

Licensing & Appeals Committee – 22 December 2023

Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **22 December 2023** when there were present:-

Chairman: A L Williams
Cllr R P Constable Cllr R Lambourne

VISITING MEMBERS

Cllrs A G Cross and R C D Linden.

OFFICERS PRESENT

S Greener - Principal Licensing Officer
V Meanwell - Democratic Services Officer

OTHERS PRESENT

S Haldane - Solicitor, Birketts
Mr M Burgess - Objector
Mr J Smith - Respondent

9 PROCEDURE DOCUMENT

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

10 APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR CRAFTY CASKS, EASTWOOD ROAD, RAYLEIGH.

The Sub-Committee considered the report of the Director, Communities & Health relating to a review of a premises licence made under section 51 of the Licensing Act 2003 in respect of Crafty Casks, Eastwood Road, Rayleigh.

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

- Concerns raised by Mr M Burgess in relation to excessive noise levels emitting from the premises were addressed with an installation of soundproofed wall to stairwell leading up to Mr Burgess' flat. Furthermore, additional measures were implemented to ensure that any pipes that went through the building were insulated.
- The license holders engaged with sound consultants to carry out a survey which required access into Mr Burgess' flat; however, entry was refused.
- An acoustic engineer completed the survey and the Council's Environmental Health were satisfied with the outcome of the report.
- The flats above the premises, one of which was resided by Mr Burgess, had a separate entrance and stairwell, therefore it was not possible to access the flats from Crafty Casks.

In response to a Member question as to whether any other complaints had been received relating to sound levels, the licence holder responded that the premises received no other complaints.

Members also noted that during the summer the doors remained shut whilst there were live music performances. The licence holder was concerned that the regular saxophonist performing at the venue received some noise complaints; however, Members noted that the saxophonist performed up to 4 times over the period of 4 years during which insulation had been in place to decrease acoustics.

A question was raised relating to ducting surrounding the air conditioning unit and whether it reached Mr Burgess' flat.

In response, the licence holder advised that the unit used 2 sets of exchanges, one of which was contained in the building and the other was pumped outside. There was no ventilation shaft; instead there was a silent recovery system that went to the front of the building.

During the course of the hearing, the Committee heard from the Licensing Officer who confirmed they were neutral to the application. The Committee heard from Mr Burgess who explained that the noise was loud in his flat and came in through the stairwell. Mr Burgess also accepted that he had no other issues with the bar and that it was just the volume of the music.

The Sub-Committee retired from the hearing with Mr S Haldane 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 Public Nuisance.

The Sub-Committee made it clear that they considered this application in accordance with this Licensing objective.

Resolved

That the licence in respect of Crafty Casks, Eastwood Road, Rayleigh be left in its present state.

The meeting commenced at 9.30 am and closed at 10:50 am

Chairman

Date

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