

APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE

THE ANCHOR, 23 HIGH STREET, GREAT WAKERING

1 SUMMARY

- 1.1 This Committee has been convened to determine an application for the grant of a Public Entertainment Licence (PEL) because objections have been received.
- 1.2 The functions of this Committee include the determination of opposed applications for the grant or renewal of a Public Entertainment Licence.
- 1.3 Natural justice requires the Council to take in account any representations made by the applicant and/or their representatives, the objectors and/or their representatives and any other interested persons.

2 INTRODUCTION

- 2.1 Public Entertainment Licensing is a statutory function. It regulates the operation of premises ensuring public safety, the provision of adequate facilities and assisting in the prevention of noise nuisance. Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 contains the Public Entertainment Licensing provisions which are administered by District Councils.
- 2.2 A Licence is required for most forms of public music, dancing or similar entertainment, but not for private entertainment, held indoors. Licences remain in force for 1 year (or such shorter period specified) and may be renewed on expiry. All of the Council's full licences expire on 31st December. If a renewal application is made before the licence expires it remains in force until the Council determines the application. Before granting or renewing a licence the Council must consult with the Police and Fire Authority who may make observations which the Council must have regard to. Conditions or restrictions may be imposed on licences, but they only apply when the premises are being used for a public entertainment function. There is a right of appeal to the courts against the refusal to grant a licence and conditions attached to a licence
- 2.3. However, a Public Entertainment Licence is not required for certain types of musical entertainment provided in premises licensed to sell liquor by the Licensing Act 1964. This is music provided by no more than two performers or recorded music. Karaoke does, however, require a Public Entertainment Licence because it consists of both recorded music and singing by live performers.

3. PUBLIC ENTERTAINMENT LICENCE APPLICATION

- 3.1 On 16 October 2001 an application and plan ([Appendix 1](#) and [2](#)) was received from Miss Sylvia Breens, The Anchor, 23 High Street, Great Wakering and Mrs Wendy Bacon, 178 New Road Great Wakering, for the grant of a PEL to hold karaoke at The Anchor between 8pm and 11pm Monday to Saturday for 100 people.

- 3.2 On 16 October 2001 a Certificate of Exhibition ([Appendix 3](#)) was received from Miss Breens stating that she displayed a copy of the Notice of Intention to make an application for a Public Entertainment Licence on the "front window" of the premises.
- 3.3 On 16 October 2001 a copy of advertisement placed in the Yellow Advertiser was received ([Appendix 4](#)). The advertisement confirms that application is for a licence for between the hours of 8pm and 11pm.
- 3.4 On 20 November 2001 a letter ([Appendix 5](#)) was received from Miss Breens outlining proposals for ensuring that local residents are not affected by noise nuisance from the proposed entertainment, which include:
1. Limit music to 7pm to 11pm.
 2. Ensure that all windows and doors are closed when karaoke is in operation even in the summer.
 3. Check frequently that music is not audible outside of the building.
 4. Change the application to karaoke only and not live music.
- 3.5 On 15 January 2002 an additional letter ([Appendix 6](#)) was received from Miss Breens containing an amended list of proposals to ensure local residents are not affected by noise nuisance.
1. Limit music to 8pm to 11pm.
 2. Ensure all ground floor windows and doors, excluding toilet windows, are closed.
 3. Check frequently that music is not audible beyond the boundaries of the premises.
 4. The licence is for Karaoke only.

4 CONSULTATION AND INSPECTION

- 4.1 Following an inspection of the premises and consultation with the Fire Authority, a letter was sent to Miss Breens on 4 February 2002 with an enclosed schedule of requirements necessary to bring the premises up to standard for the grant of this licence. A copy of this letter and schedule of works and the Fire Authority's consultation reply dated 25 January 2002 are Appendices [7](#) and [8](#) respectively.
- 4.2 Essex Police have been consulted and they replied on 24 September 2001 ([Appendix 9](#)). They have received a number of calls from residents experiencing problems from licensed houses in the High Street, but nothing specifically relating to the Anchor. The Police have no objections to the grant of a PEL for this applicant providing the following conditions are attached to the licence.
- All doors / windows (except toilet windows) to be closed when in force.

