

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, CB11 4ER, on MONDAY, 22 JULY 2019 at 2.00 pm**

Present: Councillor P Lavelle (Chair)
Councillors C Day, P Lees and M Tayler

Officers in attendance: A Bochel (Democratic Services Officer), M Chamberlain (Enforcement Officer), E Smith (Solicitor) and A Turner (Licensing Team Leader)

Also present: D Hooper (Applicant in relation to Item 4), C Bearton, C Burton and S Schiebel (Public Speakers)

LEH5 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED to exclude the public and press for the following items on the grounds that they contained exempt information within the meaning of s.1 etc

LEH6 DETERMINATION OF A PERSONAL ALCOHOL LICENCE

The Chair introduced the Panel and explained procedure to the applicant.

The Enforcement Officer gave a summary of the report.

The applicant was the manager of a pub, but was not the current Designated Premises Supervisor (DPS). Essex Police have called on the Council for a review of her personal alcohol licence under the Licensing Act 2003.

In May 2019, the applicant was convicted of an offence of assault by beating following a guilty plea. This was following an incident with her former partner. The Police believe that the applicant's excessive use of alcohol has led, either wholly or in part, to several instances of domestic disturbance including violence. As a result Essex Police feels that for her to retain her Person Licence would undermine the crime prevention objective. If she was allowed to retain a personal licence, she would be able to apply to take up a position as a DPS, responsible for ensuring that the licensing objectives are upheld. As a DPS, she would be required to prevent patrons from becoming intoxicated and take active steps to prevent vulnerable patrons from risk.

The applicant submitted her written responses to the Council confirming that she had been in a difficult relationship with her ex-partner, that they regularly fought, and this was regularly fuelled by alcohol. The arguments were not one sided and on one occasion her partner had been arrested for assaulting her. She had enclosed photographs of the injuries that she has sustained. She did not support Police action for this matter and there was no CCTV. She has enclosed a log of other incidents between the two of them to give a background. The applicant had said that her behaviour during this relationship was unacceptable and she was

ashamed of her actions, however, she stated that this would not behave like this again. She believed that her drinking was caused by the toxic relationship and has requested that she be given another opportunity to prove herself.

Therefore, the applicant's personal alcohol licence came before members to consider whether she remained a suitable person to continue to hold the licence in light of her conviction.

The applicant said the atmosphere at the pub was much better now her old partner had left. She felt no need to hide from people anymore as she did not have any injuries to account for. She felt as though a weight had been lifted and wanted to run a good pub. Her customers had all been very supportive of her and had signed a petition in support.

At 2.25, the Committee retired to make its decision.

At 3.25, the Committee returned.

The decision was read to the applicant.

DECISION NOTICE –

The application before the Panel today is for the suspension or revocation of the applicant's personal alcohol licence (personal licence) number PA1119 under S132A (1) and (3) Licensing Act 2003. The licence was issued on 12th November 2018 and such licences are indefinite in duration. Though not the current Designated Premises Supervisor (DPS), the applicant is the joint manager of a pub and has held this role for over twelve months.

This application has been made by Essex Police though they have not appeared before us today. The application is made under S132A (1) and (3) of the 2003 which provides that when a licensing authority becomes aware that a personal licence holder has been convicted of a relevant offence, that authority may either suspend the licence for a period not exceeding six months or revoke the licence. The licence holder has a right of appeal to the Magistrates Court, and the licence remains in force until any appellate process is concluded.

This statutory power was expanded by the Policing and Crime Act 2017. A licensing authority can now suspend, for up to 6 months, or revoke a personal licence upon the holder being convicted of a relevant offence on or after 6th April 2017, and this may be done with or without a hearing. The licensee has the opportunity to make representations and the Police also have the opportunity to do so if the licensing authority is not minded to suspend or revoke. Prior to the hearing before us today, no such decision has been made either way, the matter having been referred to us for that purpose.

We have had the opportunity of reading the officer's report in this case, a copy of which has been served on the applicant and we have read her correspondence, an events log prepared by her, a letter from Mr Graham Jones and a customer

petition supporting her. She has also addressed us this afternoon. These papers are attached to the report and all the documents we have seen are listed below:-

Revised guidance issued under section 182 of the Licensing Act 2003
Schedule 4 Personal licence: relevant offences
Letter from Essex Police dated 22 May 2019
Letter from the Enforcement Officer
Written representations from the applicant
Letter from the current DPS of the premises and petition from customers.

