

**EXTRAORDINARY LICENSING AND ENVIRONMENTAL HEALTH
COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON
WALDEN at 10am on 21 JANUARY 2015**

Present: Councillor D Perry (Chairman)
Councillors D Morson, V Ranger and J Salmon.

Officers in attendance: J Jones (Licensing Officer), C Nicholson (Solicitor),
A Rees (Democratic and Electoral Services Officer) and A
Turner (Licensing Team Leader).

Others in attendance: Mr Tripp, Ms Edwards, Mr Sando and Mr Wilson in
relation to agenda item 2, the applicant, his wife and daughter in relation to
agenda item 3.

LIC53 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

The Committee agreed to move onto Item 3.

LIC54 EXCLUSION OF THE PUBLIC

RESOLVED that under section 100I of the Local Government Act
1972, the public be excluded for the following item of business on the
grounds that it involved the likely disclosure of exempt information as
defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

**LIC55 DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE
DRIVER'S LICENCE**

Members considered a report regarding an application for a private
hire/hackney carriage driver's licence. The Licensing Officer said the driver
had applied for a licence on 18 November 2014. Applicants were asked to
list all convictions, both spent and unspent, including motoring convictions.
The driver disclosed three offences: theft from an employer in 2007, driving
with undue care and attention in 2007 and a section 4 public order offence.

The Licensing Officer said applicants were required to undergo an enhanced
DBS check as part of their application. The driver's DBS check showed two
convictions, one for theft in 2007 and one for one for using threatening,
abusive, insulting words or behaviour with intent to cause fear or provocation
of violence on 4 October 2009. He had also received a police caution for the
same offence on 4 October 2009 but that was in respect of another person.

The applicant did not currently meet the Council's Licensing Standards as
although all his convictions were spent in accordance with the Rehabilitation
of Offenders Act 1974, the Council's standards stated an applicant must

have no criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed.

The Licensing Officer said the applicant had attended the Council Offices and explained the circumstances surrounding his convictions. At the meeting, the applicant said he had become involved in a drunken brawl. His younger cousin had been involved in a fight and so the applicant and his friend stepped in to help his cousin. The Licensing Officer then contacted the applicant again on 30 December 2014 via telephone to seek clarification about the caution which arose from the incident on 4 October 2009. The applicant said the caution was for the same incident, but it was another man who had pressed charges, as his jaw had been broken in the altercation. CCTV footage showed it was not the applicant who broke the man's jaw but he was still charged.

The Licensing Officer explained the applicant had received no convictions since 2010 and was now married and had a two year old daughter. He had been working for his current employer for five years but following some redundancies, his job was at risk unless he could obtain a licence to drive his employer's minibus.

Councillor Perry invited the applicant to speak about his application. The applicant said that he had reformed since the convictions and deeply regretted his actions. His employment now required him to use a minibus for which he required a private hire/hackney carriage driver's licence. Without the licence, it was possible he would be made redundant.

The Solicitor informed Members that the financial implications of a decision on the application could not be taken into account. Members could only decide whether he was a fit and proper person to hold a licence.

The Licensing Officer, Licensing Team Leader, applicant, his wife and his daughter left the room at 10.10am so the Committee could consider its decision. They returned at 10.15am

DECISION

Councillor Perry said the Committee considered the applicant to be a fit and proper person to hold a private hire/hackney carriage driver's licence.

RESOLVED that the public are no longer excluded from the meeting.

LIC56

APPLICATION TO VARY A PREMISES LICENCE – THE PLOUGH, HIGH STREET, DEBDEN

Members considered an application to vary a premises licences. The Licensing Team Leader said a premises licence was first issued to the

owners of The Plough following an application to convert the existing Justices Licence issued on 9 November 2005.

The current premises licence permitted the following licensable activities

- (a) The sale of alcohol by retail for consumption on and off the premises
- | | |
|--------------------|--------------------|
| Monday to Saturday | 11.00am to 11.00pm |
| Sunday | Noon to 10.30pm |

Non Standard timings:

Christmas Day 12 noon to 3.00pm and 7.00pm to 10.30pm

Good Friday 12 noon to 10.30pm

New Year's Eve, except on a Sunday 11.00am to 11.00pm

New Year's Eve on a Sunday 12 noon to 10.30pm

New Year's Eve from the end of permitted hours on New Years' Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December)

- (b) The opening hours of the premises
- | | |
|--------------------|--------------------|
| Monday to Saturday | 11.00am to 11.20pm |
| Sunday | Noon to 10.50pm |

Non Standard timings:

Christmas Day 12 noon to 3.20pm and 7.00pm to 10.50pm

Good Friday 12 noon to 10.50pm

New Year's Eve, except on a Sunday 11.00am to 11.20pm

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The holders of the licence were seeking a variation of the current licence, which would increase the licensable activities in respect of the sale of alcohol and playing recorded music.

