

26 September 2014

Dear Councillor

LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE

An extraordinary meeting of the Licensing and Environmental Health Committee will be held in the Committee Room, Council Offices, London Road, Saffron Walden on Monday 6 October 2014 at 2pm.

Yours faithfully

JOHN MITCHELL

Chief Executive

**A G E N D A
P A R T I**

- 1 Apologies for absence and declarations of interest
- 2 Application for review of a premises licence – The Axe, Saffron Walden

To: Councillors **D Perry (Chairman)**, H Asker, J Davey, J Freeman, E Hicks, **J Loughlin**, **M Lemon**, D Morson, V Ranger, **J Salmon** and A Walters.

Only those councillors whose names are shown in bold are required to attend.

Lead Officer: Michael Perry (01799) 510416
Democratic Services Officer: Adam Rees (01799) 510548

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk.

Members of the public and representatives of parish and town councils are now permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting. An explanatory leaflet has been prepared which details the procedure and is available from the Council offices at Saffron Walden.

A different scheme is applicable to meetings of the Planning Committee and you should refer to the relevant information for further details.

Please note that meetings of working groups and task groups are not held in public and the access to information rules do not apply to these meetings.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

You are entitled to see any of the background papers that are listed at the end of each report.

If you want to inspect background papers or speak before a meeting please contact either Peter Snow on 01799 510430, Maggie Cox on 01799 510433 or Rebecca Dobson on 01799 510433, or by fax on 01799 510550.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

FACILITIES FOR PEOPLE WITH DISABILITIES

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate. If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact Peter Snow on 01799 510430 or email psnow@uttlesford.gov.uk as soon as possible prior to the meeting.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

- You should proceed calmly, do not run and do not use the lifts.
- Do not stop to collect personal belongings.
- Once you are outside, please make your way to the flagpole near the visitor car park. Do not wait immediately next to the building.
- Do not re-enter the building until told to do so.

Committee: Licensing Committee

Agenda Item

Date: 06 October 2104

2

Title: Application for a review of a Premises Licence – The Axe, Saffron Walden.

Author: Sonia Williams, Enforcement Team Leader. Item for decision

Summary

1. This report sets out an application for the review of the premises licence in respect of Axe Pub Ltd (known as The Axe), 60 Ashdon Road, Saffron Walden, Essex, CB10 2AT. The application is being made by the Environmental Health Department of Uttlesford District Council as a responsible authority.
2. The Licensing Act 2003 places an obligation on a Licensing Authority to promote the licensing objectives which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

Recommendations

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.

Financial Implications

None arising from this report.

Background Papers

The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- a) Premises Licence
- b) Representations from interested parties
- c) Report of Uttlesford District Council's Environmental Health Officer (Appendix 1)
- d) Plan of premises

Impact

Communication/Consultation	Details of the application review were conveyed to Members of Uttlesford District Council, The Parish Council, and adjoining residents
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	<p>Under Article 1 First Protocol to the European Convention on Human Rights everyone is entitled to peaceful enjoyment of their possessions which includes property. This right may be interfered with if necessary to control the use of property in accordance with the general interest. The imposition of conditions under the Licensing Act 2003 is a legitimate interference with this right in this context.</p> <p>In the event that the licence holder or anyone who made relevant representations is dissatisfied with the decision of the committee there is a right of appeal to the Magistrates Court.</p>
Sustainability	None
Ward-specific impacts	Saffron Walden (Castle ward) being the ward within which the premises are situated
Workforce/Workplace	None

Situation

1. The Axe is located on the northern side and facing Ashdon Road Saffron Walden. It is a two storey building with a single storey range to the rear. Access is taken onto Ashdon Road adjacent to Mill Lane with the pub garden and parking to the rear. There is a brick and flint wall adjoining the eastern boundary with Mill Lane.
2. The original application for licence was submitted for The Axe on 23 August 2005 during the transitional period with variations. Representations were received which required a hearing and the licence was granted subject to conditions on 26 September 2005.

3. The licence allows for the following licensable activities to take place:
 - a) The sale by retail of alcohol for consumption on or off the premises – Monday to Wednesday from 10:00hrs to 12 midnight, Thursday 10:00hrs to 01:00hrs, Friday and Saturday 10:00hrs to 01:00 hrs, Sunday 10:00 hrs to 12 midnight.
 - b) An indoor sporting event – 19:00hrs start for finals to 12 midnight finish.
 - c) A performance of live music (indoors and outdoors) – Monday to Sunday 19.00hrs to 12 midnight. 12 noon start on all Bank Holidays and New Year's Eve to 12 midnight finish.
 - d) Any playing of recorded music (indoors and outdoors) – Monday to Sunday 19:00 hrs to 12 Midnight. 12 noon start on all Bank Holidays and New Year's Eve to 12 midnight finish.
4. The licence contains conditions as follows:
 - a) Strong management controls to be in place.
 - b) Effective staff training to cover under-age drinking, anti-social behaviour, drunkenness on and off the premises, use of drugs and the protection of children from harm.
 - c) Responsible management of the premises to be in place.
 - d) Capacity limits to be identified and adhered to.
 - e) Proof of identification scheme to be in place.
 - f) Litter bins to be available outside the premises for use.
 - g) Car park and entrances to be well lit.
 - h) Staffing levels to be adequate for capacity and trade.
 - i) Effective management checks on all internal and external trading areas in and outside of service times to take place.
 - j) All services, appliances and equipment to be checked and certified.
 - k) Training and supervision of staff to ensure strong visible management during all service times.
 - l) Loitering on the premises to be actively discouraged.
 - m) Management of staff and customers arriving and leaving the premises.
 - n) Sufficient staff to secure the protection of children to be on duty.

- o) Children allowed only in the dining area until 10.00pm.
 - p) Children must be accompanied by an adult.
 - q) Table service to be provided in the dining area to ensure children do not need to leave the table.
 - r) The performance of live music and the playing of recorded music outdoors to end at 23:00hrs.
 - s) Prominent and clear notices to be displayed at all exits requesting customers to leave the premises and area quietly.
 - t) A responsible member of staff shall assess regularly noise from the premises during amplified and live music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.
 - u) Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed.
 - v) Drinks shall not be consumed outside the premises except for in designated areas and in no event between the hours of 23:20hrs and 10:00hrs.
5. On 20 March 2013 the licence was transferred to Axe Pub Ltd of Unit 3 Ashdon Road Commercial Centre, Saffron Walden, Essex, CB10 2NH. Mr Christopher Ian Stringer was noted as the Designated Premises Supervisor and the business was trading as The Axe at that time. Prior to Axe Pub Ltd taking over the business, it was owned by Greene King Ltd. At the time of preparing this report Mr Stringer remains Designated Premises Supervisor.
6. Since Mr Stringer took over the running of these premises a number of complaints have been made to the Council by members of the public; the complaints made to the Council centre around noise nuisance from the premises and customers and anti-social behaviour from customers whilst on the premises and when leaving the premises. Some of the complaints logged by the Council's Environmental Health Department are as follows:
- a) 23:40hrs on 11 December 2013 – shouting, swearing and drunken behaviour at the premises.
 - b) Saturday 24 August 2013 until 00:30hrs – excessive music noise levels.
 - c) Sunday 25 August 2013 until 01:45hrs – excessive music noise levels.
 - d) Monday 26 August 2013 until 00:20 hrs – excessive customer noise in the garden area.
 - e) Saturday 31 August 2013 – loud music until midnight with the doors and windows being left open.

- f) Friday 20 September 2013 – excessive music noise levels until 00:30hrs and rowdiness in the street until 02:00hrs.
 - g) Saturday 21 September 2013– excessive music noise levels until 00:30hrs and rowdiness in the street until 02:00hrs.
 - h) Tuesday 31 December 2013 – excessive music noise levels until 01:15hrs.
 - i) Wednesday 01 January 2014 between 00:30hrs and 01:30hrs – fight in the premises car park.
 - j) Saturday 04 January 2014 – excessive music noise levels until 01:15hrs.
 - k) Saturday 18 January 2014 until 00:30hrs – excessive customer noise in the garden area.
 - l) Saturday 25 January 2014 until 00:30 hrs – excessive customer noise in the garden area.
 - m) Sunday 30 March 2014 until 01:45hrs – customers outside the premises being rowdy.
 - n) Saturday 24 May 2014 until 00:30hrs – customer singing in the street at midnight followed by further disturbance.
 - o) Sunday 25 May 2014 – excessive music noise levels until 23:30hrs.
 - p) Sunday 01 June 2014 – customers shouting, singing in the street and rolling beer barrels on the pavement (time unknown).
 - q) 23:00hrs to 01:30hrs on Saturday 14 June 2014 – reports of shouting outside the premises.
 - r) Saturday 28 June 2014 until past 22:30hrs – excessive customer noise in the garden area.
 - s) Sunday 29 June 2014 until past 22:30 hrs – excessive customer noise in the garden area.
 - t) Thursday 03 July 2014 until past 22:30 hrs – excessive customer noise in the garden area.
 - u) Monday 07 July 2014 between 00:30hrs and 01:20hrs – customers outside shouting.
 - v) Sunday 20 July 2014 until 00:10hrs – music being played by customers, shouting and foul language.
7. The Council's Environmental Health Department made the decision to set up noise monitoring equipment which obtained the following reports:
- a) On Friday 18 April 2014 noise monitoring equipment recorded an excessive volume of music played until 23:41hrs.

- b) On Saturday 19 April 2014 noise monitoring equipment recorded an excessive volume of music played until 23:50hrs.
- c) On Saturday 26 July 2014 noise monitoring equipment recorded an excessive volume of music played until 23:27hrs and customer noise until 01:17hrs. Further details of the monitoring for this day are given in the report of Ms A Lee-Moore.
- d) On Monday 27 July 2014 noise monitoring equipment recorded noise from people outside the premises including loud laughter, shouting and car doors slamming until 01:17hrs.
8. The Council's Environmental Health Department and representatives from Essex Police made contact with the licence holder both in writing and in meetings on a number of occasions to discuss the issues surrounding the complaints and to request that the conditions attached to the premises licence be adhered to.
9. A new manager (Mr S Kienlen) was appointed at the end of April 2014 and was given responsibility for the running of the premises. Prior to taking up his post at The Axe Mr Kienlen was the Designated Premises Supervisor at The White Horse, Newport, Essex. Mr Kienlen currently holds a personal alcohol licence with the Council, number 649, which was granted on 31 March 2010 for a duration of 10 years.
10. On 09 June 2014 representatives from Uttlesford District Council and Essex Police met with Mr Kienlan and it is recorded that they discussed the proposed installation of CCTV, closer supervision of patrons leaving the premises, the volume of music and bass sensitivity, the number of planned events and noise from the garden area including a bouncy castle.
11. A Notice of Review was issued by Uttlesford District Council's Environmental Health Department on 19 August 2014. The Notice was displayed outside the premises and on the Council's website. The Notice advised of the grounds for the review and requested representations should be made in writing between Tuesday 19 August 2014 and Monday 15 September 2014 to Uttlesford District Council in writing. Two responses to the Notice were received by Uttlesford District Council.
12. The decision that the Committee can make for this review is to:
- Allow the licence to continue unmodified
 - Modify the conditions of the licence
 - Modify the conditions of the licence for a period not exceeding 3 months
 - Exclude a licensable activity from the scope of the licence
 - Exclude a licensable activity from the scope of the licence for a period not exceeding 3 months
 - Suspend a licence for a period not exceeding 3 months
 - Revoke a licence
 - Remove the Designated Premises Supervisor

13. When carrying out a review of a licence, due regard should be given to the Council's licensing policy and the Secretary of State's Guidance issued under Section 182 Licensing Act 2003.