Briefly, the background facts are as follows. On 08 May 2019, the applicant was convicted at Chelmsford Magistrates Court of an offence of assault by beating following a guilty plea. This was following an incident with her former partner who was at the time the DPS at the premises. The applicant was fined £250 with an order for prosecution costs in the sum of £85, compensation of £50, and a victim surcharge of £30 making a total financial penalty of £415.

The Police have supplied us with additional information. They had previously been called to the premises on several occasions following disturbances when both the applicant and her partner had been intoxicated. This was the case on the date of the incident complained of, Police records showing that the applicant had been verbally abusive to the victim in the pub. He had left the premises and the applicant was found to be banging on the door of the nearby residential property in which he had taken refuge; she had then assaulted the victim by punching him.

Police attended the premises at 00.50 hours on 31 March 2019, to arrest the applicant and she was found to be drunk. She was conveyed to the police station but it was recorded that she was too intoxicated to interview. She was not fit to be interviewed for 12 hours after arrest.

Subsequently the victim did tell the UDC Enforcement Officer that the applicant allegedly drove his car to the location at which he was staying whilst she was drunk; there is no evidential basis to support this allegation but we note it in passing. To continue with the Police information, upon reporting the offence the victim notified the Police that over the previous two weeks, the applicant had become very aggressive after drinking: it is true that the Police did attend another incident at the premises when it was closed, but no action was taken on this occasion as the victim did not support police involvement.

The legislation refers to "relevant offences". We understand that this particular conviction is for such a 'relevant offence' as listed under Schedule 4 of the 2003 Act and is not spent under the Rehabilitation of Offenders Act 1974. This conviction comes within the category of offences described in paragraph 19 of Schedule 4 LA 2003 as being

'A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged with arson (whether or not it would otherwise fall within this definition).

The Police believe that the applicant's excessive use of alcohol has led, either wholly or in part, to several instances of domestic disturbance including violence, and that were she to remain licenced the crime prevention objective would be undermined. Currently she remains eligible to apply for a DPS role with responsibility for ensuring that the licensing objectives are upheld, including preventing patrons from becoming intoxicated and taking active steps to prevent vulnerable patrons from risk. The applicant has indicated to the UDC Enforcement Officer her intention to seek to become the DPS if she keeps her licence.

On 03 June 2019, the Enforcement Officer wrote to the applicant to advise her that Essex Police had requested that her personal alcohol licence be revoked. She was given 28 days to submit written representations to be heard by the Committee, and she did so in a letter dated 10 June 2019. A copy of this is in the papers before us.

Within her letter the applicant confirmed that she had been in a volatile relationship with her partner and this was fuelled by alcohol. She explained that the arguments were not one sided and on one occasion her partner had been arrested for assaulting her, and she provided photographs of the injuries that she had sustained. She did not support Police action on this occasion and there was no corroborative evidence. She also enclosed a log of other incidents between them and it makes dispiriting reading. The applicant said that her behaviour during this relationship was unacceptable, that she was ashamed of her actions, and would not behave like this again. She believed that her drinking was caused by the toxic relationship and has requested that she be given another opportunity to prove herself.

The applicant has also provided a supportive letter from the current DPS of the premises though we are aware that her employment there could continue even were she to lose her licence: she would have to work under supervision. She has also provided an untitled petition from customers. We have read all of this material carefully though the petition carries no weight.

We have read the papers before us and we have heard from the applicant. Unfortunately we cannot ignore the fact that this was a serious offence and that the magistrates opted to deal with the matter by way of a fine rather than a discharge whether absolute or conditional. We acknowledge that at the material time she was in an abusive relationship and that there is considerable evidence as to the impact these have upon behaviour.

However, the holding of a personal licence carries with it considerable responsibilities. These include the supervision of customers and ensuring that their consumption of alcohol is appropriately monitored. We also take into account that it was intended she become DPS, thus increasing the level of responsibility resting upon her. Our function is the protection of the public and a conviction for a violent offence while under the influence of alcohol indicates a potential risk that we cannot take. It is not compulsory for pub employees to hold a personal licence – they can still work behind a bar under supervision, and they can take orders for drinks in a restaurant.

Though we appreciate that there are mitigating circumstances and have every sympathy for someone finding themselves in an abusive relationship, we feel that today we must revoke the applicant's licence. We note she has expressed remorse and has said that now she is out of the relationship concerned there is no possibility of a repeat occurrence: there has not been sufficient time to see a sufficient amendment of life, but since there is nothing to prevent her continuing to work at the pub, there is equally nothing to prevent her from applying for a new licence next year when the Rehabilitation of Offenders Act gives her its assistance, with of course the support of her employer at that time.

