

Licensing Sub-Committee – 24 May 2006

Minutes of the meeting of the **Licensing Sub-Committee** held on **24 May 2006** when there were present:-

Cllr Mrs R Brown
Cllr Mrs M A Starke

Cllr M G B Starke

OFFICERS PRESENT

N Khan - Solicitor
P Nellies - Licensing Officer
S Worthington - Committee Administrator

56 APPOINTMENT OF CHAIRMAN

Cllr Mrs Brown was in the Chair for item 4 of the agenda, relating to the Mews Bar, South Fambridge and Cllr M G B Starke was in the Chair for item 5 of the agenda, relating to Circus Field, Southend Road, Rochford.

57 PROCEDURE FOR LICENSING HEARING

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

58 LICENSING APPLICATION

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003. The application related to premises known as Mews Bar, South Fambridge, Essex. Members had before them the report of the Head of Housing, Health and Community Care setting out the details of the application and the representations received.

In support of the application for a premises licence including provision for regulated entertainment, indoor music and dancing, late night refreshment, and the supply of alcohol, all between the hours of 0800 – 12 midnight, the applicant's representative stressed that the Mews Bar was a new, very small bar designed to serve only the local area, as a community bar. Local residents had requested that this facility be included in the large development that had taken place on the site of the former Anchor Hotel.

The representative further stressed that the capacity of the bar had been limited to a maximum of 60 people, as a result of negotiations with responsible authorities. The facility was not designed to attract people from outside the immediate locality. The bar would be managed by an experienced premises supervisor. It was not the intention to serve food other than light meals and snacks to the public. It was also not intended that there would be regular entertainment, but rather some occasions when a single person would play acoustic music. The dance element of the premises licence application was in order to ensure that on special occasions, such as New Year's Eve,

customers would be able to dance in the bar. The size and design of the premises did not lend itself to be used as anything other than a café/bar for use by local residents.

The applicant's representative confirmed that there would be 12 car parking spaces available for use by staff and customers of the bar, although it was not anticipated that all these would be required, given that it was anticipated that the vast majority of customers would all live in the immediate locality. He further advised that the hours applied for would not be operated routinely, but only on occasions when there was demand. It was felt that keeping the premises open until midnight could, however, allow for a more gradual dispersal of customers from the bar.

It was also noted that all activities applied for as part of the licence would be restricted to the interior of the bar. The bar was an integral part of the overall development on that site and, as such, conflict with neighbours was not something the applicant sought. The premises would therefore be managed responsibly and there would be close liaison with residents. The applicant's intention was that the bar should become closely integrated with village life. The applicant's representative concluded by drawing attention to the fact that there had only been one representation made objecting to the application.

In response to Member enquiries, the following was noted:-

- The application has been made with a view to covering all the potential activities that residents might wish the bar to offer.
- The ceilings of the bar were appropriately soundproofed.
- The intention was that any music played in the bar would be mainly background music.

The public objector was particularly concerned about car parking provision for the bar and felt that there was a real possibility that customers might park in residents' spaces in St Thomas Road. She was also apprehensive about the opening hours, which on public holidays would be extended to 1.00 am and felt that this could be a problem in such a residential area. She concluded by stressing that the external patio area could cause a disturbance to neighbouring residences at night, and considered that this should not be used after 9.00 pm.

In response to concerns raised by the public objector, the applicant's representative indicated that the applicant would be willing:-

- to close the sliding doors to the patio area for the duration of any entertainment.

- to place appropriate signage placed in St Thomas Road discouraging non-residents from parking there.
- to display signs requesting customers to leave the bar quietly and considerately.

Members, while mindful of the representations made, having given careful consideration to all the evidence, were of the view that the terms and conditions included within the operating schedule, together with the additional conditions proposed by the applicant's representative, would go some way towards addressing the public objector's concerns. It was further noted that under the legislation there was the opportunity for formal review of the licence, if problems should occur in the future.