14. The relevant sections of the Council's licensing policy are:

5.0 PREVENTION OF PUBLIC NUISANCE

5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

5.2 The Licensing Authority intends to interpret "public nuisance" in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

5.3 Applicants need to be clear that the Licensing Authority may apply stricter conditions, including controls on licensing hours, where licensed premises are in or near residential areas and where relevant representations have been received. Conversely, premises which can demonstrate that they have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.

5.5 The Licensing Authority does recognise that in some circumstances flexible licensing hours may help to avoid concentrations of customers leaving premises simultaneously and could reduce the potential for disorder. It also recognises that licensing hours should not inhibit the development of safe evening and night-time local economies. However, the Authority will always seek to balance their decisions with the duty to promote the four licensing objectives and the rights of residents to peace and quiet.

5.6 If representations are made applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

5.7 Applicants for licences which include regulated entertainment will be aware of the potential of such entertainment to cause a public nuisance by reason of noise from the premises. If representations are made or a review is called for, the authority may consider imposing a condition to the effect that the licensee shall take measures to ensure that music will not exceed a prescribed decibel limit at the boundaries of certain properties or within a location

described in the condition. What may be an acceptable level of noise may vary from location to location or depending on the time of day as perception of noise from a particular source is affected by background noise levels. Directions given under the Noise Act 1996 provide that the permitted level for the purposes of that Act is 34 decibels where the underlying noise level does not exceed 24 decibels or 10 decibels above underlying noise levels in any other case. In the event that representations are received and the authority concludes that a noise limiting condition is required, the starting point for such a condition would be 34 decibels. If an applicant wishes to contend that a higher limit is appropriate then the authority would expect the applicant to provide a noise survey to support such a contention

5.8 When addressing the issue of prevention of public nuisance, the applicant should consider those factors that impact on the likelihood of public nuisance. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- the hours during which the licensable activities will be carried out particularly between 23.00 and 07.00
- the closing time of the premises
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport

5.9 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, in the event that representations are received, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly

- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries and clearing up
- Provision of effective CCTV in and around the premises
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour

15. The relevant sections of the guidance issued by the Secretary of State for the purposes of this review are paragraphs 2.18 – 2.24; 9.38 – 9.40; 10.10 – 10.13; 11.16 – 11.23 and 15.12 – 15.28, copies of which are attached

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Either no conditions are attached to the licence on variation or the conditions do not satisfactorily achieve the licensing objectives the prevention of crime and disorder and the prevention of public nuisance.	3 There is a possibility that local residents will suffer from crime and disorder and public nuisance even if what appears to be appropriate conditions are imposed.	3 Due to the availability of the review procedure any inconvenience which may be suffered by local residents would be relatively short lived.	In the light of complaints received the Council surrounding this licensed premises members must consider whether the premises still meet the licensing objectives.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Review of premises licence : The Axe PH, 60 Ashdon Road, Saffron Walden

Supplementary statement by Ann Lee-Moore, Principal EHO

The grounds for my application for a review of the premises licence submitted on 18th August 2014 are failure to comply with the licence conditions relating to the licensing objective of prevention of public nuisance.

The Environmental Health Section has received complaints from ten separate households in the vicinity of the premises, regarding activities which have claimed to be interfering with the rightful enjoyment of their properties.

The premises has residential properties on all sides, and widespread disturbance to residents has been reported to have occurred over the last 18 months due to :

- music not being adequately contained within the premises
- rowdiness and anti-social behaviour from customers in the garden area or leaving the premises in the car park and on the pavement outside, continuing into the early hours of the morning

Annexes 2 and 3 of the premises licence dated 6 November 2013 contain the provisions for prevention of public nuisance and were carried over from the original licence under the 2003 Act, granted in November 2005.

The specific conditions which have not been complied with are set out below with dates and details of incidents provided under each condition as evidence of non-compliance. The incidents relate to reports from residents made to the Environmental Health section.

Annex 2

2. Effective staff training to cover under age drinking, anti-social behaviour, drunkenness on and off the premises, use of drugs and the protection of children from harm.

December 11th 2013 at 23.40 hrs shouting, swearing and drunken behaviour at the premises.

Saturday 14th June 2014 reports of shouting outside premises 23.00 hrs to 01.30 hrs

3. Responsible management of the premises to be in place

Excessive customer noise in garden area on Monday 26th August 2013 until 00.20 hrs, 18th and 25th January 2014 until 00.30, 28th&29th June 2014, 3rdth July 2014 until past 22.30 hrs, and until 00.10 hrs on 20th July 2014, including music being played by customers, shouting and foul language

13. Management of staff and customers arriving and leaving the premises

September 20th and 21st September 2013. Rowdiness in the street until 02.00

Sunday 30th March. Customers outside premises being rowdy until 01.45 hrs

Saturday 24th May 2014. Customers singing in the street at midnight, further disturbance until 00.30

Sunday 1st June 2014. Customers shouting, singing in street and rolling beer barrels on pavement

7th July 2014. Customers outside shouting from 00.30 to 01.20 hrs

Noise monitor installed by Environmental Health recorded noise from people outside the premises, including loud laughter, shouting, car doors slamming until 01.17 hrs on Monday 27th July 2014

Annex 3

2. Prominent and clear notices to be displayed at all exits requesting customers to leave the premises and area quietly .

None displayed to the car park area

3. A responsible member of staff shall assess regularly noise from the premises during amplified and live music events . Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.

A noise monitor installed by Environmental Health recorded excessive volume of music played on evenings of:

Friday 18th April 2014 continuing until 23.41 hrs

Saturday 19th April 2014 continuing until 23.50 hrs

Saturday 26th July 2014 until 23.27 hrs

Report from residents of excessive music noise levels until 00.30 hrs 24th August 2013, 01.45 hrs 25th August 2013, 20th and 21st September 2013 until 00.30 hrs, New Years Eve 2013, 4th January 2014 until 01.15 hrs, 25th May 2014 until 23.30 hrs, 22nd June 2014, end time not reported.

4. Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed.

Saturday 31st August 2013 Loud music until midnight, windows and doors were open

5. A designated member of staff shall monitor the car park for noise and congestion.

New Years Day 2014 Fight in car park 00.30 -01.30 hrs

Sat 24th May 2014 Moped being driven around car park

6. Drinking only in designated area outside, none after 23.20

The application included a log of incidents provided by residents which have caused serious disturbance. Included in this log are references to drinking outside until 02.30 hrs 21st – 22nd September 2013.

Following receipt of the complaints, I liaised with officers from the Licensing Section and Essex Police, who visited the premises to discuss the complaints with the licence holder. Subsequently I corresponded with the licence holder between October 2013 and July 2014 . All correspondence has been included in the application. I also discussed noise control with the licence holder in January, February and April 2014. The licence holder agreed to lower the volume of music after 23.00hrs, paying particular attention to the bass level, and advised that he intended to install CCTV to monitor the outside area.

A new supervisor, with responsibility for running the premises was appointed at the end of April 2014, and a meeting was held in June 2014 with the supervisor, myself, Steve Sparrow of Essex Police and D. Scales UDC Enforcement Officer, when the following matters were discussed:

- CCTV to be installed
- Closer supervision of patrons leaving
- Volume of music and bass sensitivity
- Number of events planned
- Noise from the garden area, including a bouncy castle

Noise monitoring equipment was installed in the bedroom of a nearby residential property to monitor levels from a planned event on 26th July 2014 featuring “Iron Fist Band”. The monitor recorded noise levels from music up to 23.30hrs averaging 50dB over 5 minute periods, an extract from which is included in the application. The monitor also allowed recording of the actual music heard by residents, which demonstrated a prominent bass line. Due to its low frequency, this easily penetrates properties at a distance from the source. The recording also captured customer noise until 01.17 hrs.

Residents have provided statements for the application, setting out the effects of the activities at the premises on the enjoyment of their own properties.

In conclusion, the current licence conditions are not being complied with by the licence holder. The premises is surrounded on all sides by residential properties and as a result must be operated with sensitivity to the amount of noise which may be produced from regulated entertainment, and from customers at or leaving the premises, and the behaviour of those customers. In the circumstances it is considered that the conditions of the licence should be fully reviewed to reflect current UDC Licensing Policy. The issues which need to be addressed by reviewed conditions are:

- Whether music outdoors should be permitted
- The number of music events to be permitted in any 12 month period
- The control of the music noise level, and whether the low frequency bass component should be further controlled
- Keeping windows and external doors closed during music events
- Staff training to address anti social behaviour and music noise levels
- Staff supervision of customers leaving the premises and supervision of noise levels
- The provision of designated taxi operators who must comply with measures to control noise from their vehicles
- Signage to advise customers to leave quietly
- Provision of CCTV

Uttlesford District Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Ann Lee-Moore

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Axe PH 60 Ashdon Road	
Post town Saffron Walden	Post code (if known) CB10 2AT

Name of premises licence holder or club holding club premises certificate (if known)
Mr Christopher Ian Stringer

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address A Lee-Moore Principal Environmental Health Officer Uttlesford DC Council Offices London Road Saffron Walden CB11 4ER
Telephone number (if any) 01799 510588
E-mail address (optional) aleemoore@uttlesford.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please provide as much information as possible to support the application (please read guidance note 3)

See attached

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Aileen Moore

Date 14th August 2014

Capacity Principal Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Council Offices London Road Saffron Walden	
Post town	Post Code CB11 4ER
Telephone number (if any)	01799 510188
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	aleemoore@uttlesford.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

The Axe PH, 60 Ashdon Road, Saffron Walden

Grounds for review of premises licence

Failure to comply with the licence conditions relating to the licensing objective of prevention of public nuisance

The activities at the premises are interfering with the rightful enjoyment of properties occupied by large group of residents in the vicinity of the premises. Complaints concerning activities at The Axe have been received by the Environmental Health Section from ten separate households.

The premises has residential properties on all sides, and as a result of not complying with the licence conditions when licensable activities are taking place, widespread disturbance to residents has occurred over the last 18 months due to :

- music not being adequately contained within the premises
- rowdiness and anti-social behaviour from customers in the garden area or leaving the premises in the car park and on the pavement outside, continuing into the early hours of the morning

Annexes 2 &3 of the premises licence dated 6 November 2013 contain the provisions for prevention of public nuisance and have remained unchanged since the original licence under the 2003 Act was granted in November 2005. The annexes are attached at Exhibit 1 for reference. The specific conditions which have not been complied with are set out below with dates and details of incidents provided under each condition as evidence of non-compliance. The incidents relate to reports from residents made to the Environmental Health section.

Annex 2

2. Effective staff training to cover under age drinking, anti-social behaviour, drunkenness on and off the premises, use of drugs and the protection of children from harm.

December 11th 2013 at 23.40 hrs shouting, swearing and drunken behaviour at the premises.

Saturday 14th June 2014 reports of shouting outside premises 23.00 hrs to 01.30 hrs

3. Responsible management of the premises to be in place

Excessive customer noise in garden area on Monday 26th August 2013 until 00.20 hrs, 18th and 25th January 2014 until 00.30, 28th&29th June 2014, 3rdth July 2014 until past 22.30 hrs, and until 00.10 hrs on 20th July 2014, including music being played by customers, shouting and foul language

13. Management of staff and customers arriving and leaving the premises

September 20th and 21st September 2013. Rowdiness in the street until 02.00

Sunday 30th March. Customers outside premises being rowdy until 01.45 hrs

Saturday 24th May 2014. Customers singing in the street at midnight, further disturbance until 00.30

Sunday 1st June 2014. Customers shouting, singing in street and rolling beer barrels on pavement

Exhibit 4 13th January 2104

Exhibit 5 1st May 2014

Exhibit 6 4th June 2014

Exhibit 7 22nd July 2014

In addition a letter dated 7 October 2013 is attached at Exhibit 8, which followed a meeting with the licence holder and referred to the complaints received by the Council of noise and anti-social behaviour.