There is a right of appeal against this decision which must be exercised within a period of 21 days. The applicant will receive a letter from the Legal Department explaining the position. The appeal window closes on 15th August and until then the licence remains in force.

LEH7 **READMITTANCE OF THE PUBLIC AND PRESS**

RESOLVED to readmit the public and press for the following items on the grounds that they do not contain exempt information within the meaning of s.1 etc.

LEH8 **APPLICATION TO VARY A PREMISES LICENCE**

The Enforcement Officer gave a summary of the report. The application for variation of a premises licence for The Axe, Ashdon Road, Saffron Walden, was to remove conditions 1, 2, 3 & 5 of Annex 3 imposed following the 2014 review hearing. It was proposed they be replaced by 2 new conditions as follows:

- Drinks shall not be consumed outside the premises after 11.20pm Sunday- Thursday and Midnight Fridays and Saturdays.
- New Year's Eve recorded and live music to end at 12.30am and sale of alcohol to end at 01:00am.

18 representations had been received from interested parties, primarily local residents, raising concerns based upon the prevention of public nuisance objective, and supporting the views of Environmental Health. Residents are strongly opposed to the removal of some of the Annex 3 conditions from the Axe's licence. The main reasons relating to their objections are:

- Music events should be limited in numbers and kept inside the pub, although when music is very loud indoors this noise is also unacceptable.
- Concerns about the increased frequency of indoor events if the condition pertaining thereto were to be removed. Removing the dB level during events will increase the risk of noise nuisance for residents impacting upon the ability to enjoy their outdoor space.
- Playing music through outdoor speakers is not acceptable
- Rowdiness from customers in the garden area and upon leaving the premises, in the car park, and the pavement outside.
- Strong objections to add a new condition and drinks being consumed outside the premises after 11.20pm.

- Frequent shouting, swearing and drunken behaviour from patrons in street resulting in bottles and broken glass over the road and pavement falling to resident to clear up.

The decisions that the Committee could make in respect of this application were

- a. Grant the application.
- b. Modify the application by inserting conditions.
- c. Reject the whole or part of the application.

The applicant, D Hooper said she was trying to do right by her neighbours and her customers. She made sure everyone was out by 11.20 and policed the outside when she had closed up to make sure customers were not hanging around and there was no litter left. She did not allow smoking or drinking out the front, and she had CCTV and an incidents log available to the neighbours. She had grandchildren and used to be a childminder so she did her best to protect customers using bad language around children. She did not intend to have events every weekend, but she did sometimes want to have a musician or a singer, maybe to perform outside in the afternoon.

In response to Member questions, D Hooper said the website was incorrect to state that the pub was open later on weekends. She did not currently have any events planned, but she was allowed to hold one more by the terms of the licence. She did not have any outdoor speakers.

The District Environmental Health Officer said the Environmental Health Department felt the removal of conditions 1,2 and 3 would increase the risk of noise disturbance. The Department proposed two additional conditions to replace conditions 4 and 5.

S Schiebel said he appreciated the applicant had a business to run. However, there was already noise disturbance. Sound carried significantly in the area and affected surrounding residents.

S Burton said his property was near to the beer garden car park and lifting the restrictions would create more noise. Recently he had had to move on different groups from his garden, and was concerned the applicant would not be able to police everything.

C Bearton said the Council had previously recognised the impact the pub had on the residents and felt that the attempts to protect residents with restrictions on the licence had proved effective. Removing the conditions would put the area at risk of greater disturbance. 18 residents had already objected to removing the conditions, and the current use of Temporary Event Notices provided effective safeguards to residents in terms of the number of events run.

D Hooper said she understood the issues with noise. However she wanted to make The Axe a community pub, and didn't want to be penalised by the poor work of previous managers.

At 4.30, the Committee retired to make its decision.

At 17.25, the Committee returned.

The decision was read to those present.

DECISION NOTICE – THE AXE, 60 ASHDON ROAD, SAFFRON WALDEN

The application before the Panel today is for a variation in the conditions of a premises licence to remove conditions 1 – 3 & 5 of Annex 3 of the licence. The application is dated May 2019 and is made by The Axe Pub Limited.

