

## Licensing & Appeals Sub-Committee – 6 August 2021

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Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **6 August 2021** when there were present:-

Chairman: Cllr A L Williams

Cllr J N Gooding

Cllr L J Newport

### OFFICERS PRESENT

S Worthington	– Principal Democratic & Corporate Services Officer
C Irwin	– Solicitor
C Brook	– Licensing Officer
L Morris	– Democratic Services Officer
W Szyszka	– Democratic Services Officer

### APPLICANTS

J Pearmain  
T Pearmain

### ALSO PRESENT

T Strike  
D Westgarth

## 8 PROCEDURE FOR LICENSING HEARING

The Sub-Committee noted the procedure to be followed during the hearing.

## 9 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities setting out details of an application for the variation of an existing Premises Licence made under section 34 of the Licensing Act 2003 relating to The Waeccer, 23 High Street, Great Wakering.

In response to Member questions, it was noted that: -

- The out building located within the beer garden of the existing premises would be used between 1200 and 2300 hours where it would be used for the supply and retail sale of alcohol as well as to provide live music at the weekends.
- The premises would continue to remain closed on Mondays and Tuesdays and there were no intentions to change this.
- Security operated on Fridays and Saturdays from 1700 hours until closing time. This was a recommendation and not a condition under the Licensing Act 2003.

In support of the application, the applicants stated that prior to the premises becoming the Waeccer, previous businesses were failing under an array of various landlords due to promoting unsociable behaviour and attracting clientele that the Waeccer was attempting to repel. Upon purchasing the premises and opening the current pub, the ethos focused primarily on providing a family-friendly dining experience with a welcoming drinking area in the garden.

The current licence prevented the applicants from accommodating outdoor live music. The applicants would like to provide live music at reasonable levels within the outside area on the basis that currently the Waeccer was the only hospitality venue in the area without the permission to provide outdoor entertainment. The applicants installed new acoustic fencing, designed to reduce sound level, creating a soundproofed environment. Any live music sought to be performed at the Waeccer would primarily be acoustic to create a relaxing dining and drinking experience.

The applicants referred to an accusation that had been made with regard to the pub's staff having a lack of control over unsociable behaviour. The applicants stated that the Waeccer was the only pub in the area that employed Stambridge Security on a regular basis on Fridays and Saturdays from 1700 hours until closing time. The security controlled Covid-19 policing, maintained volumes and controlled numbers of clients to prevent any unfavourable instances. The security also tended to any issues swiftly and effectively before they became unmanageable.

In response to a question from the Sub-Committee, the applicant advised that:-

- There was an incident within the Waeccer where the Police had to be called; however, the applicants emphasised that it was pub staff that called for the Police. The incident took place in the early weeks of April to successfully remove individuals off the premises who were behaving in an inappropriate manner. The incident was not at any point unmanageable.

Furthermore, the applicants advised that having security present on site was not a necessity, but instead was there to ensure that any staff and clients feel comfortable, particularly during Friday and Saturday evenings. They further advised that Stambridge Security had been employed by the Waeccer since the start of April 2021.

Addressing Members' questions, the applicants clarified that the outdoor seating area had been expanded, particularly in the light of Covid-19, to provide diners with a safe environment. Diners tended to move indoors in the later hours, meaning that the garden consequently got quieter with reduced noise levels that did not disturb the neighbouring properties. The applicants stressed that they had never received any complaints in the past. The vision for the applicants was to ensure that the premises remained busy but controlled to remain as an asset and not a late-night drinking hub.

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Interested parties raised objections based on the likely impact of the application on crime and disorder and public nuisance.

The Sub-Committee retired from the hearing with the Legal and Democratic Services Officers to consider the decision and returned for its announcement. It had considered all the written evidence and the representations made at the hearing. The Sub-Committee also considered carefully the concerns raised by the interested parties in respect of the licensing objectives of:-

- The prevention of crime and disorder
- The prevention of public nuisance

The Sub-Committee, although mindful of concerns raised by interested parties relating to the potential for increased noise as result of the proposed use of the outside bar and proposed live music in the outside bar area, noted that no representations were made at the hearing by Essex Police or Environmental Health. Furthermore, Environmental Health had agreed conditions with the applicants which they considered would serve to promote the licensing objectives. The Sub-Committee was also mindful of the applicants' desire to run the premises in a responsible way to ensure that it was a family orientated business that was more of a community asset than a late night drinking venue. The Sub-Committee therefore considered that the variation to the existing Licence should be granted, subject to conditions agreed by the applicant all conditions agreed with Environmental Health.

### **Resolved**

That the variation of an existing Premises Licence made under section 34 of the Licensing Act 2003 be granted, subject to usual mandatory conditions and:-

- All conditions agreed with Environmental Health as set out in appendix C to the report.
- The conditions detailed within the application form to vary a Premises Licence, set out in Appendix A to the report.

The meeting commenced at 10.00 am and closed at 10.57 am.

Chairman .....

Date .....

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