Following receipt of complaints to the EH section, in July 2013 I liaised with officers from the licensing Section and Essex Police who both visited the premises to discuss the complaints with the licence holder and to remind of the conditions of the licence.

On 21st January 2014 I discussed noise control with the licence holder who agreed to lower the volume of music after 23.00hrs, paying particular attention to the bass level.

Essex Police met with the licence holder on 28th January 2014 when noise levels and rowdiness were discussed. The details are attached at Exhibit 9.

On 24th February 2014 I again discussed noise control with the licence holder following a report that music being played at the premises had reduced in volume, but that breakout noise due to the external door being left open was disturbing. Mr Stringer advised that he intended to install CCTV to monitor the outside area.

On 11th April 2014 I again discussed noise control with the licence holder following a report of customer noise following a party at the premises on the evening of 29th March 2014, which residents reported continued until 01.45hrs.

A new supervisor, (Mr S Keenlan) with responsibility for running the premises was appointed at the end of April 2014. On 9th June 2014 a meeting was held with Mr Keenlan, myself, Steve Sparrow of Essex Police and D. Scales UDC Enforcement Officer, when the following matters were discussed:

- CCTV to be installed
- Closer supervision of patrons leaving
- Volume of music and bass sensitivity
- Number of events planned
- Noise from the garden area, including a bouncy castle

On 25th July 2014, noise monitoring equipment was installed in a bedroom at [REDACTED] Ashdon Road to monitor levels from a planned event on 26th July 2014 featuring "Iron Fist Band". The monitor recorded noise levels from music up to 23.30hrs averaging 50dB over 5 minute periods, an extract from which is illustrated at Exhibit 10. The monitor also allowed recording of the actual music heard by residents, which demonstrated a prominent bass line. Due to its low frequency, this easily penetrates properties at a distance from the source. The recording also captured customer noise until 01.17 hrs.

Residents have provided statements setting out the effects of the activities at the premises on the enjoyment of their own properties.

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 11

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 12

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 13

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 14

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 15

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 16

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 17

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 18

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 19

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 20

The statement of **[REDACTED]** Ashdon Road is appended at Exhibit 21

Conclusion

In conclusion, the current licence conditions are not being complied with by the licence holder or staff at the premises. The premises is surrounded on all sides by residential properties and as a result must be operated with sensitivity to the amount of noise which may be produced from amplified music and from customers at or leaving the premises, and the behaviour of those customers. In the circumstances it is considered that the conditions of the licence should be fully reviewed to reflect current UDC Licensing Policy. The issues which need to be addressed by reviewed conditions are:

- Whether music outdoors should be permitted
- The number of music events to be permitted in any 12 month period
- The control of the music noise level, and whether the low frequency bass component should be further controlled
- Keeping windows and external doors closed during music events
- Staff training to address anti social behaviour and music noise levels
- Staff supervision of customers leaving the premises and supervision of noise levels
- The provision of designated taxi operators who must comply with measures to control noise from their vehicles
- Signage to advise customers to leave quietly
- Provision of CCTV

Annexe 2 - Conditions Consistent with Operating Schedule

- 1) Strong management controls to be in place
- 2) Effective staff training to cover under age drinking, anti social behaviour, drunkenness on and off the premises, use of drugs and the protection of children from harm.
- 3) Responsible management of the premises to be in place.
- 4) Capacity limits to be identified and adhered to.
- 5) Proof of identification scheme to be in place.
- 6) Litter bins to be available outside the premises for use.
- 7) Car park and entrances to be well lit.
- 8) Staffing levels to be adequate for capacity and trade.
- 9) Effective management checks on all internal and external trading areas in and outside of service times to take place.
- 10) All services, appliances and equipment to be checked and certified.
- 11) Training and supervision of staff to ensure strong visible management during all service times.
- 12) Loitering on the premises to be actively discouraged.
- 13) Management of staff and customers arriving and leaving the premises.
- 14) Sufficient staff to secure the protection of children to be on duty.
- 15) Children allowed only in the dining area until 10:00pm.
- 16) Children must be accompanied by an adult.
- 17) Table service to be provided in the dining area to ensure children do not need to leave the table.

Annexe 3 - Conditions Imposed Following a Hearing

- 1) The performance of live music and the playing of recorded music outdoors to end at 11:00pm.
- 2) Prominent and clear notices to be displayed at all exits requesting customers to leave the premises and area quietly.
- 3) A responsible member of staff shall assess regularly noise from the premises during amplified and live music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.
- 4) Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed.
- 5) A designated member of staff shall monitor the car park for noise and congestion.
- 6) Drinks shall not be consumed outside the premises except for in designated areas and in no event between the hours of 11:20pm and 10:00am.

Date of incident	Time of incident (approx)	Details of incident	Was the incident reported to the authorities and if so to whom (Police, Environmental Health etc) include name of person spoken to if possible
20/04/2013	early evening until 5am	DJ playing music until 5am. Karaoke. Several requests made for music to be turned down/ off and all were ignored. First request met with response 'you bought a house in a road with a pub on it you have to expect loud music' also publican took our call at 11.45 pm but then we saw him through the window ignoring our further calls up until 4.45 am!! Man in street after being evicted from pub, on mobile phone making abusive threats, shouting, swearing genuinely frightening, children too scared to go out - early evening. Two men urinating in neighbours garden - late evening	Yes. Police called and incident logged.
Unknown	early evening		
20.4.2013		Party at the Axe music played very loudly until 4.00am	Reported to the Police & the Environmental Health
Sat 20.4.2013 - Sun 21.4.2013	9pm -3.45 am	Loud amplified music. Party at the pub. Did not sleep that night at all.	Not reported to authorities but we complained to Chris Stringer on the morning of the Sunday 21.4.2013. He told us this would not happen that often (!) Clearly, he did not appreciate or care that he had breached the terms of his license. However we gave him the benefit of the doubt on this occasion as he had just taken the pub over.
25/05/2013	unknown	loud fight outside pub v late. Fighting in the street between 6 - 10 drunken men, extremely violent and unpleasant. Despite calls to the Police this went on for more than 1 hour	Police called
25/05/2013		Man in street after being evicted from pub, on mobile phone making abusive threats, shouting & swearing.	
22.6.13		Loud live music all afternoon on both days and late into Sat night	
6 and 7 July 2013 13 and 14 July 2013	all day and evening noon-midnight	Loud music amplified live band unbearably loud. Visited the Axe, Chris the Publican appeared to be drunk but behind the Bar Went to the pub for a drink and it was clear the landlord was very drunk Witnessed what appeared to be a sale of drugs in the car park of the Axe	Police Incident no. 1152
14.07.13		Loud music all night, doors/windows open shouting and swearing outside. 1.20 am shouting and swearing between one male and 3 or 4 females with threatening behavior towards another male, smashing glass, police arrived around 2am. Went to speak to landlord the following day but he wasn't very receptive, he said it wasn't his responsibility when the pub had closed and he had gone home so wasn't aware of any trouble.	No
26/07/2013		Music playing loudly - windows open	No
16/08/2013	1.20am to 2am	Loud music that could be heard through our closed windows to the back of our house, people drinking at the front of the pub on the pavement and in the car park at the back, taxi's pulling up and leaving throughout the evening, drunken behaviour (shouting and noisy abusive language from a number of people that could be heard inside our house with windows shut), fighting at the front of the pub towards the end of the event followed by police attendance	No
23/08/2013	10pm-1am	Loud music playing from 9 o'clock windows and door were open with people in the garden and carpark shouting and swearing. We were aware of music playing past midnight and people shouting and swearing past one o'clock as they were leaving.	No
23/08/2013		fight in early hours between people leaving pub.	No
23/08/2013	1am?		

Local Residents Incident log for The Axe Pub on Ashton Road_Jan 2014

Monday 26.8.2013 (Bank holiday)	7.30 – 0.30 am	28/08/2013 7.30 – midnight	Live amplified music which stopped at 23.00 but was followed by noise from pub car park. This noise included people talking in the car park, bouncy castle inflating and people on the bouncy castle till early hours talking and laughing. We could not get to sleep.	Spoke to Chris Stringer on the morning of this day and was told that live music would stop at 10 pm. This did not happen so phoned Chris at 10.20 pm to find out when it would stop. He was abusive. When noise continued past midnight, the Police were called at 0.15 am (incident number 10/27). The next day (27.8.) reported this to the Environmental Health Department (spoke to Janet O'Boyle). On Wednesday 28.8. spoke to the main person at EH Ann Lee-Moore about this and asked her for help; pointed out that license terms had been breached and that the license terms don't fit this area.
30/08/2013		31/08/2013 7 – midnight	Floodit boules. Noisy and bright- unable to sleep Group of men outside pub, one urinating against Mill Lane wall, took no notice when I walked past at 8.30pm, its still light at that time! Football on in afternoon, pub windows open, lots of offensive language, swearing and shouting quite audible in street amplified recorded music inside but all doors and windows open so clearly heard	went in and spoke to landlord reported to A Moore (?) directly
Saturday 31.8.2013	7.30 – 12.00	31/08/2013 10pm	Loud recorded music. We could not get to sleep till it stopped.	Not reported it to authorities.
		07/09/2013 4-10pm	Groups of people outside pub, lots of noise, shouting, screaming outside party with blow-up castle. Loud and intrusive Groups of young people loitering outside pub, shouting loudly. More people turned up about 11-12am getting out of taxi's and appeared to be already drunk. People turning up drinking cans of beer and others leaving pub with drinks in their hand walking down the street. Groups of customers drinking drinks from the Axe at the front of the premises. Group of lads appeared to be smuggling in drink, leaving a blue carrier bag full of drink in a neighbour's hedgerow and constantly returning. People kicking empty beer bottles on Ashton road later to be crushed by taxis. People kicking parking cones up and down the street. Evening ended around 2am with three men speaking loudly outside our house, urinating against our wall and then speaking to several people on their mobile phones in a loud and threatening manner. Party at the pub. Disco music and people laughing / shrieking in pub garden/ car park. Fell asleep at 11.30 with earplugs in but got woken up at 1.30am by noise caused by people outside in the pub garden/car park talking, laughing. This continued till at least 2.30 am when managed to fall asleep again.	Police incident no. 125. Sergeant Thomset (sp?) called the following day for further details. He said he would pass the complaint to 'nightwatch' which takes place Friday/Saturday nights.
21-22 Sep 2013	9pm -2.30 am	02/11/2013 until midnight	Loud Music heard from pub. Preventing children from sleeping until midnight.	No
		07/11/2013 10-10.30pm	Shouting outside Axe entrance. Swearing, appeared to be an argument between two drinkers leaving the pub. Noise woke daughter from sleep. More drinkers at the front of the pub talking loudly preventing daughter from going back to sleep. punch up in street at 11.30pm. Followed by 4-5 men having row and trying to kick in pub door. Then group standing in car park laughing and joking for 20 mins loudly. Disco at the pub, music between 8.30 – 12. Could not sleep at all, heard thumping of beat. At 0.30 fight in the pub car park as people were leaving, foul language, screaming (both male and female), presumed fighting, someone kicking into something (turned out to be a fence at top of pub car park). At 1am someone at pub emptied glass bottles into bin. All noise finished 1.30 ish	Yes, reported at 1.10 am, incident number 141. Spoke to Environmental Health next day
Weds 11 Dec 2013				
Tues 31.12.13 (New Year's Eve)	8.30pm - 1.30am			

