

Committee: LICENSING
Date: 31 July 2007
Agenda Item No: 2
Title: THE VICTORY PUBLIC HOUSE – SAFFRON WALDEN
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Summary

- 1 This report sets out an application to vary the current premises licence in respect of the above. Representations have been made to this application and therefore this matter has been referred to the Committee for deliberation.

Background

- 2 The Victory Public House is situated in Little Walden Road, Saffron Walden close to the junction with Castle Street and currently has a Licence to sell intoxicating liquor of all descriptions by retail for consumption both on and off the premises and to provide regulated entertainment.
- 3 The applicants are Greene King Retailing Ltd who own the premises, which are run on their behalf by a manager.
- 4 Following a hearing held on 1 September 2005, the current premises licence was issued in the following terms:-

- (a) Indoor Sporting Events

Monday – Sunday – 7.00 pm – 12 midnight

- (b) Performance of Live Music (indoors and outdoors)

Monday – Sunday – 6.00 pm – 11.00 pm

For the non standard timings the hours are 12 noon to 1.00 am on all Bank Holidays and New Year's Eve and for private functions 12 noon to 1.00 am on not more than 12 occasions per annum.

- (c) Playing of Recorded Music (indoors and outdoors)

Monday – Sunday – 6.00 pm – 11.00 pm

For the non standard timings, the hours are 12 noon to 1.00 am on all Bank Holidays and New Year's Eve and for private functions 12 noon to 1.00 am on not more than 12 occasions per annum.

- (d) The sale of alcohol by retail for consumption both on and off the premises.

Monday – Thursday 10.00 am – 12 midnight
Friday – Saturday 10.00 am – 1.30 am
Sunday 10.00 am – 12 midnight

For the non standard timings the hours are 10.00 am to 2.00 am on Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and other recognised Bank Holidays. In addition, where a Sunday precedes a Bank Holiday then the times are identical to those contained in this paragraph. Where a private function takes place, the times are again the same; however, this type of event is limited to not more than 12 occasions per annum.

- (e) The hours the premises are open to the public.

Monday – Thursday – 10.00 am – 12.30 am
Friday – Saturday – 10.00 am – 2.00 am
Sunday – 10.00 am – 12.30 am

For the non standard timings the hours are 10.00 am to 2.00 am Christmas Eve, Christmas Day, Boxing Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and other recognised Bank Holidays. In addition, where a Sunday precedes a Bank Holiday then the times are identical to those contained in this paragraph. Where a private function takes place, the times are again the same; however, this type of event is limited to not more than 12 occasions per annum.

- 5 The Premises Licence also had the following conditions imposed as a result of that hearing.

- (a) The performance of live music and the playing of recorded music outdoors to end at 11.00 pm.
- (b) Prominent and clear notices to be displayed at all exits requesting customers to leave the premises and area quietly. Staff to ensure customers leave quickly and quietly.
- (c) The designated premises supervisor shall regularly assess noise from the premises during amplified music events. Steps to be taken to reduce the level of noise where it is likely to cause a disturbance to local residents.
- (d) Live and recorded music outside the premises to be limited to 12 occasions per year plus bank holidays.
- (e) The garden to be closed and not used after 11.30 pm Sundays to Thursdays and 12 midnight on Fridays, Saturdays and Bank Holidays.

6 The applicants for this variation have submitted a new operating schedule which seeks to amend the current licence by adding late night refreshment and extending the hours of live and recorded music on Fridays and Saturdays only from 11pm to 12midnight. Furthermore, they seek to amend a condition consistent to the current operating schedule by altering the hour from 8pm to 10pm when children are required to vacate the premises. It is further submitted that the restriction which currently relates to the garden area being closed after 11.30pm Sunday to Thursday and 12midnight on Friday, Saturday and Bank Holiday is amended to allow access and egress for customers who smoke.

7 The revised Operating Schedule now seeks the following:-

(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 are 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 are 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

For the non standard timings the hours are 11.00 pm to 2.00 am on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and other recognised Bank Holidays. In addition, where a Sunday precedes a Bank Holiday, then the times are identical to those contained in this paragraph. Where a private function takes place, the times are again the same; however, this type of event is limited to not more than 12 occasions per annum. This particular activity also seeks to be operative 11.00 pm on New Years' Eve to 10.00 am on New Year's Day.

8 There are no changes to the current restrictions regarding the sale of alcohol by retail and the hours that the premises are open to the public.

9 Copies of this application have been served on the statutory bodies which has attracted a representation from the Principle Environmental Health Officer.

This is based on the licensing objective that refers to the prevention of public nuisance following noise complaints that he has received which are attributable to these premises.

- 10 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 additional noise may be created together with the potential of a disturbance if this application were granted.
- 11 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
- 12 The decision that the Committee can make for this application is to:-
 - Grant the application
 - Modify the application by inserting conditions
 - Remove a licensable activity from the application
 - Reject the application
- 13 When determining an application then due regard should be given to the Council's Licensing Policy and the Secretary of State's Guidance.
- 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 application 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: Operating Schedule
Representations from the Interested Parties
Representation from Principle Environmental Health Officer
Plan of premises
Current premises licence
Location of premises