be permitted to enjoy the facilities of the club provided they are accompanied by a member. Details of their visit must be recorded in the Visitors book. The Licensing Officer explained that on 5 July 2005 the club premises certificate was granted subject to the condition of sound proofing being installed in the Function Room subject to the satisfaction of the Principle Environmental health Officer. The condition was imposed following a hearing when representations were made which directly impacted on the licensing objective relating to the prevention of public nuisance. It was a requirement that the work be carried out within 3 months form the certificate becoming operative.

On 12 December 2006 a review of the Club Premises Certificate was heard before the Licensing Committee following an application by the Principle

Environmental Health Officer. This followed complaints that had been received from local residents. At the time of review the work relating to the sound proofing of the Function room had still not been carried out.

Following that review the Licensing Committee decided to remove all regulated entertainment from the certificate. The club launched an appeal to the Magistrates Court against the decision of the Licensing Committee which has now been settled.

The application includes the current hours for the supply of alcohol by or on behalf of the club to members and guests. In respect of those premises the following is sought:

Monday – Friday	11.00 am – 2.30 pm
Monday – Friday	6.00 pm – 12 midnight
Saturdays	11.00 am – 12 midnight
Sunday	12 noon – 11.00 pm

For the non-standard timings the hours are: -

Christmas Club Draw	6.00 pm – 2.00 am
New Years Eve	6.00 pm – 2.00 am
On Friday, Saturday and Sunday of a Bank Holiday weekend	11.00 – 2.00 am

The application includes a new operating schedule which seeks the following licensable activities: -

- (a) Indoor Sporting Events for Darts and Snooker Fixtures and area finals when the club premises have been selected as a venue.

Tuesdays and Thursdays only	8.00 pm – 12 midnight
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- (b) Live Music for both indoors and outdoors

Monday – Thursday	8.00 – 11.30 pm
Friday – Saturday	8.00 – 12 midnight
Sunday	12 noon – 6.00 pm

- (c) Recorded Music (indoors only)

Monday – Thursday	8.00 – 11.30 pm
Friday – Saturday	8.00 – 12 midnight

For the non-standard timings, the hours are 8.00 – 1.00 am on Christmas Eve, New Year's Eve and Public Holidays

- (d) Provision of facilities for dancing (indoors only)

Monday – Thursday	8.00 – 11.30 pm
Friday – Saturday	8.00 – 12 midnight
Sunday	8.00 – 1.00 am

For the standard timings, the hours are 8.00 pm – 1.00 am on Christmas Eve, New Year’s Eve, Public Holiday weekends and on the Christmas Night Draw.

(e) The supply of alcohol for both on and off the premises

Monday – Friday	11.00 am – 2.30 pm 6.00 am – 12 midnight
Saturday	11.00 am – 12 midnight
Sunday	12 noon – 11.00 pm

For the non standard timings, the hours are 6.00 pm – 2.00 am on Christmas Eve, New Year’s Eve, Public Holiday weekends and the Christmas Night Draw,

(f) Hours Club Premises are open to the members and guests.

Monday – Thursday	11.00 am – 12.30 am
Friday – Saturday	11.00 am – 1.00 am
Sunday	12 noon – 11.30 pm

For non-standard timings the hours are 11.00 am – 2.30 am on Christmas Eve, New Year’s Eve. Public Holiday weekends and the Christmas Night Draw.

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

- Under-age drinking: A person must be over the age of 18 years before applying for membership of the club and club rules make it clear that members may not purchase alcohol to be consumed by persons under the legal age. Drunkenness, etc: Member/guests will be refused service and/or memberships suspended or terminate in accordance with club rules. Most regular users of the club are well known to the Committee and bar staff and the general manager keeps a list of members at the bar. Members have been advised to carry their membership cards when visiting the club.

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

- Richard Spencer MIFire E, on behalf of Saffire Safety Ltd on 16 December 2003, carried out a risk assessment. Recommendations from the report are being implemented and a new system of fire and smoke alarms has been installed. Escape routes and assembly points have been identified and written permission has been obtained from Castle Tennis Club to use their courts as an emergency exit from the Snooker Room. Club staff are trained by Jason Thompson (Essex Fire and Rescue Service and Saffire Safety Ltd). The club restricts attendance at events to 180 persons.

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

- UDC Environmental Health Officer, Mrs Anne Lee-Moore, took sound measurements on Friday 18 May 2007 relating to statutory nuisance matters declared the sound levels to be satisfactory. The club manager monitors sound levels from live music. Signage is displayed near exits requesting members and quest to respect the needs of local residents by quietly leaving the premises.

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

- Children may only enter club premises when accompanied by a responsible club member acting as a 'concerned parent'. This will usually be when meals are served, i.e. Saturday and Sunday lunchtimes. Children may not enter the Saloon Bar area where smoking is permitted (until 1 July 2007) and the gaming machine is located. Club Byelaws have been amended to this effect. Club membership is restricted to persons over the age of 18 years and young adults applying for membership must satisfy the committee that they are over 18. Committee members, club staff and members are instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children. Signage is posted prohibiting the direct or indirect supply or delivery of alcohol to children.