01.06.14	00.15 - 0030	Last night we were again woken by 6 people & 1 dog leaving the Axe just after Midnight, they were clearly very drunk and proceeded to play a game of Catch with the empty beer barrels outside, one of the girls scolded the chaps suggesting that if the Axe continued to get complaints from the neighbours then they could go out of business. They continued their game and even sang a rendition of the Neighbours theme tune for quite some time before heading back towards town. got woken up from sleep by loud shouting coming from the pub car park, heard this through shut double-glazed windows. There was someone with a torch, trying to get people to get in their car and leave the premises. They were going about it in a loud fashion. There was also a dog running in the car park and someone was shouting at it trying to control it.	e-mailed Ann Lee-Moore
1.6.2014	12.00 midnight - 0.30		e-mailed Ann Lee-Moore
02/06/2014	11.10am	Two beer barrels rolls onto the road and collided with a parked car! Two members of staff came out and retrieved them. After the football match there was quite a bit of shouting on the street. Mostly people saying farewells etc but very loud. Disturbed my children in their sleep and took a while to settle Live band with amplified music heard in our back garden and throughout the house. I personally walked over to close the front door of the pub (which was wedged open), this reduced the noise level slightly.	email to Ann LM
Saturday 14th June 2014	11pm - 1.30am		email to Ann LM
Sunday 22nd June 2014	7pm onwards	Group of 8 standing in garden / carpark for almost an hour shouting and laughing very loudly. This was the hottest night of the year so far so had to have windows open. Got to sleep at 23.45ish only to be woken when the group then walked to the front of the pub continuing to yell. Group in the beer garden shouting, swearing, playing music, had to shut bedroom windows to sleep people in pub beer garden and car park talking loudly, swearing, shouting and playing loud music, the noise getting worse as the time went. Had to close all the windows in the house but still heard it through bathroom vent. This was quite unacceptable for a very warm summer's night	email to Ann LM e mail to ALLM
Thursday 3rd July 2014	23.20 to 00.10		email to Ann LM
Thursday 3rd July 2014	22.3		email to Ann LM
Thursday 3rd July 2014	7pm - late		e-mail to Ann
Sun 6th July	00.30 to 1.45	Group of several people yelling at eachother and talking very loudly, for an hour or more. No evidence of the landlord asking them to move on 4 or 5 people standing on the steps and entrance to The Axe, shouting and swearing. This went on for 20 minutes or more before a taxi turned up to take 3 of the people away. Shouting and laughter by customers in the pub beer garden. Got louder as time went by, very unpleasant at evening time. At 11.45pm customers in beer garden started playing music using their own device. Pub closed at 12 midnight, someone was shining the torch as people were leaving but customers were loitering in the car park and in front of the pub, laughing, shouting and swearing until 12.10am We could not shut the windows as it was a very warm night and therefore got disturbed and lost sleep.	email to Ann LM
Sunday 6th July 2014	2.0am		email to Ann LM
Sat 19.7. - Sun 20.7.2014	mid-late afternoon - 12.10 am		e-mail to Ann
Thursday 24.7.2014	early evening (7pm ish) till late	very loud and intrusive, customers waiting for taxis, loitering outside the pub, had to shut all windows in the house in order to sleep noise from beer garden (laughter, shouting, talking), had to shut all windows in the house to sleep (very warm night so this was quite unpleasant)	
Friday 25.7.2014	8pm (ish) till late		

The Axe PH
60 Ashdon Road
Saffron Walden
CB10 2AT

29 October 2013
Telephone : 01799 510588
aleemoore@uttlesford.gov.uk

FAO : Chris Stringer

Dear Mr Stringer

**Licensing Act 2003
Environmental Protection Act 1990
The Axe Ashdon Road Saffron Walden**

I am writing to advise that this section received a series of complaints over the summer until the end of September concerning excessive noise from the above premises. I am aware that our Licensing enforcement section have also written to you.

The complaints related to the following matters which are relevant to this section:

- Rowdiness of customers lingering in the car park after closing
- Noise levels of the music not being supervised and reduced when likely to cause material disturbance to nearby residents
- Music indoors and outdoors exceeding permitted times
- Doors and windows not being kept closed when music is playing

The above matters are breaches of the conditions of the premises licence. In addition, nearby residents are concerned at the time allowed by the licence for music outdoors to end, in view of the disturbance caused by the volume.

This section is therefore considering applying for a review of your premises licence, under the licensing objective of Prevention of Public Nuisance. The decision to do so will be largely dependent on the level of disturbance caused to residents over the next few weeks, following the correspondence to you from the enforcement section.

To avoid this section having to follow this course of action, I would strongly advise you to adhere strictly to the licence conditions.

The Axe PH
60 Ashdon Road
Saffron Walden
CB10 2AT

13 January 2014
Telephone : 01799 510588
aleemoore@uttlesford.gov.uk

FAO : Chris Stringer

Dear Mr Stringer

**Licensing Act 2003
Environmental Protection Act 1990
The Axe Ashdon Road Saffron Walden**

I am writing further to my letter to you dated 29 October 2013 concerning excessive noise from the above premises.

I have since received complaints from residents of four houses close to the premises claiming that excessive noise caused serious disturbance on the following occasions:

1. December 11th , when noise from customers shouting and using offensive language outside occurred after 23.30hrs
2. New Year's Eve, when the volume of music being played was seriously intrusive and customers outside were shouting
3. 4th/5th January 2014, loud amplified music and customers fighting outside

I have discussed the disturbances reported with Steve Sparrow, Licensing Officer Essex Police, and he has advised he intends to visit to discuss with you the need to control customers outside and leaving the premises to prevent crime and disorder.

With regard to the volume of music played, a responsible member of staff should monitor the levels audible outside the premises and reduce the volume when it is likely to cause disturbance to nearby residents.

On order that this section has an opportunity to monitor the volume of music played and offer guidance where necessary on the level which would be considered acceptable, please notify this office of any forthcoming occasions when amplified music, other than background, will be played.

Mr C Stringer
The Axe PH
60 Ashdon Road
Saffron Walden
CB10 2AT

1May 2014
Telephone : 01799 510588
aleemoore@uttlesford.gov.uk

Dear Mr Stringer

**Licensing Act 2003
Environmental Protection Act 1990
The Axe Ashdon Road Saffron Walden**

I am writing further to my letter to you dated 13 January 2014 concerning excessive noise from the above premises.

The noise levels from amplified music events held over the Easter weekend were monitored by the Council, and it was found that bass levels of the music were causing serious disturbance to nearby residents during the evenings of Friday 18th April and Saturday 19th April. The level of bass from music played at your premises was discussed with you in February, when you assured me that staff and yourself would pay close attention, and monitoring would be carried out to ensure the levels were acceptable.

I am therefore disappointed at the levels monitored during the recent events, and would advise that closer attention is paid to the levels during future events. Low frequency noise readily travels and is transmitted through structures, and is not noticeably reduced by closing windows. For this reason it is likely to cause sleep disturbance and is more likely to amount to a statutory nuisance than noise at higher frequencies.

Noted also from the monitoring was disturbing noise from people in the street, in the vicinity of the premises around 22.15 hrs on Monday 21st April. Again I would ask that adequate door supervision is provided to ensure that customers leave the vicinity quietly.

A further matter which was discussed with you was notification to this section when events involving amplified music are scheduled, to provide an opportunity to assess whether reasonable measures are being taken by your premises to avoid causing a nuisance, or whether further measures are needed.

I am naturally concerned that when I spoke with you on 11th April you advised you were not aware of any forthcoming events, and a 4 day festival started on 18th April.

Mr S Keenlan
The Axe PH
60 Ashdon Road
Saffron Walden
CB10 2AT

4 June 2014
Telephone : 01799 510588
aleemoore@uttlesford.gov.uk

Dear Mr Keenlan

**Licensing Act 2003
Environmental Protection Act 1990
The Axe Ashdon Road Saffron Walden**

I understand that you have recently taken over as premises supervisor and am writing to advise that I have received several complaints from nearby residents concerning excessive noise from the premises.

The complaints concern noise from amplified music events held on Sunday 25th May and Sunday 1st June, also to noise from customers leaving the premises on both occasions.

A condition of the premises licence is that monitoring must be carried out by staff to ensure the levels of music are acceptable and not causing disturbance to residents. Previous monitoring of noise from the premises by this section has shown that the level of bass has been excessive.

Closer attention must be paid to the levels during future events. Low frequency noise readily travels and is transmitted through structures, and is not noticeably reduced by closing windows. For this reason it is likely to cause sleep disturbance and is more likely to amount to a statutory nuisance than noise at higher frequencies.

Also adequate door supervision must be provided to ensure that customers leave the vicinity quietly.

Failure to control the levels of noise from the premises will result in the Council having to consider a more formal course of action under the premises licence and for statutory nuisance.

The activities of customers have involved anti social behaviour, and Essex Police are investigating this matter under the premises licence. It would be useful if both a representative from the police and myself could discuss the subject of the complaints with yourself and ways to achieve a reduction in the level of disturbance being caused.

Mr C Stringer
The Axe PH
60 Ashdon Road
Saffron Walden
CB10 2AT

22 July 2014
Telephone : 01799 510588
aleemoore@uttlesford.gov.uk

Dear Mr Stringer

**Licensing Act 2003
Environmental Protection Act 1990
The Axe Ashdon Road Saffron Walden**

I am writing further to previous correspondence concerning excessive noise from the above premises.

I am aware that you have an event scheduled for the forthcoming weekend during which amplified music will be played, and would remind you of the need to control the volume of the music, notably bass levels. Please ensure that levels are monitored by staff to ensure the noise will not cause undue disturbance to local residents.

I have also received complaints recently concerning noise from customers using the garden and leaving the premises and would again ask that adequate supervision is provided to ensure that customers do not make undue noise in the garden and leave the vicinity quietly.

Yours sincerely

Mrs A Lee-Moore
Principal Environmental Health Officer

Cc Mr S Keinlan

Mr C Stringer
c/o The Axe
60 Ashdon Road
Saffron Walden
CB10 2AT

07 October 2013

Your ref:

Our ref: DS – ENF/3649

Please ask for Deborah Scales on 01799 510395
email: dscales@uttlesford.gov.uk

Dear Mr Stringer

**RE: PREMISES LICENCE NO PLO126
THE AXE, ASHDON ROAD, SAFFRON WALDEN**

I write to you following my colleagues visit to your premises on 19 July 2013 regarding a noise nuisance complaint.

Following the visit further complaints have been received by Uttlesford District Council (UDC) in relation to noise and anti-social behaviour emanating from the premises.

I would like to take this opportunity to draw your attention to your licensing conditions in relation to live and recorded music. Please familiarise yourself with the licence and comply to all of the conditions within, ensuring that particular attention is paid to the time at which both indoor and outdoor music must cease.

The conditions of your licence along with the amount of complaints against the establishment have been discussed with my manager Michael Perry (Assistant Chief Executive Legal) and a decision made that at this time you are given written confirmation of the above and notified that the premises will be monitored.

The premises licence allows for you to carry out the following activities permitted activities:

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- the sale by retail of alcohol

If the premise's is found to be breaching any of the above an offence is committed under s136 of the licensing act 2003 as it states, that it is an offence to "carry on or attempt to carry on a licensable activity on or from any other premises under and in accordance with a premises licence, or knowingly allow such a licensable activity to be carried on". The maximum penalty for this offence is 6 months imprisonment and or £20,000 fine.

Finally you should be advised that further complaints received in relation to your premises could result in your premise's license being taken for review by the licensing and environmental health committee. If this should happen the outcome may result in further conditions being imposed or the revocation of the licence itself.