- No under 18 year olds.
- Numbers to be carefully monitored by the licensee(s).
- CCTV to be in place as per the Council's requirements.

4.3 A site plan showing The Anchor and the supporters of and the objectors to the application is located at [Appendix 10](#).

5 SUPPORTERS OF THE APPLICATION

5.1 Nine letters in support of the application have been received ([Appendix 11](#)) from people living behind, adjacent and opposite to this public house. They are from:

- Mrs A Hughes, 80 Conway Avenue, Great Woking. Letter dated 12/11/01.
- Mrs D Peterson, 76 Conway Avenue, Great Woking. Letter dated 13/11/01.
- Mr G Hatley, 74 Conway Avenue, Great Woking. Letter dated 13/11/01.
- Mr A Pratt, 82 Conway Avenue, Great Woking. Letter dated 13/11/01.
- J Catton, 84 Conway Avenue, Great Woking. Letter dated 13/11/01.
- Mr P Merry, 29 High Street, Great Woking. Letter dated 13/11/01.
- Ms Mitchell, 27 High Street, Great Woking. Letter dated 13/11/01.
- Mr S G Arnold, Arnies Chippy, Great Woking. Letter dated 14/11/01.
- Mr K Foster, 28a High Street, Great Woking. Letter dated 19/11/01.

5.2 The nature of the letters of support all state the following points:

- They have never found the music from the pub to cause them a problem in any way.
- Have been approached by Miss Breens and told that should they ever have a problem with the music being too loud to inform Miss Breens and it will be turned down without question.
- Have never suffered any form of intrusion or discomfort caused by or associated with the Anchor.

6 OBJECTORS TO THE APPLICATION

6.1 Three letters of objection have been received ([Appendix 12](#)) from people living adjacent the public house. They are from:

- Mrs J Brown, 3 The Anchorage, High Street, Great Woking. Letter dated 6/10/01.
- Mr and Mrs Mac Arthur, 2 The Anchorage, High Street , Great Woking. Letter dated 8/10/01.
- Mr V and Mrs J Jones, Anchor Cottage, 17High Street , Great Woking. Letter dated 12/10/01.

6.2 The nature of the objections are, dealing with each of the above letters respectively:

1. Have suffered from noise during the summer from bouncy castles and loud music.
2. Have had to endure loud music from theme nights during the summer. Believes that the double-glazing would not adequately control the noise emissions.
3. Are disturbed by loud background music when the doors and windows to the pub are opened.

6.3 A copy of these letters was sent to Miss Breens on 7 November 2001 ([Appendix 13](#)).

7 HISTORY OF COMPLAINTS RECEIVED BY THE COUNCIL

7.1 Since 1990, one complaint has been received about noise nuisance allegedly caused by the Anchor. The complaint consisted of:

1. Loud music, received on 30/08/01, from a local resident.

7.2 The investigation into the complaint did not establish evidence that The Anchor had caused a Statutory Noise Nuisance, and the complaint has been closed.

7.3 There are currently no outstanding complaints about noise nuisance in respect of the Anchor.

8 NOISE ASSESSMENT

8.1 On 13 December 2001 during the morning, a visit was made to the Anchor to assess whether music playing inside the premises would cause a disturbance to neighbouring premises, particularly those that live adjacent to the pub on the East side.

8.2 Noise monitoring was conducted at the following locations outside the premises:-

- At the premises boundary to the West.
- The Anchorage road to the East.
- On the opposite side of the High Street.
- At bottom of the car park to the South of the pub.

Music was played at the volume that Miss Breens intends to operate at. No noise from the music playing in the premises could be heard when all of the doors and windows were closed.

- 8.3 An additional noise monitoring session was conducted on 14 December 2001. Monitoring was conducted at the following locations:-

- (1) Outside the premises.
- (2) At the premises boundary to the West.
- (3) The Anchorage road to the East.
- (4) On the opposite side of the High Street.
- (5) At bottom of the car park to the South of the pub.