Resolved

That the application be granted, subject to the terms and conditions stated in the operating schedule and subject to the following additional conditions:-

- The sliding doors to the external patio doors to be kept closed for the duration of any forms of entertainment.
- Signs to be erected in appropriate places in St Thomas Road of an appropriate size, discouraging non-residents from parking there.
- Signs to be placed at the bar's exit doors requesting customers to leave quietly and considerately. (HHHCC)

59 LICENSING APPLICATION

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003. The application related to premises known as Circus Field, Southend Road, Rochford, Essex. Members had before them the report of the Head of Housing, Health and Community Care setting out the details of the application and the representations received.

In support of the application for a premises licence including provision for regulated entertainment, live and recorded music, performance of dance, all between the hours of 10.00 am – 10.00 pm (consisting of two, 2-hour performances within these times), the applicant's representative stressed that the circus was concerned that it should maintain a good relationship with the local community. The circus had visited the circus field in Rochford for the first time in 1987 and had brought pleasure and amenity value to the local community since then. The circus was consistently congratulated on the immaculate condition of the circus site.

It was further stressed that no concerns had been raised by any of the responsible authorities. It was further emphasised that the main objection

raised by residents related not to the circus activity, but rather to demonstrators who stood outside the circus field on the footpath demonstrating against the use of animals with loudhailers, encouraging motorists to sound their horns.

In the spirit of addressing concerns raised, the applicants had agreed to two additional conditions, subsequent to their original application, whereby the public address system would not be utilised outside the Big Top, and that the Commander of the Local Police would be given 28 days' notice of the arrival of the circus, together with performance times.

It was further noted that the applicants had spoken to Inspector Parkman at Rochford Police Station apprising him of specific legislation that could allow the Police to enforce a ban on loudhailers outside the circus field.

The public objector was particularly concerned about the noise emanating from a generator in the circus field which started early in the morning, continuing until late at night. In addition, on occasions when the wind blew in a particular direction, there were strong diesel odours in the vicinity of the circus field.

The public objector emphasised that she had been particularly bothered by the noise made by the demonstrators last summer. The noise levels were such that she was unable to go out into her garden and even indoors, with double-glazed windows closed, had to turn up the volume of the television.

It was also noted that the public objector had experienced car parking difficulties, as circus customers continually blocked the driveway in front of her garage.

In response to Member enquiries, the following was noted:-

- No loudspeakers would be placed outside the Big Top. All music and announcements would be within the Big Top.
- Last summer was not the first occasion that the circus had experienced problems associated with animal rights demonstrators, however it was the first time that the demonstrators had used loudhailers.
- The applicant would be willing to accept a further condition that the circus would operate for a maximum of 28 days during a 12-month period.

Responding to concerns raised by the public objector, the applicant's representative confirmed that:-

- the generators would be moved further onto the field in an effort to minimise any noise or diesel odours.

- the applicants would liaise with the Police and the Council's Transportation Department to determine whether temporary cones could be placed in Leicester Avenue, or whether there were any other measures that could be taken to help reduce instances of circus customers parking in that road.

Members, while mindful of the representations made, having given careful consideration to all the evidence, were of the view that the terms and conditions included within the operating schedule, as amended, together with the additional condition proposed by the applicant's representative, would go some way towards addressing the public objector's concerns.

It was noted that Members strongly encouraged appropriate officers of the Council to liaise with the Police to request that they continue to assist the circus in controlling any potential problems caused by the demonstrators. Members further encouraged the applicants to take appropriate steps to minimise any generator or engine noise that may be heard by residents in that vicinity. It was further noted that under the legislation there was the opportunity for formal review of the licence, if problems should occur in the future.

Resolved

That the application be granted, subject to the terms and conditions stated in the operating schedule, as amended, and subject to the following additional conditions:-

- The public address system should not be used outside the Big Top and that noise levels should be monitored to be within statutory limits.
- The Commander of the Local Police to be given 28 days' notice of the arrival of the circus, and performance times, with a view to addressing local issues.
- The circus may operate for a maximum of 28 days within a 12-month period. (HHHCC)

The meeting closed at 12.30 pm.

Chairman

Date