Yours sincerely

Deborah Scales
Enforcement Officer

From: Stephen Sparrow <Stephen.Sparrow@essex.pnn.police.uk>
Sent: 30 January 2014 12:07
To: Tim Scott; Jack Russell; Colin Cox
Cc: Ann Lee-Moore; Murray Hardy
Subject: OUTCOMES OF POLICE LICENSING MEETING - THE AXE ASHDON RD [NOT PROTECTIVELY MARKED]
Attachments: ATT15600547.txt

The Axe Public House 60 Ashdon Rd Saffron Walden Essex CB10 2AT

Premises Licence # PLO126

Reported Police Incidents and Public Complaint Progress Meeting 28/01/2014 Saffron Walden Police Station 28/01/2014 at 14:00hrs.

Present:

A Sgt 71941 Scott
Licensing Officer 6895 Sparrow (Chair)
Mr Chris Stringer Premises Licence Holder and DPS
Ms Jessie Strube Pub Manager

Two specific police incidents were discussed fully:

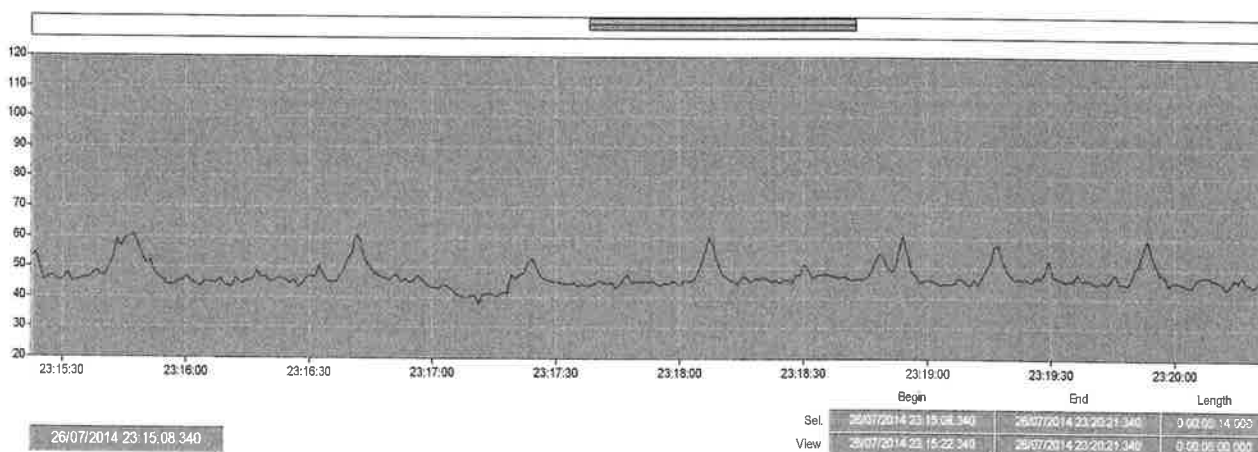
- Police incident reference EP-20140105-0088 Report of disorder outside residential properties in Ashdon Rd on 05/01/2014 at 01:27.
It has emerged that these residences were approx. 120 meters away from the public house and those involved were not seen leaving the Axe. Mr Stringer stated he had no knowledge of this incident and could not assist us further in this matter. Police attended this incident at 01:40. There were no offences disclosed.
- Police incident reference EP-20140118-1097 Report of criminal damage and underage drinking outside The Axe on 18/01/2014 at 21:40. Mr Stringer was aware of this incident and confirmed that 3 males had been drinking in the pub who he suspected were not local or regular customers. According to Mr Stringer that 1. These males were challenged by staff as to their age and they provided valid I.D. proving they were over 18 years of age. 2. These 3 males left the pub and met others (not customers) outside in Ashdon Rd and began participating in low level Anti-Social Behaviour by way of pushing around a wheelie bin. 3. This behaviour was challenged by staff of the pub at the time and was stopped. Later it transpired that a vehicle parked close by was slightly damaged by a glass bottle. It is noted that there have been no complaints made regarding this criminal damage. A Sgt 71941 attended this incident on the night and stated that there were no witnesses who could identify the person who caused damage to the vehicle and upon Police arrival only one of the group of males were on still on scene (due to being detained by the public) but he denied having been in the prior to the incident or being the person responsible for any damage caused.
- It is also noted that the male was detained by neighbours who proved to be under the age of 18 years and is unknown to Mr Stringer or Ms Strube. It is unconfirmed if this underage male entered the Axe at any time.
- Other Police intelligence was discussed and were of a noise and public nuisance nature which is a matter for UDC Environmental Dept. I made both Mr Stringer and Ms Strube that these noise issues were being recorded by those neighbours affected and regularly reported to the UDC Environmental Health Officer. Both A Sgt 71941 Scott and myself emphasised to Mr Stinger and Ms Strube the seriousness of these noise complaints. I am confident that they both took on board our comments in all matters and they both gave assurances that they will do their best to reduce the current level of complaints received by the Responsible Authorities.

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Uttlesford DC Environmental Health

Ref ALM : 13/12149

Extract from recordings taken in the bedroom of [redacted] Ashdon Road during a performance of "Iron Fist" band on Saturday 26th July 2014



50 dB LA eq 5min 23.15 -23.20 hrs

Recordings taken using Norsonic 121 calibrated before and after use

LICENSING ACT 2003

The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

1. I am [redacted] Ashdon Road, Saffron Walden, Essex, CB10 2AQ. I make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. I have lived at my present address since August 2002 . I have been at my home and witnessed numerous incidents / events during the last 15 months which I consider to have been in breach with terms and conditions of the license.

I consider that several of the licence conditions have been breached on a number of occasions in that 15 month period namely;


- Strong management controls to be in place
- Effective staff training to cover underage drinking, anti-social behavior, drunkenness on and off the premises, use of drugs and the protection of children from harm.
- Responsible management of the premises to be in place.
- Capacity limits to be identified and adhered to.
- Litter bins to be available outside the premises for use.
- Effective management checks on all internal and external trading areas in and outside of service times to take place.
- Training and supervision of staff to ensure strong visible management during all service times.
- Loitering on the premises to be actively discouraged.
- Management of staff and customers arriving and leaving the premises.
- Sufficient staff to secure the protection of children to be on duty.
- The performance of live music and the playing of recorded music outdoors to end at 11:00pm.
- 3) A responsible member of staff shall assess regularly noise from the premises during amplified and live music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.
- Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed.
- A designated member of staff shall monitor the car park for noise and congestion.
- Drinks shall not be consumed outside the premises except for in designated areas and in no event between the hours of 11:20pm and 10:00am.

The above breaches of the licence are evidenced in the local Residents Incident Log.

3. As a result of the failure to comply with the licence conditions, I have been subject to considerable disturbance. Our house is located diagonally opposite The Axe, at a distance of approximately 25 metres. All members of our household have had their sleep disturbed on numerous occasions because of incidents and events at The Axe. I find myself extremely anxious when I hear shouting outside which then makes it difficult to sleep as I am wondering what might be going on

outside having witnessed many unpleasant incidents, naturally I am protective of our property and my family and I feel frustrated that we cannot enjoy our home life to the full and I am worried constantly about future possible events and incidents. There have been numerous occasions when noise, music, ant-social behaviour and violence have manifested themselves and my wife and children have told me they feel threatened and will sometimes not wish to go out via our front door if there is an incident going on. Our sleep is constantly being disturbed, and often our children remove themselves from their own house and stay with friends because of the noise and disturbance. I have found glasses and bottles from The Axe in our front garden and witnessed persons leaving The Axe and urinating in the street and in resident's gardens including ours as well as damaging vehicles parked in Ashdon Road. I have concerns regarding underage drinking at The Axe which I have informed the Police about. I have witnessed unsupervised children and dogs in the car park and surrounding roads. Our family has lived opposite The Axe for the last 12 years without experiencing any problems until 15 months ago, in fact I was a regular user of The Axe until it closed 18 months ago and was sold by Green King. My wife and I fully supported the campaign to reopen the Axe and indeed we were all there as a family on the opening night when we were informed about the plans for The Axe to become a hub of the local community and a family focused pub. Unfortunately because The Axe is not being operated in a community focused manner I find myself unable to use and support the premises, preferring instead to walk to other Public Houses in the town for a drink, I feel this is a real shame.

4. I have met individually with bar staff and the owner initially when the problems first started to arise to note my dissatisfaction and I was assured that matters would improve however they did not. Following that I met with the owner of The Axe on a formal basis together with some other local residents and PC Russell to express our concerns regarding the incidents and events. Again we were assured that our complaints were being heard and that steps would be taken by the owner of The Axe (Mr Stringer) to improve the situation, unfortunately this has not happened and if anything the situation worsened further.

Name :  

Date: 30.07.2014

LICENSING ACT 2003
The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

1. I am [REDACTED] Ashdon Road Saffron Walden. I make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. I have lived at my present address since August 2002 . I have been at my home and witnessed numerous incidents / events which I consider to have been in breach with terms and conditions of the license.

I consider that several of the licence conditions have been breached on a number of occasions in that:

- Strong management controls to be in place
- Effective staff training to cover underage drinking, anti-social behavior, drunkenness on and off the premises, use of drugs and the protection of children from harm.
- Responsible management of the premises to be in place.
- Capacity limits to be identified and adhered to.
- Litter bins to be available outside the premises for use.
- Effective management checks on all internal and external trading areas in and outside of service times to take place.
- Training and supervision of staff to ensure strong visible management during all service times.
- Loitering on the premises to be actively discouraged.
- Management of staff and customers arriving and leaving the premises.
- Sufficient staff to secure the protection of children to be on duty.
- The performance of live music and the playing of recorded music outdoors to end at 11:00pm.
- 3) A responsible member of staff shall assess regularly noise from the premises during amplified and live music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.
- Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed.
- A designated member of staff shall monitor the car park for noise and congestion.
- Drinks shall not be consumed outside the premises except for in designated areas and in no event between the hours of 11:20pm and 10:00am

3. As a result of the failure to comply with the licence conditions, I have been subject to considerable disturbance. This has meant we as a family have had to alter how we live. If The Axe has an event on, our children often choose to stay at friends houses as the noise/anti social behaviour is too much to enable sleep, we have to keep our windows closed as the invasion of shouting/swearing/loud music is overwhelming and we don't have guests over when there is an event on. However, many disturbances are when there is no planned event, ie a normal weekday night, this you cannot plan for and many times the

children have had to go to school having had little sleep. This as a parent is especially challenging during exam time and is rightly unfair. It is quite unreasonable to have children exposed to fighting, aggressive language, threatening behaviour, urinating/vomiting in the street and gardens whilst they are in their own homes, indeed their own bedrooms! they only have to look outside their windows to witness all this. It can be intimidating to leave the house; I have had to walk past men urinating in the street in daylight! It should also be noted that we were fully supportive of The Axe remaining a public house rather than a building plot, indeed we used to drink regularly there and were encouraged by Mr Stringer's assurance that this was to be a pub for local families and the community but the events over the past 15 months have made it an unusable establishment for us and we choose to use pubs further afield. In the 12 years we have lived here, we have never had cause to make any complaint about the pub but since April 2013 it has been a challenging and staggeringly frustrating time for us and not made easier by Mr Stringer or the new managers reluctance to effectively manage their customers.

4. I have not spoken to The Axe directly but have been on the residents incident log.

Name:  Charlotte Heales



Date: 3 August 2014

LICENSING ACT 2003
The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

1. I am **Barbara Wilcox, 51** Ashdon Road Saffron Walden. I make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. I have lived at my present address since April 2001. I spend most weekends and bank holidays with my partner in London, so have not directly witnessed the same incidents as my neighbours, which I also consider to have been in breach of the terms and conditions of the license.
3. Nevertheless, the failure to comply with the licence conditions does affect me. I live almost opposite the Axe, and estimate that the pub's windows are less than 20 m from my front bedrooms, which are used for visitors. If I ever have weekend guests I check the Axe website to see if they have events planned. For example I was at home and had visitors staying on the night of 2nd August 2014 when live music was played, and had to change bedrooms so they could sleep at the back, where they were less likely to be disturbed. On one or two occasions when we might have spent the weekend in Walden we arranged to go away, so as to avoid being disturbed. I also worry about the risk of damage to my car from the barrels left outside, following the incident on 1st June when customers started throwing them around.