Music was played at the volume that Miss Breens intends to operate with all the toilet windows open. No noise from the music playing in the premises could be heard with the toilet windows open.

- 8.4 It is considered that disturbance to residents, from noise, would be unlikely if all the ground floor windows (except toilet windows) and doors are kept closed and the volume controlled whenever karaoke entertainments take place.

9 STANDARD AND SPECIAL PUBLIC ENTERTAINMENT LICENCE CONDITIONS

- 9.1 In addition to Special Conditions specific to the premises, all of the Council's Public Entertainment Licences have Standard Conditions ([Appendix 14](#)). They both apply when premises are used for public entertainment. Standard Conditions would be attached to a Public Entertainment Licence granted for these premises.

- 9.2 Standard Condition 3 requires a licence holder to ensure that music provided at the licensed premises does not cause a noise nuisance to local residents and that any form of amplification is so controlled as to prevent such a nuisance.

- 9.3 If a licence was granted the following special conditions should also be attached:

- The licence is limited to karaoke entertainment provided between 8pm and 11pm, Monday to Saturday with a limit of 100 people.
- All of the ground floor windows (except toilet windows) and doors shall be kept closed whenever Karaoke entertainment takes place.
- The music shall not be audible beyond the West, East and South boundary of the property.
- There must be a method approved by the Head of Housing Health and Community Care to maintain a constant and accurate record of the number of patrons within the premises when Karaoke entertainment takes place.
- No open fires shall be lit during licensed events.

10. CONCLUSION

- 10.1 Miss Breens is already legally entitled to hold musical entertainment because the premises are licensed under the Licensing Act 1964 to sell liquor. She may have up to

two live performers or play recorded music without the need for a Public Entertainment Licence. Karaoke does, however, require a Public Entertainment Licence because it is both recorded music and singing by live performers.

- 10.2 Although the occupiers of three nearby houses object to this application, Essex Police are not objecting and there are the occupiers of nine nearby houses who are in favour of the application.
- 10.3 Recorded complaints about noise and disturbance from this premises received by the Police are few, and the Council has only received one complaint which was not substantiated.
- 10.4 Disturbance to the residents living adjacent from music noise can be prevented if the applicant keeps all the ground floor windows (except toilet windows) and doors closed and controls the amplification so as not to cause a noise nuisance, whenever karaoke entertainments take place.
- 10.5 These two noise controls can be required by Conditions attached to a licence.

11 RESOURCE IMPLICATIONS

- 11.1 An application fee of £275 has been received.
- 11.2 If a licence is granted a renewal fee is required each year.

12 LEGAL IMPLICATIONS

- 12.1 The Council must exercise its licensing function in a fair and judicious manner.
- 12.2 Should the application be refused, the applicant has a right of appeal to the Magistrates Court.

13 PARISH IMPLICATIONS

- 13.1 The premises are within the Great Wakering Parish Council area.

14 RECOMMENDATION

- 14.1 It is proposed that the Committee **RESOLVES** to determine the application.
 - 1. if Members are minded to grant a licence, it shall not take effect until such a time as the Council's Head of Housing Health and Community Care has confirmed in writing to the applicant that the applicant has completed the works listed in the Schedule enclosed with a letter sent to Miss Breens on 4 February 2002, to the satisfaction of the Council's Head of Housing, Health and Community Care."
 - 2. When the licence takes effect it shall be subject to the Council's Standard Conditions and the following Special Conditions:

- The licence is limited to karaoke entertainment provided between 8pm and 11pm, Monday to Saturday with a limit of 100 people.
- All of the ground floor windows (except toilet windows) and doors shall be kept closed whenever Karaoke entertainment takes place.
- The music shall not be audible beyond the West, East and South boundary of the property.
- There must be a method approved in writing by the Head of Housing Health and Community Care to maintain a constant and accurate record of the number of patrons within the premises when Karaoke entertainment takes place.
- No open fires shall be lit during licensed events.
- CCTV to be in place as per the Councils requirements.
- No under 18 year olds are to be admitted.

Mr G Woolhouse

Head of Housing, Health & Community Care

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