

Licensing Sub-Committee – 26 September 2005

Minutes of the meeting of the **Licensing Sub-Committee** held on **26 September 2005** when there were present:-

Cllr T G Cutmore
Cllr Mrs S A Harper

Cllr T Livings

OFFICERS PRESENT

N Khan - Solicitor
K Doyland - Licensing Manager
J Bostock - Principal Committee Administrator

28 APPOINTMENT OF CHAIRMAN

Councillor T G Cutmore was appointed Chairman of the Sub-Committee.

29 PROCEDURE FOR LICENSING HEARINGS

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

30 LICENSING APPLICATION

The Sub-Committee considered an application for variation of a premises licence made under Section 34 of the Licensing Act 2003. The application related to premises known as The Exhibition, 241 High Street, Great Wakering.

Members had before them the report of the Head of Housing, Health and Community Care setting out the details of the application and the representation received from Essex Police.

In support of the application, the applicant and their representative advised that, whilst the application would involve the premises being open for additional periods of time on Friday and Saturday evenings, there was no proposal to stay open until that time on a weekly basis, just to have the scope to do so. The licensee had been at the premises for a period of 22 years and had never had occasion to call the police. Whilst Essex Police would report on incidents in the vicinity of The Exhibition, such incidents were mainly associated with a sports centre opposite the premises. It could be observed that two incidents identified by the police related to one particular occasion. One identified assault had actually taken place in a park near to the premises and some of the persons involved had come to the premises to seek assistance. Another of the incidents could be associated with a private event. All other identified incidents were associated with public houses in other parts of Great Wakering and could have no relationship to this application.

The applicant's representative referred to an understanding that a philosophy about the new licensing legislation was that there should be a staggering of closing times to reduce the potential for problems. Other public houses in Great Wakering had introduced a closing time of 1am on Friday and Saturdays, and the applicant would

be happy for a condition to be introduced preventing entry to new customers after 1am on Friday and Saturdays.

Responding to Sub-Committee questions, the applicant advised that:-

- Only coffee and soft drinks would be served during any half-hour cooling down period.
- The licensee would make a head count to ensure that customer numbers are restricted.
- Whilst the premises do not have air conditioning, windows and doors are closed as appropriate during the course of business.
- The Council has undertaken sound readings with decibel meters and found there to be no issues whilst windows and doors are shut.
- The cooling down period in the external garden is currently for the same period of time as that within the premises.
- Over a period of 22 years, there had been approximately 5 cases of scuffling within the premises.

In making representation against the application, Essex Police advised that they were concerned about the potential for crime and disorder should The Exhibition be open after 1am (when the other four public houses in the village would be closing), although it could be accepted that some form of time restriction on entry could be appropriate.

In responding to questions from the applicant's representative, the Police indicated that:-

- it was likely that two identified incidents were about the same matter.
- Incidents are recorded as 'Committed at The Exhibition'. the law was silent on the question of obstructiveness.
- Whilst the sports centre is relatively close, there is a small access driveway to it leading into a car park.
- The logic associated with 1am closure related to the fact that residential areas such as Great Wakering could be geographically difficult for the police to attend. When it is known that all public houses are closing at a certain time, the police can ensure a presence.
- A complaint of noise had been made by a member of the public.

Responding to final questions from Members of the Sub-Committee, the applicant and their representative advised that:-

- There are no current plans to introduce events that make use of the proposed extended opening hours.
- In announcing the new legislation associated with licensing, the Home Secretary had made the point that it should allow publicans to operate in a way that is best for their business.
- An accident book is currently operated.

By way of a closing statement Essex Police advised that, whilst they stood by the evidence provided, should the Sub-Committee be minded to approve the application the Police would welcome a condition that there be a 1am curfew (or earlier) on entry on Friday and Saturday nights.

The applicant indicated that it would be acceptable should the Sub-Committee take a view that the use of outside areas for activities would cease at 2300 hours. By way of a closing statement, the applicant's representative confirmed that no customers would be allowed in once a final entry time had been reached and re-iterated that the licensee had managed the premises over a period of 22 years without problems, the customer base being 99.9% local.

Members, whilst mindful of the representation made and concerned about the potential for nuisance and disturbance, and having carefully considered all the evidence, were of a view that, on the basis of the measures and controls put forward by the applicant, these concerns should be adequately addressed. The licence could, however, be reviewed in future in the event of any complaints being received by the Council.

Resolved

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

- No person shall be admitted into the premises after 1am each day.
- The use of the outside areas for licensable activities will cease and be cleared people by 11pm each day. (HHHCC)

The meeting commenced at 2.00pm and closed at 3.34pm.

Chairman

Date