The very long hours permitted for alcohol sales and for the playing of music are wholly inappropriate for premises so closely surrounded by housing.

4. I have not spoken to staff at the premises, apart from a brief exchange with Chris Stringer shortly after he took over, wishing him well and expressing the hope that the pub would soon offer food.

Name : **Barbara Wilcox, 51** Ashdon Road

Barbara Wilcox

Date:

3rd August 2014

LICENSING ACT 2003

The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

1. We are Mr and Mrs [REDACTED] of [REDACTED] Ashdon Road, Saffron Walden. We make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. We have lived at our present address since 12 April 2013. We have been at our home and witnessed numerous incidents / events which we consider to have been in breach with terms and conditions of the license.

We consider that several of the licence conditions have been breached on a number of occasions in that:

- Annex 2, Condition 1 (strong management controls to be in place) - Continuous breaches of this condition as evidenced by the attached log
- Annex 2, Condition 2 (effective staff training to cover under age drinking, anti social behaviour, drunkenness on and off the premises, etc) – we are not aware whether such training has taken place. If it has, it has not been effective as we continue to suffer from incidents regarding anti social behaviour and drunkenness as set out in the incident log.
- Annex 2, Condition 3 (responsible management of the premises to be in place) –
- Annex 2, Condition 12 (loitering on the premises to be actively discouraged) –
- Annex 2, Condition 13 (management of staff and customers arriving and leaving the pub) –
- Annex 3, Condition 1 (performance of live music and the playing of recorded music outdoors to end at 11pm) – breached over the One Big Weekend Event over the August bank holiday weekend in 2013.
- Annex 3, Condition 3 (steps to be taken to reduce the level of noise where it is likely to cause disturbance to local residents) – no evidence of any such steps having been taking and continuing disturbance to local residents as recorded in the attached log.

midnight. We subsequently telephoned the landlord on a number of occasions throughout the rest of the night and early morning but we could see him from our bedroom window through the window of the pub, standing at the bar ignoring our calls.

We reported this incident to the police at the time and made several phone calls to them that night. They said they would send a patrol car if they had one in the area. The music continued at the same volume until 5am which, as you can imagine, caused both of us a great deal of distress and upset. In fact, by 4am we were seriously regretting our decision to buy our house!

The following morning, despite having had very little sleep, we decided to visit the neighbours in the vicinity of the pub to introduce ourselves but also to talk to them about the issue with The Axe that previous evening. Much to our relief, all the neighbours we spoke to reassured us that no such incident or disturbance had been experienced with the Axe in the previous 40 or so years.

Much to our disappointment however, the incident that evening was not a 'one-off' event. Far from it. Although (thankfully) no subsequent event has gone on until 5am, **over the following 15 months we have endured a barrage of further noisy events at the pub until late at night/the early hours of the morning, combined with violent, drunken and aggressive incidents caused by individuals arriving at and leaving the pub.** These range from the simply unpleasant to the downright dangerous: drunken brawling in the middle of Ashdon Road; shouting and swearing until the early hours of the morning; neighbours being heckled by drunken customers of the Axe; pint glasses from the pub being left in neighbour's gardens; and criminal damage to private property and vehicles owned by residents.

All these events are listed in the incident log which has been submitted with this statement. From this log it is evident that the occurrences listed are absolutely not acceptable from a pub in a residential area, let alone one surrounded on all sides by houses – some being less than 2 metres away from the pub.

We had hoped that the recent change of publican at the Axe in early 2014 might herald a more responsible management style, since we understand the new landlord has experience of running other pubs (in similarly residential areas) locally. However, to our profound disappointment the number of incidents has in fact increased since he took over and the volume of live music played from the pub has not been reduced. To underline this fact, we should add that the Environmental Health department of Uttlesford District Council have themselves made live recordings of the noise levels emanating from The Axe on a number of occasions recently and we understand that they have judged these to be in breach of the licensing conditions.

We dread our child being woken up by further shouting or fighting in the street. This is not something to which any child, let alone a new born baby, should be subject.

We want to stress that we have no desire to prevent the landlord from making a legitimate living from the pub and would be keen to frequent it ourselves provided that a compromise can be reached which is acceptable to the landlord and the local residents. Indeed, early on, we went into the pub for a drink on a couple of occasions. However, Mrs Green in particular found the atmosphere was not welcoming and, as a woman, felt quite intimidated. Unfortunately, this combined with the on-going and unacceptable events and incidents in the attached log do nothing to encourage us to patronise The Axe. We now drink in other pubs in the town.

In short: we are utterly sick and tired of these seemingly endless and unpleasant nocturnal incidents right on our doorstep, which must stop. As you can imagine, **these experiences over the last 18 months have caused us both a great deal of stress and upset.** Mrs Green has been reduced to tears on a number of occasions due to having the privacy of our home repeated invaded by the pub and its customers. **Now into the third trimester of her pregnancy, Mrs Green is becoming increasingly stressed and anxious about the effect such incidents will have on our baby. Such feelings of stress, anxiety and upset are, clearly, far from ideal during pregnancy and are a further indication of the destructive effect The Axe is having on all parts of our personal lives.**

That these incidents are continuing despite repeated contact with the various local enforcement authorities and a open and constructive meeting between local residents, the Police and Mr Stringer in late 2013 implies that there is either a complete lack of ability, or lack of will, on the part of the pub's management to control its clientele and work with the neighbours to come to a mutually acceptable compromise as regards functions and events at the pub.

As local residents, we have to suffer and endure these incidents with seemingly little legal recourse whilst Mr Stringer seems to be able to breach his license conditions with impunity. The situation has become untenable and we are therefore obliged to now take firm action to seek a remedy to the issue. Over the last 18 months we have kept the attached log, had regular meetings with the other neighbours affected by these issues, had numerous time-consuming email exchanges, telephone conversations and meetings with Environmental Health, other Council departments and the local and regional police force. As mentioned above and below, we have also attempted a mediated meeting with the publican in the presence of the police. Additionally, over the last few months, Environmental Health have taken sound recordings from the pub. Most recently, a group of local residents met with Alan Haselhurst MP, to seek his assistance and guidance in this matter.

Desired outcomes of license review for The Axe PH

1. The Pub, including the garden, to be closed at 11pm every night
2. No music, amplified or otherwise, to be played outdoors
3. No music, amplified or otherwise, to be played inside the premises until sound proofing work is carried out
4. Music events to be limited to a small number per year (6)
5. During any music events and beer festivals, door staff to be present at both the front and rear entrances to assist with customers arriving and leaving the premises
6. Monitoring of the beer garden and car park to avoid loitering and noise disturbance (evening / night)
7. No drinking or loitering outside the front of the Pub (evening / night)
8. No storage of beer barrels outside the front of the Pub (anytime)
9. **All terms and conditions of the license to be set out clearly and in such manner which will allow for the license to be fully enforced by the relevant authorities if necessary**

LICENSING ACT 2003

The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

1. We are ~~Louise and Robert Wilkinson of 55~~ Ashdon Road Saffron Walden. I make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. We have lived at my present address since 23rd August 2013. We have been at our home and witnessed numerous incidents / events which we consider to have been in breach with terms and conditions of the license.

I consider that several of the licence conditions have been breached on a number of occasions in that:

Annexe 2

1 – Strong management controls to be in place

See log incidents dated 21/09/2013, 05/05/2014

12 – Loitering on the premises to be actively discouraged.

See log incidents dated 23/08/2013, 24/08/2013, 07/11/2013, 21/09/2013, 05/04/2014, 01/06/2014, 14/06/2014, 26/07/2014

13 – Management of staff and customers arriving and leaving the premises

See log incidents dated 23/08/2014, 24/08/2013, 21/09/2013, 07/11/2013, 25/01/2014, 05/04/2014, 01/06/2014, 14/06/2014, 26/07/2014

Annexe 3

1 – The performance of live music and the playing of recorded music outdoors to end at 11:00pm.

For music heard from The Axe after 11:00pm please see log incidents dated 23/08/2013, 24/08/2013, 25/08/2013, 21/11/2013, 04/01/2014, 26/07/2014

3 – A responsible member of staff shall assess regularly noise from the premises during the amplified and live music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents

See log incidents dated 23/08/2013, 24/08/2013, 25/08/2013, 02/11/2013, 07/11/2013, 04/01/2014, 19/04/2013, 25/05/2014, 22/06/2014, 26/07/2014

4 – Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed

See log incidents dated 04/01/2014, 22/06/2014

5 – A designated member of staff shall monitor the car park for noise and congestion

See log incidents dated 2/08/2013, 21/09/2013, 14/06/2014, 26/07/2014

6 – Drinks shall not be consumed outside the premises except for in designated areas and in no event between the hours of 11.20pm and 10.00am.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statement in support of review of licence

1. I am [redacted] Ashdon Road Saffron Walden. I make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. I have lived with my parents at my present since 23rd August 2013.
3. As a result of the failure of the Axe to comply with the conditions as described in my parent's (Louise and Robert Wilkinson) statement, I have been subject the following disturbances.

Our house [redacted] The Axe and I would guess that it is about [redacted] metres away. My bedroom is at the street side of our house and it is [redacted] the front door of the pub. I was actually quite happy about living [redacted] from a pub as we thought it was a family pub and we could take our visitors for a drink and let our young cousins play in the garden. However, the very first weekend we moved into the house, the pub played really loud (terrible) music till late hours. The music carried on until midnight and afterwards there was lots of shouting and arguments outside and the police were called. It was very frustrating as it could have been avoided but the owners of the pub simply did not try to stop this from happening. I must admit, I was then unhappy about our new house because of this weekend, but my family went to talk to the manager of the pub and he promised us that it was a special occasion and it would not happen again. However, this was not the truth as since we moved there, there have been lots of occasions were this sort of thing has happened again.

The most frustrating thing about the pub is that I never know when I am going to be woken up by the noise outside. This is mostly when the drinkers come out of the pub and seem to chat really loudly at the front and on the street. They often shout to each other across the street and a lot of this language is swearing or talking about inappropriate situations. When I have been woken I have to wait until the voices stop and then I can go to sleep, sometimes this can be a really long time, like half an hour or even an hour. The next day I feel really tired and moody so this then affects my concentration skills with my GCSE'S!

The Axe is a pub but they think they are a nightclub too as they often have live bands or discos on the weekend (terrible bands) that play late into the night. The problem is that they don't seem to control the level of noise that is heard by us, I don't think that the Axe pub knows how loud it is and how much trouble it is causing. Even with our windows shut, we can hear the music quite clearly, especially the base note of the music. The people go along to listen don't always stay inside the pub, they like to drink and smoke at the front of the pub so not only am I affected by the music but I am disturbed by the loud chatting. When this happens I sleep with my sister in the back bedroom but when my cousins were visiting, we all had to sleep in the basement where no music or shouting could be heard (so it is a really big inconvenience as I should be able to sleep in my own room without disturbance).

One of the worst occasions for me was when my mum, sister and I came back from a swimming competition. It was really late and there were some men coming out of the pub at the same time. One of the men started saying really horrible things to me and was doing something really rude with this hand. Mum quickly pushed us into the house and explained that the man was drunk and didn't know what he was doing.