To comply with the Licensing Act 2003, when an applicant applied for a variation of a premises licence they had to provide an operating schedule and demonstrate how the licensing objectives would be met.

The sought after licensable activities were as follows:

- | | | |
|-----|--|------------------|
| (a) | Recorded Music | (Indoors only) |
| | Sunday to Thursday | 11am to Midnight |
| | Friday & Saturday | 11am to 1am |
| | Non Standard Timings – New Year’s Eve 11.00am to 2am | |
| | | |
| (b) | The sale of alcohol by retail for consumption (both on and off the premises) | |
| | Sunday to Thursday | 11am to Midnight |
| | Friday & Saturday | 11am to 1am |
| | Non Standard Timings – New Year’s Eve 11.00am to 2am | |
| | | |
| (c) | The opening hours of the premises | |
| | Sunday to Thursday | 11am to 12.30am |
| | Friday & Saturday | 11am to 1.30am |
| | Non Standard Timings – New Year’s Eve 11.00am to 2.30am | |

The Licensing Team Leader said applicants were required to create an operating schedule outlining how the four licensing objectives would be met. To prevent crime and disorder staff would be trained to ask for photo ID if someone appeared to be under the age of 21. The pub would continue its membership in Pubwatch and the BOBB scheme.

To promote public safety staff would be trained to prevent sales of alcohol to people under 18 years old, as well as those who were already intoxicated. Glasses would be collected regularly. Staff would also undergo training to comply with Health and Safety.

Music volume would be regulated, especially after 11pm in order to prevent public nuisance. Signs would be displayed asking customers to exit the premises quietly.

In order to protect children from harm, staff would be trained to prevent sales of alcohol to under 18’s. Additionally, under 14’s would not be allowed by the bar area unless they were accompanied by an adult.

The Licensing Team Leader said copies of the application had been sent to every statutory body and had attracted no representations. Two representations from interested parties had been received who raised concerns that extended opening hours would prevent the licensing objective of preventing public nuisance from being met. A letter had also been received in support of the application.

The Licensing Team Leader informed members the Licensing Authority had to promote the licensing objectives as defined in the Licensing Act 2003. Members should also give due regard to the Council’s licensing policy, as well as the Secretary of State’s Guidance in accordance with the Act.

Members were advised they could grant the application, modify the application by inserting conditions, or reject the application either in its entirety or by part. If the Committee decided to impose further conditions

they would have to be proportionate. Furthermore, they could not duplicate the effects of existing legislation.

In response to a question by Councillor Perry, the Licensing Team Leader said no statutory authorities had made any representation. Councillor Perry then invited members of the public to speak.

Mr Sando spoke against the application. He wished the owners of the Plough every success, but felt that longer licensing hours would cause a nuisance. He suggested the licensing hours should be from 11am-11pm from Sunday-Thursday and from 11am-midnight on Friday and Saturday.

Mr Wilson was then invited to speak. He said the Plough had been, at one point, very close to closing down. If the landlords felt they needed to vary the licensing conditions then the application should be looked upon favourably.

Ms Edwards, one of the applicants, said recorded music would only operate as background music. She had examined the number of cars over the past week and the most on any given day was seven and coincided with use of the restaurant. Signs would be placed near exits to remind patrons to leave quietly.

Ms Edwards then responded to questions from Members. She said food had only been served until 9pm since the pub had been re-opened. Although serving times could be changed, they had no intention of doing so. She was currently the only person who worked behind the bar. If extra staff were brought in, it was likely that they would only be used until 11pm. There was no intention of using the longer licensing hours every day. They would only be utilised when an event was taking place.

In response to a question by Councillor Perry, the Solicitor advised Members the opening hours of other nearby pubs were not relevant to the decision, as the circumstances surrounding each pub were different. Members had to consider whether the variation of the licence would allow the licensing objectives to be met.

The Committee left the room at 10.35am so they could consider their decision. They returned at 10.50am.

DECISION

Councillor Perry said the Committee had noted the concerns of residents, and also took account of the support for the premises by others within the village, and the expressed need to ensure the premises remained. The Committee also noted that interested parties could raise concerns about a premises licence in the future if issues were to arise. They had therefore decided to grant the variation in the licence as applied for, meaning the new times for licensable activities were:

- (a) Recorded Music (Indoors only)
Sunday to Thursday 11am to Midnight
Friday & Saturday 11am to 1am
Non Standard Timings – New Year’s Eve 11.00am to 2am
- (b) The sale of alcohol by retail for consumption (both on and off the premises)
Sunday to Thursday 11am to Midnight
Friday & Saturday 11am to 1am
Non Standard Timings – New Year’s Eve 11.00am to 2am
- (c) The opening hours of the premises
Sunday to Thursday 11am to 12.30am
Friday & Saturday 11am to 1.30am
Non Standard Timings – New Year’s Eve 11.00am to 2.30am

The meeting ended at 10.55am.