Representations have been made by the Environmental Health Department of Uttlesford District Council, a statutory consultee, on the grounds of potential noise nuisance, and by 18 local residents (Interested Parties) and accordingly the matter has been referred to us for determination.

We have had sight of a detailed report and have considered the extensive background papers, including:-

Variation application form.

Current licence

Representation from Statutory consultee (Environmental Health)

Bundle of letters and emails from Interested Parties.

Plan of premises

Location map of premises

Our attention has also been drawn to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and to Uttlesford District Council's Statement of Licensing Act 2003 Policy 2017-22.

By way of background facts, we note that the Axe is located on the northern side of and facing Ashdon Road, Saffron Walden. There are residential dwellings situated on all four sides of the pub, and some at least of these post-date the grant of the first licence (by the Magistrates) to the premises, which is a two storey building with a single storey range to the rear. Access is 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.

The original application for a licence from UDC was submitted in 2005 during the transitional period. Representations were received which required a hearing and the licence was granted subject to conditions on 23 August 2005. On 20 March 2013 the licence was transferred from Greene King Ltd to Axe Pub Ltd of Unit 3 Ashdon Road Commercial Centre, Saffron Walden, Essex, CB10 2NH. This company still holds the premises licence. On 6 October 2014 a review of the premises licence took place resulting in additional conditions being imposed by the Licensing and Environmental Health Committee. These conditions are set out in Annex 3 of the licence. Since then, there have been four changes of premises supervisor and the current post holder is Karen Storey who has been there since 4 June 2019, taking over from Jeffrey Stell.

The current premises licence permits Indoor sporting events, and live and recorded music (indoors only) from 7pm to 12.00 midnight Monday to Sunday. It

also permits the sale of alcohol both on and off the premises from 10am until 12.00 midnight Monday to Sunday; and finally, the permitted opening hours of the premises are Monday to Sunday, 10am to 12.00 midnight.

The variation application before us today is to remove conditions 1,2 3 & 5 of Annexe 3 to the licence imposed following the 2014 review hearing., The following replacement conditions have been put forward for our consideration:- Drinks shall not be consumed outside the premises after 11.20pm Sunday-Thursday and Midnight Fridays and Saturdays.
New Year's Eve recorded and live music to end at 12.30am and sale of alcohol to end at 01:00am.

Copies of this application have been served on all statutory bodies and a representation from Environmental Health has been received, based upon the ground of noise nuisance. A copy of this representation is before us.

An email from the Essex Police Licensing Officer dated 19 June (statutory consultee for crime and disorder issues), states that they have no objections to this variation application, and an email dated 4 June 19 from the Essex County Council Children's Safeguarding Service similarly confirms they have no objections in relation to the Child protection/safeguarding element of this licence application.

However, eighteen representations have been received from interested parties, primarily local residents, raising concerns based upon the prevention of public nuisance objective, and hence they support the views of Environmental Health.. Residents are strongly opposed to the removal of the current Annexe 3 conditions from the Axe's licence.

The main reasons for their objections and their preferred outcomes are:
That music events should be limited in numbers and kept inside the pub, (although when music is very loud indoors this noise is also unacceptable).
They have concerns about the increased frequency of indoor events if the condition pertaining thereto were to be removed. Removing the dB level during events will increase the risk of noise nuisance for residents impacting upon their ability to enjoy their gardens.
Playing music through outdoor speakers is not acceptable
Rowdiness from customers in the garden area and upon leaving the premises, in the car park, and the pavement outside.
Strong objections to the adding a new condition and to drinks being consumed outside the premises after 11.20pm.
Frequent shouting, swearing and drunken behaviour from patrons in street resulting in bottles and broken glass over the road and pavement falling to residents to clear up.

The Licensing Authority has no statutory obligation to notify local residents of applications of this type, but as a matter of courtesy UDC does contact the occupants of the properties most closely adjacent to the premises: Applicants, however, are obliged to a) place a statutory notice on the premises for 28 days and b) to place a notice in a local paper circulating in the area in which the premises are situated.

In carrying out its statutory functions, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003:-

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

There is no hierarchy of objectives and all have equal weight/importance.

The decisions available to the Committee in respect of this application are to:

Grant the application

Modify the application by inserting conditions

Reject the whole or part of the application

When determining an application we have to give due regard to the Council's Licensing Policy. The relevant parts thereof state, inter alia,

5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that might 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 controls and measures in place or proposed to prevent public nuisance, may be suitable for 24-hour opening.