Overall I think it has been really unfair how we have been treated. My mum and dad have met with our neighbours, a local policeman and the pub owner to try and sort it out but it just hasn't worked. I think I should be able to sleep at night without lots of disturbances. Next year I start my GCSE's and it is really important for me to have a good night's sleep. If The Axe had to have a special event like a live band, they should let us know in advance so that we can make an arrangement for me to sleep in peace. On these special occasions they should also close at a reasonable time and have staff members at the front of the pub to make sure everyone goes home straight away. Even on a normal night I wish that they could close earlier and make sure people goes home right away so that if there is any noise, it will stop within a few minutes.

Name: 

Signed: 

Date 2nd August 2014

LICENSING ACT 2003

The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

1. I am ~~Victoria Culverwell~~ of ~~60~~ Ashdon Road Saffron Walden. I make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.

2. I have lived at my present address since April 2005 . I have been at my home and witnessed numerous incidents / events which I consider to have been in breach with terms and conditions of the license.

I consider that several of the licence conditions have been breached on a number of occasions and I am grateful that the other residents of Ashdon Road, involved in this appeal, have documented these events very accurately of which I am sure you are aware of and now in possession of.

A list of the conditions which have been breached, and why, backed up with dates when they occurred with outline of details, have been sent to you on numerous occasions and have now been sent to you again from the various other members of Ashdon Road...I do not feel you need me to copy these through to you again. A log of incidents has been completed (several times) and will again be forwarded to you. I am backing this log and these incidents up and am totally in agreement with what I have seen is being presented to you.

4. I have visited the pub on two occasions to speak to Mr Stringer to no avail.

Name : Victoria Culverwell 

Date: 4th August 2014

Mr & Mrs [REDACTED]
[REDACTED] Ashdon Road
Saffron Walden
Essex
CB10 2AQ

18

3rd August 2014

LICENSING ACT 2003

The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

Our names are **Stephen and Sally Bond of 63** Ashdon Road, Saffron Walden. We make this statement in support of an application for a review of the premises licence held by The Axe public house, Ashdon Road, Saffron Walden.

We have lived at this address for over 16 years with our three children. For the majority of these years, we have witnessed little in the way of disturbance to us or family from any activities inside or outside the pub or from patrons entering or leaving the premises. However over the past 16 months, we have witnessed numerous incidents and events which we consider to have been in breach of the licence.

We consider that several conditions of the licence have been breached on several and separate occasions in that :-

- Breach of times granted:- On the evening of 20th April 2013, amplified music was played until 05.00. Even though we asked for the music to stop - after the permitted times had past, this request was ignored. Other breaches are detailed in the attached log.
- Annexe 3 (3) Staff are required to regularly assess noise from the premises during amplified and live music. There is no evidence of this as noise is regularly loud, intrusive and disruptive. We are unable to have our windows open or sit in our garden during these events. There are several entries in the attached log which detail these.
- Annexe 3 (2) There are no "Prominent and Clear" notices requesting customers to leave the pub and area quietly. The attached log details many incidents of customers leaving the pub with total disregard for the residents who live around it. Recent examples of these are 24th May, 1st June, 3rd July, 6th July.

LP

they bring shouting, screams, laughter and loud talking which wakes us up and often we have to vacate to a spare room or the sofa at the back of the house. We should not have to put up with this at 01.00 to 02.00 in the morning. This is not acceptable.

We are aware that only a couple of years ago, there was a real possibility the pub would close and be demolished to make way for housing. We supported the motion for the pub to remain and even understood that there would probably be changes required to make it a viable business. However, the local residents have paid and continue to pay a heavy price for this facility and those changes have been at the expense of those who live in close proximity to it.

This pub is situated in a densely populated area of the Ashdon Road and is surrounded by houses on all four sides. We believe it is not acceptable to allow these premises, a licence that permits the sale of alcohol until 30 mins after midnight on three days a week and until 01.30 in the morning on the other four. What this means for the pub's neighbours is that customers can be leaving 30 mins after this time then hanging around waiting for taxis talking, shouting, fighting etc. This is not acceptable or fair and we request that a review of the licence including the permitted opening times is given full and proper consideration.

Your sincerely

Stephen Bond


Sally Bond


LICENSING ACT 2003
The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

We moved to [redacted] Ashdon Road in July last year and were looking forward to using our local pub, unfortunately because of the nature of the clientele and the landlord we haven't felt able to do this. The pub can get very rowdy both inside and outside in the car park and garden. When people are leaving late, very often after one am, it is particularly disturbing and the language is appalling! Very often at weekends when the weather is fine children are left outside unsupervised, this means their behaviour is out of control and extremely rowdy. We feel the landlord does not understand residents point of view or the fact that he is running a pub in a residential area. Because of this we feel stricter controls are needed to ensure the pub is run in a more responsible manner.

With regards

[redacted signature]
[redacted signature]
Kevin and Jane Morris
64 Ashdon Road

Date: 5.8.2014

LICENSING ACT 2003**The Axe Public House 60 Ashdon Road Saffron Walden****Statement in support of review of licence**

1. We are ~~Radka Platte and Leslie Platte of 66~~ Ashdon Road, Saffron Walden. We make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. We have lived at our present address since June 1995. We have been at our home and witnessed numerous incidents / events which we consider to have been in breach with terms and conditions of the licence.

We consider that several of the licence conditions have been breached on a number of occasions in that:

- Responsible management of the premises has not been in place (breach of Annexe 2 point 3). Please refer to an incident dated 26.8.2013 on the group log where customers and staff were heard in the beer garden and on the bouncy castle past midnight. Also, the points listed below further document that the management of The Axe has not adhered to all terms and conditions of the license.
- There does not appear to be any evidence of staff being trained effectively to cover antisocial behaviour, drunkenness on and off the premises (breach of condition listed in Annexe 2, point 2). We are frequently subject to loud shouting, laughter and swearing coming from the beer garden, car park and the area to the front of the Pub as well as from Ashdon Road, near the Pub. This happens frequently during weekends as well as weeknights; with reference to the group log please see all our entries for July 2014. We have not seen staff come out to help control this.
- Loitering on the premises is not being actively discouraged (breach of condition in Annexe 2 point 12). During evening time people stand and talk loudly among themselves and on mobile phones while on the premises (beer garden, car park). We have not seen anyone come out and encourage people to leave. Please refer to group log, for example 19.7.2014.
- As far as we are aware, there is no management of customers arriving and leaving the premises (breach of condition in Annexe 2, point 13). This is especially pertinent during the music events and beer festivals which the Pub holds from time to time. As a result of no management of customers, people leave events in a noisy and protracted fashion and loiter. On 1.6.2014 (please see the group log) there may have been someone attempting to encourage people to leave, however they were going about it in a very noisy fashion, thus making matters even worse.
- The performance of live or recorded music inside the Pub has not always ended at 12.00 pm. On one occasion, the music stopped as late as 3.45am, which amounts to the breach of condition F of Premises License (please refer to group log entry 20.-21.4.2013). More recently, the music has tended to stop at the required time, however the aftermath of music events has always been noise of customers leaving, and the antisocial behaviour associated with it, as addressed in the point above.

has become an intimidating and noisy place which causes us much disturbance in our daily lives and on many levels.

4. We have had the following interactions with staff at the premises:

We personally went over to speak to Chris Stringer on the morning of Sunday 21.4.2013, after the night when the music did not stop till 3.45 am (please see the group log entry for that date). He was surprised when we told him that we were disturbed and told us that this sort of thing would not happen that often. We pointed out to him that his license does not allow playing music beyond 12 midnight. He did not seem too concerned about this, however we felt that he at least listened and we hoped that things would improve.

In August 2013, the Pub held One Big Weekend Event. On the morning of Monday 26.8.2013 (Bank Holiday), we again spoke to Chris Stringer in person, after having to endure 2 days and evenings of loud music, and had broken nights' sleep. He promised that the music would stop earlier that night, at 10pm. When this did not happen and music still played at 10.20pm, Radka phoned the Pub, spoke to Chris Stringer and asked when the music would stop, as ourselves, as well as our neighbours were getting up very early the next morning (of which the landlord had been made aware in the morning of that day) and the next day was a normal working day. Chris was rude and abusive, suggesting that we should join him in the Pub rather than complaining all the time. Please refer to group log entry for that date.

On Sunday 11th May 2014 the new manager Steve came over to introduce himself to us. There had been a bad night at the Pub the night before but we had just returned from holiday so were not disturbed. He apologised to Radka for any disturbance and said that he will aim to manage the Pub in a way which would calm matters down. Sadly, this has not been the case, as per many more entries in the group log and complaints to Environmental Health Department.

And yet, we signed the petition to keep the Pub open when it was threatened with closure back in 2012. We were thrilled when we found out that the Pub was saved and looked forward to using it, which we actually did on a couple of occasions. We were expecting The Axe to become a community, family-friendly Pub, like it used to be when we first moved in. Sadly, this turned out not to be the case.

We very much hope that the licensing review will improve matters dramatically and that we will feel that we can use and support the Pub once again.





1.8.2014

LICENSING ACT 2003

The Axe Public House 60 Ashdon Road Saffron Walden

Statement in support of review of licence

1. We are [REDACTED] Ashdon Road, Saffron Walden. We make this statement in support of an application for review of the premises licence held by The Axe, Ashdon Road, Saffron Walden.
2. We have lived at our present address since 2003, and have been at our home during several events held under the licence. We consider that several of the licence conditions have been breached on a number of occasions as follows :
 - 3) *Responsible management of the premises to be in place* – we have complained about noise levels and management of people leaving the pub in a disorderly fashion several times to Mr Stringer, to be met with disinterest at the very least, and outright scorn at others, being told that “we shouldn’t have bought a house near a pub”
 - 12) *Loitering on the premises to be actively discouraged*: We regularly are woken or disturbed by customers standing around outside the pub after leaving, across the road and sitting on the wall outside our house, after closing time having loud conversations and abusive arguments, shouting etc, with no obvious attempt by the management to discourage this behaviour
 - 13) *Management of staff and customers arriving and leaving the premises*: As above, little evidence of any control of customers leaving the pub quietly and respectfully
 - 15) *Children allowed only in the dining area until 10.00pm*: We are regularly disturbed in our back garden by the noise of children playing and shouting in the pub garden during summer evenings through until closing time.

Annexe 3

- 3) *Regular noise assessment & noise reduction where likely to cause disturbance* – we have had to complain to the council previously regarding the noise levels at music events, and have had correspondence with yourself on this matter.
 - 4) *Doors & windows to be kept closed when music played* – I have walked past the pub when music events are on to find the front door partially open and windows not fully closed. The windows themselves are single glazed and have little effect on reducing the level of noise even when closed.
 - 6) *Drinks not to be consumed outside the premises* – as in point 12 above, people regularly walk past after closing still drinking and I have found several pint glasses from the pub on the grass verge outside Dame Bradbury’s school.
3. As a result of the failure to comply with the licence conditions, we have been subject to considerable disturbance. Since moving into our house, which is on the same side of Ashdon Road as The Axe, several properties down, in 2003, and prior to the change in management to Mr Stringer, we barely noticed that the pub was there – we experienced no disturbance from noise from music events nor from customers leaving the premises. However, since the change of management, we have been disturbed on a regular basis due to activities related to the pub and its patrons. The patronage of the pub has changed radically due to the use of cheap drink offers and

live music to bring in customers, and the noise from the music events has driven us from our garden on many occasions as the noise levels are loud enough that we have to close windows and turn our TV up very loudly to be able to hear it above the noise. The loud and raucous (and often abusive) behaviour of the patrons in the rear garden of the pub during summer evenings has made it impossible to enjoy or eat out in our back garden.

The behaviour of patrons leaving the pub at closing time, particularly at weekends has caused significant disturbance to our lives, as those on foot regularly loiter and have loud and shouted conversations and arguments with other patrons on the pavement outside and opposite our house, coupled with slamming of taxi doors and taxis waiting outside with engines running – our bedrooms are at the front of the house, and our 12 year old son has been awoken and disturbed so often that he has moved to a spare bedroom at the back of the house to be able to sleep undisturbed.

