

Licensing Sub-Committee – 31 October 2007

Minutes of the meeting of the **Licensing Sub-Committee** held on **31 October 2007** when there were present:-

Cllr T G Cutmore
Cllr K A Gibbs

Cllr R A Oatham

OFFICERS PRESENT

A Bugeja	- Head of Legal Services
N Khan	- Solicitor
K Doyland	- Licensing Manager
C Honey	- Trainee Solicitor
S Worthington	- Committee Administrator

81 APPOINTMENT OF CHAIRMAN

Cllr K A Gibbs was appointed Chairman of the Sub-Committee.

82 PROCEDURE FOR LICENSING REVIEW HEARING

The Committee noted the procedure to be followed during the review hearing.

83 REVIEW OF PREMISES APPLICATION

The Sub-Committee considered an application for a review of a premises licence made under section 51 of the Licensing Act 2003. The application related to premises known as Smuggler's Den, Ferry Road, Hullbridge. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from various interested parties.

A short adjournment of 15 minutes was made to allow Members of the Sub-Committee to read evidence supplied to them by the licence holders and to allow the applicant's representatives and the licence holders' representative to hold further discussions.

The Sub-Committee re-convened.

The applicant's representative confirmed that, following discussions with the licence holders' representative, the licence holders had agreed to comply with 3 new conditions to the premises licence in order to address some of the applicant's concerns relating to public nuisance and crime and disorder. These included:-

- The replacement of the small window to the rear of the premises with a permanent, non-opening double-glazed unit.
- Revision of the rules relating to club membership.

- Ensuring that all sound amplified equipment used on the premises are connected to the noise limiter device.

Both representatives confirmed that the only outstanding issue was that of customers taking drinks outside to the customer seating area immediately outside the club lobby, in front of the beer store.

The applicant was requesting that external drinking be restricted to the external seating area furthest from the club, on the opposite side of the access road, as this was sited further away from his property.

The licence holders' representative emphasised that the external seating area in front of the beer store had been used by customers for many years as somewhere to smoke and sit looking at the river. Removing this seating area would severely restrict the club's operation, as it would be left with very limited outside seating. Particular reference was made of the lack of any complaints from Environmental Health relating to this particular seating area. In addition, club staff regularly monitored the external seating areas and there were signs displayed asking customers to keep noise levels down.

The Environmental Protection Unit officers confirmed that the replacement of the small window to the rear of the premises with a fixed, non-opening, double-glazed unit would alleviate any problems associated with noise or odour.

The Police Officers confirmed that they had met with the licence holders and agreed a list of 41 conditions, detailed within pages 18 – 20 of the evidence supplied by the Licence Holders. They were satisfied with the arrangements that were in place for running the premises as a club.

In response to Member questions the following was confirmed by the licence holders' representative:-

- The juke box was not heavily used, but could be linked to the noise limiter on site, which was set at 84 decibels.
- The area outlined in black on the map of the premises, appendix B, was the licensed area and included the private road.
- The small window to the rear of the premises would be replaced within 2 – 3 weeks.
- Membership of the club took approximately 2 weeks from completing the membership form.
- Given the already limited provision of external tables and seating it would be very difficult to reduce the number without compromising the overall operation of the club.

- There was air conditioning at the premises.

The applicant's representative emphasised that the external seating area situated in front of the beer store was in very close proximity to the applicant's back wall. Club customers congregating in this area tended to speak loudly to counteract the noise of the cooling unit located there. The premises were situated in the vicinity of residential cottages; the external seating areas had not previously been used as intensively as was now the case, given the recent smoke free legislation.

In response, the licence holders' representative stressed that the main noise-related problem was clearly attributed to the small rear window, which the licence holders had already indicated would be replaced. The external seating area in question had always been a facility for club members to sit outside to enjoy a cigarette and a drink.

He also emphasised that the responsible Authorities did not consider this area to be a cause for concern with respect to excessive noise. Particular reference was made to condition 16 of the Police's conditions, which specified that the outside of the premises be monitored to prevent customers making excessive noise. The licence holders had already confirmed that they would be prepared to comply with all of the suggested Police conditions and were also in the process of upgrading the CCTV equipment at the premises.

Members, having considered all the issues and noting the areas of agreement between the applicant and the licensees, did not consider it necessary to impose all the conditions proposed by the Police, as many of these were already applicable. Members did, however, emphasise the importance of the licensees complying with the licence condition relating to the noise limiter device and its connection to all sound amplified equipment used on the premises.

With specific reference to the customer outside seating area, although Members appreciated the scope for nuisance arising from a more intensive use of this area, they did not consider that there was sufficient evidence to warrant a prohibition on drinking in this location. It felt that additional conditions to the licence should provide an adequate measure of control and would expect the licensees to monitor this area appropriately, given the applicant's concerns.

Resolved

That the following additional conditions be applied to the licence:-

- The Premises Licence Holder/Designated Premises Supervisor to ensure that staff adequately monitor the outside area to prevent customers from causing the following potential problems: becoming intoxicated; using inappropriate language; making excessive noise; discarding general litter.

- Prominent signage to be displayed at the entrance/exit doors encouraging departing customers to leave quietly and prominent signage to be displayed in the outside seating areas asking customers to be mindful of nearby residents and not to make excessive noise.
- The window at the rear of the premises to be replaced with a permanently sealed, non-opening, obscure double-glazed unit by 1 December 2007.
- Rules relating to club membership to be revised without delay so as to comply with governing legislation. (HES)

The meeting commenced at 2.00 pm and closed at 4.40 pm.

Chairman

Date

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