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 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

A "wind down period" between the end of the licensable activities and closure 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

A last admission time

We must also consider the Home Office Guidance issued under S182 Licensing Act 2003. The most recent edition of this is dated April 2018, and the relevant sections of that Guidance state as follows :

2.15 The 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.

2.16 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.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from the 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 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 on smaller venues.

2.18 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 where 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.

2.19 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 and disturbance anticipated as customers enter and leave.

2.21 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.

If this Committee in its discretion wishes to impose conditions, the only conditions that can be imposed are those that are appropriate and proportionate to promote the licensing objective relative to the representations received, in this case public nuisance. We cannot, however, impose conditions that duplicate the effect of existing legislation and we bear this in mind in considering some of the representations that have been made to us this afternoon.

We have heard today from Mr Chamberlain, the Enforcement Officer, and from Janet O'Boyle, the Council's Environmental Health Officer. We invited the Interested Parties to elect spokespersons, and we have listened carefully to what Messrs Schiebel, Burton and Bearton have had to say. Finally, an employee, Deborah Hooper, has addressed us on behalf of the applicant company; we note that neither Mr Stringer, the sole director of the Axe Pub Ltd nor Karen Storey, the DPS, have appeared before us today.

In considering this application we have to bear in mind that these are long established licensed premises and that the majority of the residents knew there was a pub in that location when they purchased their properties. In that respect they chose to "come to the nuisance". We also note that they none of them have any complaint about the current management of the premises and they acknowledge that Ms Hooper is doing her best, without, it must be said, very much support from the premises licence holder. We observe that her aspirations for the future of the premises are relatively modest and it is our view that these could be fulfilled without the removal of the Annexe 3 conditions requested today. We are mindful of the right of the neighbours to the peaceful occupation of their homes but also note that none of them use the pub so dialogue has been somewhat limited; however there is some, and we applaud this and hope all concerned can arrive at a modus vivendi acceptable to them all.

To recap, the options available to us today are as follows:

Grant the application as asked.

To reject the whole or part of the application

To modify the application by inserting conditions.

Having debated the matter carefully among ourselves, our view is that we should refuse the application as asked but modify the existing conditions of the Annexe as suggested by Environmental Health. Accordingly, our decision is as follows:-

Conditions 1 – 3 of Annexe 3 shall remain in force.

Condition 5 will be deleted; the level of sound permitted thereby is unreasonably low being below background level and as we understand it was imposed following a misunderstanding as to legislative wording.

Condition 4 shall be amended as hereinafter appears –

A noise management plan shall be submitted to the Licensing Authority within 28 days from the date hereof for approval by the Licensing Authority. No event involving amplified music shall take place without Licensing Authority approval of the noise management plan. The noise management plan shall include details on measures, controls and actions to ensure that the playing of amplified music does not cause a public nuisance. Measures, controls and actions will include an approach to monitoring that also assesses the impact of any noise on neighbouring premises at the start of the regulated entertainment and periodically throughout the regulated entertainment and take any action to ensure compliance with the management plan. The management plan shall ensure a telephone number is made available for local residents to contact in the case of disturbance from noise or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Record will be made available for inspection either by any relevant responsible authority throughout the trading hours of the premises. The Premises License Holder must comply with the agreed noise management plan at all times during regulated entertainment. The Premises Licence Holder shall within 28 days of receiving instructions by the Licensing Authority install a noise limiting device to the approval and satisfaction of the Licensing Authority. A noise limiting device (the specification and design to be agreed with Uttlesford District Council's Environmental Health Service) shall be fitted so that all regulated entertainment is channelled through the device(s). The maximum noise levels will be set by agreement with Uttlesford District Council's Environmental Health Service and will be reviewed from time to time as appropriate. The noise limiting device shall be kept at the settings approved by the Council through an authorised officer of the Uttlesford District Council's Environmental Health service. The Premises Licence Holder or nominated person shall ensure that the noise limiting device is sealed after commissioning so that sound operators cannot override the system during the performance of live and recorded music. If deemed necessary the noise limiting device shall only be reset to a level approved by the Council through an authorised officer of the Uttlesford District Council's Environmental Health Service within 7 days of notification.

For the avoidance of doubt these requirements are sequential and if the noise management plan is efficacious then the noise limiting device will not be required. It is therefore up to the applicant to make this work.

All parties have a right of appeal against this decision to the Magistrates Court. This must be exercised within 21 days of the date of service of this decision notice, hence the appeal window will close on 15th August. All parties will receive notification from the Legal Department explaining this.

