

Committee: Licensing Committee

Agenda Item

Date: 1 November 2010

2

Title: Traffic Bar Ltd, 39 High Street, Great Dunmow.

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Item for decision

Summary

1. This report sets out an application for the variation of a Premises Licence in respect of the above. Representations have been made to this application so therefore this matter has been deferred to the Committee for deliberation.
2. Traffic Bar Ltd is situated in High Street, Great Dunmow close to the junction with White Street.
3. A premises licence was first issued for this premises on 18th November 2005 but lapsed on 5th June 2009 due to company insolvency. A fresh application was made to re-open the premises and this was granted on 17th August 2009.
4. The current premises licence permits the following licensable activities
 - (a) Live music (indoors only)

| | |
|---------------------|---------------------|
| Sunday to Thursday | 10.00am to 11.30pm |
| Friday and Saturday | 10am to 12.midnight |
 - (b) Recorded music (indoors)

| | |
|---------------------|---------------------|
| Sunday to Thursday | 10.00am to 11.30pm |
| Friday and Saturday | 10am to 12 midnight |
 - (c) Performance of dance (indoors only)

| | |
|---------------------|---------------------|
| Sunday to Thursday | 10.00am to 11.30pm |
| Friday and Saturday | 10am to 12 midnight |
 - (d) Provision of facilities for making music (indoors only)

| | |
|---------------------|---------------------|
| Sunday to Thursday | 10.00am to 11.30pm |
| Friday and Saturday | 10am to 12 midnight |
 - (e) The sale by retail of alcohol for consumption both on and off the premises

| | |
|---------------------|---------------------|
| Sunday to Thursday | 10.00am to 11.30pm |
| Friday and Saturday | 10am to 12.midnight |

(f) The hours the premises are open to the public

| | |
|---------------------|------------------------|
| Sunday to Thursday | 10.00am to 12 midnight |
| Friday and Saturday | 10am to 12.30am |

5. Listed at Annexes 1 and 2 are the current mandatory conditions and those conditions consistent with the operating schedule.
6. The owner of the premises is Richard Robertson who is now seeking a variation to the current licence to extend the times permitted where licensable activities can take place.
7. In accordance with the Licensing Act 2003 where an applicant submits documentation for the variation of a premises licence then included must be an operating schedule. This demonstrates how the licensing objectives will be met and also seeks to outline what licensable activities are sought
8. The licensable activities now being sought are listed below

(a) Live Music (Indoors Only)

| | |
|--------------------|-------------|
| Monday to Saturday | 10am to 1am |
| Sunday | 10am to 1am |

(b) Recorded Music (Indoors Only)

| | |
|--------------------|-----------------|
| Monday to Saturday | 10am to 1am |
| Sunday | 10am to 12.30am |

(c) Performance of dance (Indoors Only)

| | |
|--------------------|-----------------|
| Monday to Saturday | 10am to 1am |
| Sunday | 10am to 12.30am |

(d) Provision of facilities for making music (Indoors Only)

| | |
|--------------------|-----------------|
| Monday to Saturday | 10am to 1am |
| Sunday | 10am to 12.30am |

(e) Provision of facilities for dancing (Indoors Only)

| | |
|--------------------|-----------------|
| Monday to Saturday | 10am to 1am |
| Sunday | 10am to 12.30am |

- (f) Late Night Refreshment (Indoors Only)
- | | |
|--------------------|-----------------|
| Monday to Saturday | 11pm to 1am |
| Sunday | 11pm to 12.30am |
- (g) The sale by retail of alcohol for consumption both on and off the premises (Both Indoors and Outdoors)
- | | |
|--------------------|-----------------|
| Monday to Saturday | 10am to 1am |
| Sunday | 10am to 12.30am |
- (h) The hours the premises are open to the public
- | | |
|--------------------|----------------|
| Monday to Saturday | 10am to 1.30am |
| Sunday | 10am to 1am |

9. The operating schedule indicates the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder

Premises is a member of the Great Dunmow Pub Watch Scheme

The premises has an alarm system and is covered by CCTV

Then applicant operates a zero tolerance drugs policy

Challenge "21" Scheme is in operation with a no accredited identity then no sale of any alcohol.

10. The operating schedule indicates the following measures will be taken to promote the licensing objective regarding public safety

All of the bar staff to be formally trained and will be monitored in respect of the Licensing Law.

First aid kit to be available at all times staff to be trained on basic first aid.

No persons allowed in after 12.30am

11. The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance.

- CCTV data to be saved for 28 days.
- No live music or amplified speech to be played on patio area.
- All external windows and doors to be kept shut when live music played.
- Staff to regularly check decibel levels and control notices displayed asking public to respect local residents when leaving the premises.

- If staff suspect someone is intoxicated they will refuse alcohol to them.
12. The operating schedule indicates that the following measures will be taken to promote the licensing objective regarding the protection of children from harm.
 - Challenge 21 scheme to be adopted.
 - No ID no sale policy
 13. Copies of this application have been served on all of the statutory bodies which have attracted no representations.
 14. Representations have been received from interested parties based on the licensing objective that relates to the prevention of public nuisance. It is feared that additional noise and disturbance will be created by people visiting and leaving the venue and from the music played in the bar if the extra hour extension is granted.
 15. Negotiations between the applicant and Essex Police have resulted in both parties agreeing to the following condition on any licence that might be granted.
 - Door Supervisors will be used from 9.00pm until the end of trading on any day that the supply of alcohol is provided past the hour of midnight; and any individual carrying out such an activity must be licensed by the Security Industry Authority to carry out that activity.
 16. Negotiations between the applicant and The Principle Environmental Health Officer have resulted in both parties agreeing to making it conditional on all of the measures put forward in the operating schedule under the objective regarding the prevention of public nuisance.
 17. In carrying out the 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
 18. 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

19. When determining an application due regard should be given to the Council's licensing policy and the Secretary of State's Guidance issued in accordance of the Act.
20. 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 presentations 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 interested parties
Location of premises
Plan of premises
Current Premises Licence
Correspondence Essex Police
Correspondence from Environmental Health