

Licensing Sub-Committee – 19 June 2007

Minutes of the meeting of the **Licensing Sub-Committee** held on **19 June 2007** when there were present:-

Cllr J P Cottis
Cllr K H Hudson

Cllr R A Oatham

OFFICERS PRESENT

R Evans	- Head of Environmental Services
N Khan	- Solicitor
K Doyland	- Licensing Manager
P Nellies	- Licensing Officer
C Honey	- Trainee Solicitor
S Worthington	- Committee Administrator

63 APPOINTMENT OF CHAIRMAN

Cllr K H Hudson was appointed Chairman of the Sub-Committee.

64 PROCEDURE FOR LICENSING HEARING

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

65 LICENSING APPLICATION

The Sub-Committee considered an application for a variation to a premises licence made under section 34 of the Licensing Act 2003. The application related to premises known as Rayleigh Lodge, The Chase, Rayleigh. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from Environmental Health and various interested parties.

The applicants stressed that their original application to remove the condition restricting use of the garden area to 2200 hours, had been made with a view to addressing the restrictions arising from the implementation of the smoking ban in public places on 1 July 2007 by allowing customers to use the garden for smoking.

They advised that some revisions had been made to their application, in order to address specific concerns raised by responsible Authorities, namely:-

- The use of the external area by patrons for the consumption of food and beverages shall cease no later than 2200 hours on any given day and shall recommence no sooner than 0600 hours the following day.

The applicants emphasised that Rayleigh Lodge was a country carvery pub, whose primary business derived from the sale of food. It had a mixed customer base, ranging from a large number of local customers, customers travelling at a distance, families and customers of 35 and over. The Police were satisfied with the way in which the pub was managed and the applicants

stressed that it was probable that not allowing smokers to use the garden area after 2200 hours could result in them going out onto the street, with the potential to cause disturbance to neighbouring residents.

In response to Member enquiries the following was noted:-

- The building was split into 2 different areas: one was a carvery, the other a bar, although meals were served in the bar, as well as drinks.

Public objectors to the application made reference to a marked increase in noise from the Rayleigh Lodge within the last 3 years or so. There had been instances of anti social behaviour and intrusive floodlights and the 2200 hours condition for the garden area had been repeatedly broken. Objectors considered that the management team would not be able to restrict use of the garden areas to smokers after 2200 hours. It was, in addition, felt that the proposed additional tables and chairs in the garden area would increase noise and disturbance to neighbouring properties.

Public objectors highlighted that the garden boundary wall was only 10 feet away from 9 Lodgelands Close, but that the grounds of Rayleigh Lodge were sufficiently extensive that other parts would be more suitable as an external seating area for customers, sited further away from neighbouring properties.

Public objectors claimed that there were often customers at the pub that were a lot younger than the 35 and above age group. There had been disturbances, which had been reported to the Police and to the Licensing Authority, notably one incident in which a glass had been thrown over the garden boundary, landing on a resident's car. There were instances of customers parking on the grass near neighbouring properties and of tables in the garden areas being pushed nearer the boundary wall, increasing disturbance to residents.

In response to Member questions the following was noted:-

- The majority of properties adjacent to Rayleigh Lodge were built in 1978, with some built earlier in 1974.
- Rayleigh Lodge had operated as a restaurant in 1974.
- At the time of the original Licensing Sub-Committee hearing in 2005 the pub was owned by a different company, although the pub manager was the same.
- The manager has been at the Lodge for 12 years and lives there with his family. The company area manager visits the pub every 2 – 4 weeks.
- Screening was put up outside 6 – 7 weeks ago and whenever complaints have been received about the floodlights they have been immediately

switched off.

- The Lodge did not employ door staff, but members of its management team patrol the garden; there were 2 present at any one time.
- The average age of customers was 35, with customers ranging from 18 to over 70. The pub had implemented Challenge 21 in an attempt to raise the age of its customers generally. Around 70% of its customers came from the Rayleigh area.
- It was difficult to enforce the current condition requiring the garden areas to be cleared of customers from 10.00 pm. However, the garden areas were policed by staff and anyone being served at, for example, 9.45 pm was reminded that the garden areas were closed at 10.00 pm. In addition, signs were displayed in the garden areas informing customers that the areas closed at 10.00 pm.
- Sound-enabled CCTV cameras had been discounted by the applicants for the Rayleigh Lodge because of the associated expense.
- Moving smokers away to other areas within the Rayleigh Lodge grounds could result in disturbance to residents situated elsewhere.

Licensing officers, in response to a question by the applicants, confirmed that there had been one complaint received relating to Rayleigh Lodge in December 2005 and another in April 2007, which related to the incident involving a thrown beer glass.

In conclusion, the applicants emphasised that they had been unaware of any complaints, other than that of a thrown beer glass in April 2007, as no issues had been relayed to the Rayleigh Lodge management team by residents. The application was as a result of the applicants' need to find a safe and responsible solution to the implementation of the smoking ban in public places on 1 July 2007.

Members, having carefully considered all the evidence and the representations made by the applicants and all other interested parties, rejected the application to vary the original licensing conditions. These conditions had been imposed previously in an attempt to ameliorate problems associated with noise. Members were mindful that this would not preclude the use of the remainder of the applicants' premises for the purposes of customers wishing to smoke.

Resolved

That the application be rejected. (HES)

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The meeting closed at 11.50 am.

Chairman

Date

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