

Licensing & Appeals Sub-Committee – 16 December 2021

Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **16 December 2021** when there were present:-

Chairman: Cllr A L Williams

Cllr Mrs J E McPherson

Cllr C M Stanley

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr J N Gooding.

OFFICERS PRESENT

S Worthington	- Principal Democratic and Corporate Services Officer
S Greener	- Principal Licensing Officer
A Paddon	- Environmental Health Team Leader
C Irwin	- Solicitor
W Szyszka	- Democratic Services Officer

OTHERS PRESENT

J Smith	- Applicant
---------	-------------

16 PROCEDURE DOCUMENT

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

17 TEMPORARY EVENT NOTICE – CRAFTY CASKS, RAYLEIGH

The Sub-Committee considered the report of the Assistant Director, People & Communities relating to an application for a Temporary Event Notice (TEN) made under section 100 of the Licensing Act 2003.

The Sub-Committee considered all the evidence circulated in advance of the hearing and the oral evidence and clarifications provided at the meeting.

The application was reviewed by the Police with no representations received. Representations had been received by Rochford District Council's Environmental Health team who presented an objection on the grounds of Public Nuisance as per Appendix C.

Following Member questions, officers of the Licensing team clarified that the TEN would permit the applicant to provide music until 0030 hours on the day of the event. Alcohol would also be sold within and off premises during this period.

A Member sought clarification around Question 5 on page 4.10 of the report as to why no answer was provided. The applicant confirmed that this was the only TEN application that was put forward in the last 2 years.

The applicant further clarified that a previous TEN was granted for New Year's Eve in 2019 that did not have a sound monitor and resulted in no complaints being made against the establishment by the neighbouring properties.

A Member of the Sub-Committee questioned how the numbers of people within the premises would be monitored given the fact the premises would hold up to 100 people. The applicant responded that he would not expect 100 people to attend the event, given that in 2019, he had 20 attendees. The event would be affected by Covid-19 which would result in a quieter evening; therefore, this would be mainly aimed at regular patrons who visit the venue.

A Member raised a concern over the noise level from the recorded music and patrons who would visit the premises and questioned how this would be dealt with. A further question was asked as to how the premises would manage any fireworks that could be let off given that the event would take place on New Year's Eve. The applicant clarified that the premises had no outdoor space that would permit any firework activities and the area in which the premises are situated in did not allow for fireworks to be let off. The applicant further commented that Friday and Saturday evenings were usually busy and he did not expect the premises to get fuller than what they usually were during weekends. The music would not be able to be heard outside.

A Member questioned whether the premises would implement control over the sound levels. It was clarified that there would be door staff on site that would control inappropriate behaviours.

A question was raised by a Member around the potential for partygoers to purchase alcohol for off site consumption and gathering outside of the premises. The applicant responded that there was a private car park at the back of the premises that would be utilised by nearby businesses and apartments and therefore it would be an unsuitable area to promote crowd-gathering. The applicant also advised that he did not expect people would be taking drinks outside and offered to prohibit the sale of takeaway alcohol.

A Member queried how many off sales were made by the business. The applicant advised that during lockdown, off sales were the predominant factor that sustained the business. He further clarified that the business had a regular trade in off sales from selling beers that were not readily available anywhere else within the area.

The Principal Licensing Officer advised Members that patrons who wished to exit the premises to smoke were not allowed to take their drinks with them. In relation to Condition 32 and noise minimising device, the agreed decibel value was 70 decibels. It was advised that a human conversation equated to 60 decibels. The off sales were permitted until 2330 hours and the applicant could offer off sales in accordance with the licence. In response, the applicant agreed to suspend the off sale of alcohol after 2330 hours.

The Sub-Committee was mindful that Environmental Health's concerns around live music had been allayed due to confirmation from the applicant that the only

music to be played was recorded music set at a level of 70 decibels. The Sub-Committee considered that the application of all the current conditions on the premises licence, together with the suspension of off sales at 2330 hours, and the employment of door staff at the premises during the event would serve to promote the licensing objectives. Accordingly it was not felt that a Counter Notice would assisting in promoting the licensing objective of prevention of public nuisance and therefore considered that the licensable activities as stated in the Notice should be permitted with the proviso that off sales of alcohol should cease at 2330 hours, that there be no live music played and that door staff should be employed and that all conditions of the premises licence should also be applied.

Resolved

That the licensable activities as stated in the Notice should be permitted with the proviso that off sales of alcohol should cease at 2330 hours, that there be no live music played and that door staff should be employed and that all conditions of the premises licence should also be applied. (ADPC)

The meeting commenced at 1.30 pm and closed at 3.24 pm.

Chairman

Date

If you would like these minutes in large print, Braille or another language please contact 01702 318111.