We have also complained to the Council about the continual parking of pub patrons on the double yellow lines outside our house when the pub car park is full (I have witnessed drivers parking and entering the pub on several occasions) – the yellow lines have since been repainted to ensure their visibility, to little effect.

- 4. We have spoken to Mr Stringer and he has been unsympathetic and indifferent. As supporters of the petition asking for the premises to be retained as a pub, on the basis of Mr Stringers stated intentions to retain the pub as a family-friendly local pub serving food and becoming a community asset and focal hub, we are incredibly disappointed that this has not come to pass and that far from being a community pub, the local community that used to drink in the pub no longer do so, and that the clientele now come from further afield for cheap drinks, to the detriment of the neighbours and residents.

.Name : 

Date: 01/08/2014

LOCAL AUTHORITY



**Licensing Section
Uttlesford District Council
Council Offices
London Road
SAFFRON WALDEN
ESSEX
CB11 4ER**

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

THE AXE

60 ASHDON ROAD, SAFFRON WALDEN, ESSEX, CB10 2AT.

Telephone 07976 796720

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Non Standard Timings: 7:00pm start for finals to 12 midnight finish.		
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday Non Standard Timings: 12 noon start on all Bank Holidays and New Year's Eve to 12 midnight finish.	7:00pm	Midnight
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday Non Standard Timings: 12 noon start on all Bank Holidays and New Year's Eve to 12 midnight finish.	7:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday Thursday Friday & Saturday Sunday Non Standard Timings: 10:00am start on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday and any other Bank Holidays to 1:00am finish.	10:00am	Midnight 1:00am 1:00am Midnight



THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	10:00am	12:30am
Thursday	10:00am	1:30am
Friday & Saturday	10:00am	1:30am
Sunday	10:00am	12:30am
Non Standard Timings: 10:00am start on Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday and any other Bank Holidays to 1:30am finish.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

AXE PUB LTD

UNIT 3, ASHDON ROAD COMMERCIAL CENTRE, SAFFRON WALDEN, ESSEX, CB10 2NH.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

AXE PUB LTD

08361592

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

CHRISTOPHER IAN STRINGER

THE AXE, 60 ASHDON ROAD, SAFFRON WALDEN, ESSEX, CB10 2AT

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA0787

Issued by Uttlesford



ANNEXES

Annexe 1 - Mandatory Conditions

Mandatory conditions - supply of alcohol

1) No supply of alcohol may be made under the premises licence

- at a time when there is no designated premises supervisor in respect of the premises licence or
- at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(1) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-



ANNEXES continued ...

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Annexe 2 - Conditions Consistent with Operating Schedule

- 1) Strong management controls to be in place
- 2) Effective staff training to cover under age drinking, anti social behaviour, drunkenness on and off the premises, use of drugs and the protection of children from harm.
- 3) Responsible management of the premises to be in place.
- 4) Capacity limits to be identified and adhered to.
- 5) Proof of identification scheme to be in place.
- 6) Litter bins to be available outside the premises for use.
- 7) Car park and entrances to be well lit.
- 8) Staffing levels to be adequate for capacity and trade.
- 9) Effective management checks on all internal and external trading areas in and outside of service times to take place.
- 10) All services, appliances and equipment to be checked and certified.
- 11) Training and supervision of staff to ensure strong visible management during all service times.
- 12) Loitering on the premises to be actively discouraged.
- 13) Management of staff and customers arriving and leaving the premises.
- 14) Sufficient staff to secure the protection of children to be on duty.
- 15) Children allowed only in the dining area until 10:00pm.
- 16) Children must be accompanied by an adult.
- 17) Table service to be provided in the dining area to ensure children do not need to leave the table.

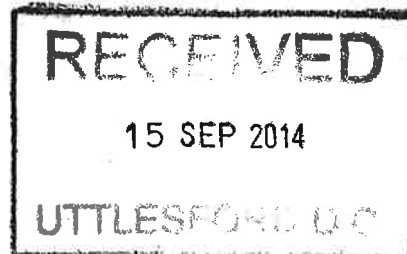
Annexe 3 - Conditions Imposed Following a Hearing

- 1) The performance of live music and the playing of recorded music outdoors to end at 11:00pm.
- 2) Prominent and clear notices to be displayed at all exits requesting customers to leave the premises and area quietly.
- 3) A responsible member of staff shall assess regularly noise from the premises during amplified and live music events. Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.
- 4) Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed.
- 5) A designated member of staff shall monitor the car park for noise and congestion.
- 6) Drinks shall not be consumed outside the premises except for in designated areas and in no event between the hours of 11:20pm and 10:00am.



Saffron Walden
Ersex CB10
14 Sept. 2014

The Licensing Authority
Uttlesford District Council



Dear Sir / Madam,

The Axe Public House, Ashdon Road, Saffron Walden

I understand that recent complaints of public nuisance have been made of the Axe Public House.

I live close to it, to the north, and under the former management suffered very much from noise, disturbance and so on. Under the new manager, Steve, the opening hours appear to be shorter and the noise - from customers and from performing bands - is far less. A friend at the Elizabeths WA end of Shepherd's Way, now away, endorses this, saying he now hears no sound of the bands whereas in the past he clearly did. There are, now and then, admittedly some short bursts of shouting and loud talking, e.g. during football matches, but nothing that I find in any way a nuisance or late at night.

In addition, the pub's general presentation is pleasant, no litter around the car park, broken wood mended, and flowers replaced.

Improvement will inevitably take time, in my view, after a year's bad start by an inexperienced owner, and before that several years of Green King's winding down with changing tenants. It seems hard on the new manager to file complaints when he has been working at the Axe for only c.4 months.

Yours sincerely,

September 12, 2014

The Licensing Authority
Uttlesford D.C
Council Offices
Saffron Walden
CB11 4ER



Dear Sirs,

Licensing Act 2003, Section 51
operation of The Axe, Ashdon Road.

I am writing to say that the noise from The Axe public house is creating a public nuisance with the noise emanating from there, often into the early hours. Some of their customers speak and shout so loudly, including foul language, that I can hear it from my house.

The Public Notice has been removed from the post outside The Axe, thus depriving people from being able to reply.

Yours faithfully,
[REDACTED]

certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.
- 2.17 Public safety includes the safety of performers appearing at any premises.

Public nuisance

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.22 **Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 **Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.25 **The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 2.26 **The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

- 9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Hours of trading

- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

- 10.14 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- stand-up comedy;
- the provision of entertainment facilities (such as dance floors, which were previously licensable under the 2003 Act before its amendment by the 2012 Act).

15.10 As a result of amendments to the 2003 Act by the 2012 Act and the 2013 Order, no licence is required for the following activities to the extent that they take place between **08:00-23:00** on any day:

- **a performance of a play** in the presence of any audience of no more than 500 people;
- **an indoor sporting event** in the presence of any audience of no more than 1,000 people;
- **most⁸ performances of dance** in the presence of any audience of no more than 500 people; and
- **live music**, where the live music comprises:
 - a performance of **unamplified live music**;
 - a performance of **live amplified music in a workplace** with an audience of no more than 200 people; or
 - **a performance of live music on licensed premises⁹** which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

So, for example, an indoor sporting event that takes place between 07:00 and 23:30 on a particular day is licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

15.11 The various effects of the changes made to entertainment licensing under the 2003 Act by the 2012 Act and the 2013 Order are described below. For live music, see paragraphs 15.12 to 15.19 below; and for an explanation of what happens where an existing authorisation imposes conditions on plays, indoor sporting events and dance, see paragraphs 15.29 to 15.33 below.

Live music and the effect of the Live Music Act 2012

15.12 To encourage more performances of live music, the Live Music Act 2012 amended the 2003 Act by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, it remains licensable:

- where a performance of live music – whether amplified or unamplified – takes place before **08:00** or after **23:00** on any day;
- where a performance of **amplified** live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at relevant licensed premises at a time when those premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises (see Chapter 3 of this Guidance);

⁸ For an explanation of which performances of dance are fully licensable, see paragraph 15.32-15.33.

⁹ The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or
 - where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended by the 2012 Act) when imposing a condition on a premises licence or club premises certificate as a result of a licence review (see paragraphs 15.23-15.24 below).
- 15.13 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or Temporary Event Notice, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.
- 15.14 Public performance of live unamplified music that takes place between 08:00 and 23:00 on any day no longer requires a licence in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.
- 15.15 This amendment to the 2003 Act by the 2012 Act means that section 177 of the 2003 Act now only applies to performances of dance.

Key terms used in the Live Music Act 2012

- 15.16 Under the 'live music' provisions, 'music' includes vocal or instrumental music or any combination of the two. 'Live music' is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, 'live' music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music or not and organisers of events should check with their licensing authority if in doubt. In the event of a dispute about whether a performance is live music or not, it will ultimately be for the courts to decide in the individual circumstances of any case.
- 15.17 A "workplace" is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.
- 15.18 In addition to what paragraphs 15.4 and 15.5 above say about the way in which the 2003 Act uses the term "audience", people may be part of an audience even if they are not located in exactly the same place as the performers, provided they are present within the audible range of the performance. So, for example, if a band is performing in a marquee, people dancing outside that marquee may nevertheless be members of the audience.
- 15.19 For the purposes of this Chapter only, "relevant licensed premises" refers to premises which are authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a Temporary Event Notice.

Licence conditions and reviews

- 15.20 The amendments made to the 2003 Act by the Live Music Act 2012 affect conditions relating to **live music** in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are **suspended** between the hours of 08:00 and 23:00 on the same day where the following conditions are met:
- at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
 - if the live music is amplified, the performance takes place before an audience of no more than 200 people; and
 - the live music takes place between 08.00 and 23.00 on the same day.
- 15.21 The effect of conditions relating to **other activities** that are deregulated between 08:00-23:00 is explained in paragraphs 15.29 to 15.33.

Live music and conditions

- 15.22 In some instances, it will be obvious that a condition relates to live music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of Regulated Entertainment all doors and windows must remain closed” would not apply if the only entertainment provided was live music between 08:00 and 23:00 on the same day to an audience of up to 200, but the condition would continue to apply if there was a disco in an adjoining room.
- 15.23 However, even where the 2003 Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.
- 15.24 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements (see Chapter 11 of this Guidance for more information about reviews under the 2003 Act).
- 15.25 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

Live music: conditions relating to beer gardens

- 15.26 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08:00 and 23:00 on the same day before an audience of 200 people or fewer.

- 15.27 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08:00 and 23:00 on the same day in front of an audience of no more than 200 people.
- 15.28 However, a licensing authority may, in appropriate circumstances, impose a licence condition that relates to the performance of live music in an unlicensed beer garden using any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

Conditions relating to plays, dance and indoor sport

- 15.29 As a result of the 2013 Order, a performance of a play or dance, or an indoor sporting event, will no longer require a licence to the extent that certain qualifying conditions (see paragraph 15.10) are satisfied. Similarly, to the extent that those qualifying conditions are satisfied, any current licence condition that relates to an activity for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.
- 15.30 Where, however, non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 15.36 and 15.37 below (conditions relating to other non-licensable activities).
- 15.31 A licence holder who wishes to remove conditions relating to activities that are no longer licensable may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities are encouraged to remove such conditions unless there are sufficiently serious specific concerns about the hosting of deregulated entertainment activities in relation to the remaining licensable activities taking place in the premises in question.
- 15.32 Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not affected by the 2013 Order, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 15.33 In almost all cases where a performance of dance is potentially licensable as both the provision of **relevant** entertainment (under the 1982 Act) and **regulated** entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act will be required where:
- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
 - relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.