He explained that copies of the application had been served on the statutory bodies with no representations being received.

The response from the Principle Environmental Health Officer indicated that an agreement had been reached between both parties, who have agreed to the following conditions being imposed on any certificate that may be issued.

- (a) Live music outdoors: events to be no longer that 4 hours in duration between the hours of 12.00 – 18.00, to take place on no more that 3 days each year, with no less that 14 days between events
- (b) Non standard timings for recorded music: applicable to Christmas Eve and New Year's Eve only.

The Licensing Officer stated that representations had been received from interested parties based on the licensing objective that related to the prevention of a public nuisance. It is feared that additional noise may be created together with the potential for a disturbance if the current licensing hours are extended.

The decisions available were to: -

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

- Reject the application

He added that due regard should be given to the Council's licensing policy and the secretary of states guidance. Any conditions to be imposed must be 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 Chairman asked if there were any questions for the Licensing Officer.

Mr C Matthews of 7 Museum Street was invited to make his statement.

Mr Matthews explained that he had often heard amplified music, coming from the Conservative Club due to the facility not being sealed off. He expressed his concern that due to the smoking ban on 1 July 2007, there would be a temptation to leave doors open, as people were forced to smoke outside. A lack of trust had built up between neighbours and the Club due to poor management. Mr Matthews stated that he was disturbed late at night by taxis collecting members and the guests from outside the club as they often left their engines running whilst they were waiting.

Dr Richard Freeman was invited to make his statement.

Dr Richard Freeman, of 2 The Maynard's, Museum Street, explained he was well aware of the Conservatives Club existence, and the role it plays within the community. He stated that the club had an arrogant relationship with its neighbours. He said the key to this was in the management, as they ignored simple courtesies such as keeping windows shut, providing supervision, and ensuring taxis did not leave engines running for long periods late at night. He suggested asking taxis to collect from the junction at Church Street, or the market square, which was not a residential area.

The Chairman asked Members whether they had questions for Mr C Matthews or Dr R Freeman.

Mr J Gerrard, the Conservative's Club secretary was invited to make his statement.

Mr Gerrard explained that a large amount of time had gone into ensuring that the club met the condition set out by the Principle Environmental Health Officer to soundproof the function room. The funding that was originally set out was lost abruptly and they had an extremely difficult job finding other agencies who would invest and they had to hand the trustee over to the Association of Conservative Club in order to meet the licensing requirements. He explained that an electronic noise monitor was now in place, and if the sound reached 86 decibels then it would stop immediately. He explained that although the application requested 3 live music events each year, this was far more than what was required, as there was usually only one live music event scheduled. He said that the club would keep the doors and windows closed as the function room was air conditioned, smokers would smoke in the garden. He suggested that the noise that was often associated with the Club was actually music from the Kings Arms on Market Hill, as this was a regular music venue in Saffron Walden.

The Chairman asked if there were any questions for Mr J Gerrard.

The Chairman questioned the Sunday opening hours. Mr Gerrard explained that the club would usually close at 6.00 pm but they had included later hours in the application in case there was a function that would like to stay later, he added that there would be no music late on a Sunday evening.

Members asked whether steps had been taken to strengthen management. Mr Gibbon explained that steps had been taken, starting with ensuring that Mr Raine is present at all functions.

The Chairman asked either representation whether they had any questions.

Mr Freeman asked The Principle Environmental Safety Officer whether she was happy with the sound proofing scheme. The Principle Environmental Safety Officer stated that she was satisfied that the sound emitter would prevent public nuisance, there was just one technical issue that needed to be resolved.

LC12 **EXCLUSION OF THE PUBLIC**

RESOLVED that under Regulation 12 (2) Licensing Act 2003 (Hearings) Regulations 2005, the press and the 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 a permit a free and frank exchange of views between Members.

The public left the room to allow Members to consider their decision at 3.35 pm.

LC13 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE COMMUNITY CENTRE, SOUTH ROAD, TAKELEY**

Members returned to announce their decision at 4.00 pm.

RESOLVED that the Committee has considered the application for a variation, all oral and written representation of Dr Freeman and Mr Matthews and representatives of the Conservative Club, the Committee has also considered representations from others. Members note that due to a successful appeal by consent against the removal of regulated entertainment from the certificate, the issues to be considered related only too licensing laws and the provision of sporting events. With regard to those matters, Members are satisfied that the conditions proposed in the operating schedule amended by agreement for taking conditions set out in paragraph 20 of the officers report are sufficient to meet the licensing objectives.

The variation is therefore granted as so amended.

The Committee hopes that the measures taken to strengthen the management of the club will help to alleviate any future problems.

The meeting ended at 4.10 pm.