

EXTRAORDINARY LICENSING COMMITTEE held at 2.30 pm at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 31 JULY 2007

Present:- Councillor E Hicks – Chairman.
Councillors E L Bellingham-Smith, D J Morson, and J A Redfern.

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

Also present:- Councillor D J Sadler, Mr and Mrs Evans – Licensees, Mr J Veitch the solicitor for the Applicant.

LC14

APPLICATION TO VARY AN EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE VICTORY PUBLIC HOUSE AT LITTLE WALDEN ROAD SAFFRON WALDEN

The Chairman of the Committee welcomed those present.

The Licensing Officer, Mr Hardy, explained that two further pieces of correspondence had been received out of time so could be used in the hearing only with the consent of all parties.

The representatives of the Environmental Health Authority, the Licensees, the Applicant's representative and Councillor D J Sadler were then invited to read the documents and asked whether they had objections to their use in the hearing. Since an objection was made the documents were excluded from any further use in the hearing.

The Uttlesford District Council's Legal Adviser, Catherine Nicholson, outlined the procedure for the hearing and drew attention to the opportunity for everyone concerned to take their part in a constructive discussion. She then established who would be speaking for and against the application and the roles to be played by Councillor D J Sadler and the representatives of the Environmental Health Authority.

The Licensing Officer then outlined the application as set out in the report, explaining that it concerned a premises licence granted in 2005.

The Applicant for the variation had drafted a new operating schedule. They wanted permission for late night refreshment; extension of the hours of live and recorded music on Fridays and Saturdays from 11pm to 12midnight; extension to 10pm of the permitted hours for children to be on the premises; and permission for smoking in the garden between current garden closure hours and close of business.

The revised Operating Schedule specified

(a) Performance of Live Music (indoors and outdoors)

Monday – Thursday	6.00 pm – 11.00 pm
Friday – Saturday	6.00 pm – 12 midnight
Sunday	6.00 pm – 11.00 pm

There were no changes to the existing non standard timings.

(b) Playing of Recorded Music (indoors and outdoors)

Monday – Thursday	6.00 pm – 11.00 pm
Friday – Saturday	6.00 pm – 12 midnight
Sunday	6.00 pm - 11.00 pm

There were no changes to the existing non standard timings.

(c) Late Night Refreshment (indoors and outdoors)

Monday – Thursday	11.00 pm – 12 midnight
Friday – Saturday	11.00 pm – 1.30 am
Sunday	11.00 pm – 12 midnight

Representations had been received from interested parties who feared that additional noise might be created and possibly disturbance, if the application were granted.

The Principal Environmental Health Officer expressed his concerns about the use of the rear garden area since there was a high density of dwellings there and the previous licensing tribunal had restricted use of the area. There was likelihood of a disturbance since the application was also for performance of live music and the playing indoors of recorded music until 12.00 midnight on Fridays and Saturdays, as well as late night refreshment until 1.30 on Sundays to Thursdays, and provided additionally for late night smoking in the Garden.

Neither the Members of the Panel nor Councillor Sadler had any questions to put to the Principal Environmental Health Officer. Mr Veitch, the applicant's solicitor, asked questions to which Mr Cockerell replied that he was aware that the application was not to allow drinking in the garden late at night, just smoking and that the licence already provided for 12 special occasions.

Representations were received from Councillor Sadler who was present to represent some members of Castle Ward. He referred to letters from the residents. The Council's legal advisor, Mrs Nicholson, confirmed that the Council had received these and the Panel would consider them.

Councillor Sadler explained that he supported the content of the letters. Residents objected to the anti-social behaviour and vandalism which was taking place.

Mr Veitch suggested that this irresponsible behaviour was not relevant to the application since not caused by patrons of the Victory pub.

Mr Evans, the Landlord of the Victory pub, confirmed that a barman's car was also vandalised and that it was not patrons of the pub which caused the damage in the vicinity of the Victory.

Councillor Sadler argued that the letters showed the anti-social element was increasing and in answer to a question from Councillor Redfern he confirmed that he was representing three residents who had written in.

Mr Veitch was then invited to address the Panel and he explained the reasons for the application, particularly that access and egress for smokers was needed at the back of the pub to and from the garden. He reminded the Panel that the licensees had upheld all conditions to date and said that smoking at the front of the pub would be nearer to objectors and would be uncontrollable as it would be on the street. There was however a contained area at the back and notices would be placed at the exits and in the smoking area asking patrons to leave quietly.

He also gave details of the projected live and recorded music, mentioning a live duo once a month and hog roasts when neighbours would be advised by circular. The Applicant was prepared to drop the hours requested from 1 hour to 30 minutes extension for live and recorded music. Amendment was sought to condition 22 of the Schedule to enable children to vacate the premises by 10.00 pm instead of 8.00 pm and no objection had been received from the responsible authority.

Mr and Mrs Evans, the Licensees of the Victory pub, gave evidence about the clientele at the pub who mostly walked to it. Noise was monitored when necessary and records kept. The two complaints from one person regarding noise on the hot August Bank Holiday weekend had not been repeated since.

Mr Veitch continued that the Police had made no objections to the application and the brewery company had no issues with it. Staff would remind patrons about quiet behaviour as they left the premises. Mr Veitch confirmed the Applicant's wish to amend to 30 minutes the proposal to extend the hours of live and recorded music, which had originally been for one hour, and that it related to indoors only.

In answer to a question Mr Veitch said that smoking would continue till the close of the premises and when regulated entertainment took place windows and doors at the front of the pub would be closed. In addition smokers would not be permitted to take drinks out into the garden outside. Of the current permitted hours for use of the garden.

In answer to a question from the Principal Environmental Officer, Mr Veitch confirmed that it would be possible for patrons to drink and smoke in the garden on Fridays and Saturdays up until midnight, under the terms of the existing licence

In answer to a question from Councillor Sadler Mr Veitch said that there had been no significant complaints regarding noise.

LC15

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's interest so to do to permit a free and frank exchange of views between members. The applicant's representatives, Environmental Health Officers and Councillor Sadler were excluded from the discussions.

The panel left the room to deliberate on their decision at 3.35 pm.

LC16

APPLICATION TO VARY AN EXISTING PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE VICTORY PUBLIC HOUSE AT LITTLE WALDEN ROAD SAFFRON WALDEN

Members returned to announce their decision at 3.58 pm.

RESOLVED the Committee having listened to all the comments that had been made and having read the written representations that had been received considered that the variation (of allowing smokers to use the garden area with no drinks allowed after the current restricted hours) would not undermine the licensing objective of the prevention and public nuisance.

In addition the Applicant had agreed to amend the application for live and recorded music to 11.30 pm on a Friday and Saturday, indoors only, and again the Committee did not feel that this extension in hours would undermine the licensing objective of the prevention of public nuisance.

The Committee had no concerns over the addition of late night refreshment provision or the increasing time for children to be on the premises and in fact no specific concerns had been raised.

Therefore the Committee would allow the application with the amendment by the applicant and the explicit imposition of a condition that no consumption of drinks be allowed in the garden area after 11.30 pm Sunday to Thursday and 12 Friday and Saturday to ensure smokers did not take their drinks and would return inside promptly in order to avoid any public nuisance to residents.

The Committee reminded parties of their right to appeal against the decision if they were unhappy with it by contacting the Magistrates court within 21 days.

The meeting ended at 4.00 pm.