

Licensing Sub-Committee – 8 September 2011

Minutes of the meeting of the **Licensing Sub-Committee** held on **8 September 2011** when there were present:-

Cllr T G Cutmore
Cllr K H Hudson

Cllr Mrs C A Weston

OFFICERS PRESENT

A Law	- Solicitor
P Nellies	- Licensing Officer
S Worthington	- Committee Administrator

111 APPOINTMENT OF CHAIRMAN

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

112 PROCEDURE FOR LICENSING HEARING

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

113 LICENSING APPLICATION – LICENSING ACT 2003

The Travellers' Joy Public House, Down Hall Road, Rayleigh, SS6 9JF

The Sub-Committee considered an application for the review of a premises licence made under section 51 of the Licensing Act 2003. The application relates to a premises known as The Travellers' Joy Public House, Downhall Road, Rayleigh, SS6 9JF. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from the Police, interested parties and the licence holders.

Sergeant Barnes advised that the Police request for a review of the premises licence followed a warrant issued on 15 July 2011 and subsequent arrest of two people in possession of class A drugs. Drug levels taken at the premises were particularly high. He did, however, emphasise that there have been no further incidents at the premises since that date. In addition, the suggested conditions that the Police would like applied to the premises licence would, he believed, go some considerable way towards the promotion of the licensing objective to prevent crime and disorder.

Responding to questions, Sergeant Barnes confirmed the following:-

- Swabs taken from staff areas contained higher concentrations of drugs than those taken from public areas.
- Customers did not have access to staff toilets, which were accessed from behind the bar area.

Mr Woods, on behalf of the licence holders, advised that the licence holders were willing to agree to all of the suggested Police conditions. Greene King was renowned as a food-led, family establishment and, as such, was taking this matter very seriously. The company had been unaware that there was an issue associated with drugs at the premises. The previous designated premises supervisor (DPS)'s employment with the company was terminated on 14 July 2011. The current DPS commenced at the Travellers' Joy on 18 July 2011.

In addition, the door staff were removed from post following the drugs-related incident and a new door supervision company had been appointed. There is no longer any drug use on the premises.

Turning to the representations made by interested parties resulting in the two additional conditions proposed by the Council's Licensing Officer, Mr Woods advised that the side doors facing Down Hall Road were previously opened by those wishing to go out and smoke, despite the fact that customers were asked to use the smoking area at the front of the premises. The licence holders have confirmed that these side doors will, in future, be kept closed from 8.00 pm.

He further advised that the licence holders had confirmed that they were prepared to comply with the additional condition requiring a noise-limiting device to be installed and used for all sound amplification equipment. However, they would require a period of up to two months in order to comply with the condition.

In addition, the licence holders requested that they be given 28 days in which to organise the installation of a drug safe, as requested within the proposed Police conditions.

The licence holders accepted that, under the previous designated premises supervisor, there had been a lack of firm management of the premises. This had now been rectified with the appointment of a new DPS and the services of a new door supervision company.

In response to questions, the following was noted:-

- The door that was not in view of the bar would be included as part of the regular staff patrols of the premises to ensure it was kept closed.
- The toilets would be regularly checked by management with checks recorded on a document on the wall; in addition, part of the toilets area was covered by CCTV cameras.
- In the event of any future drugs-related incidents, staff would place any drugs taken into the drugs safe, which could only be opened by the Police. In addition, staff would call the Police to deal with any persons caught with

drugs on the premises.

- In the event of drugs being taken from any persons before the installation of the drugs safe, drugs would be placed in the office safe.
- There was one set of double doors and one fire door on the side of the premises overlooking Down Hall Road, all of which would be kept closed after 8.00 pm.
- The licence holders believed that there were no problems associated with the side doors being opened and closed during the daytime, which was the reason they had suggested 8.00 pm as the time to keep those doors closed.

In response to a question around the possibility of having these doors alarmed so that staff would know whether customers had opened them, the licence holders indicated that this would not be objectionable.

In conclusion, the Police confirmed that they had no objection to the licence holders' request for up to 28 days in which to arrange installation of a drugs safe at the premises and were satisfied that there had not been any problems at the premises since the new management arrangements had been put in place. In turn, Mr Woods confirmed that the licence holders accepted all the proposed Police conditions and the two further conditions proposed by the Council's Licensing Officer, subject to the time constraints mentioned above.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

Having given careful consideration to the application and all representations made by parties present at the hearing, the Sub-Committee considered it appropriate to modify the conditions of the premises licence. It felt that the modified conditions were proportionate and addressed the concerns raised by the Police and interested parties and would promote the licensing objective to prevent crime and disorder.

Resolved

That the conditions of the premises licence be modified, as follows:-

1. A minimum of two SIA registered door staff working from 1900 hours until all licensable activities have ceased or all customers have left (whichever is sooner) every Friday and Saturday night and any day preceding a Bank holiday.
2. The premises will adopt the Essex Police search policy.
3. CCTV will be provided in the form of a recordable system capable of providing pictures of evidential quality in all lighting conditions,

particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the supply/sale of alcohol occurs. CCTV will also cover all outside areas, including the car park. CCTV will also be in real time. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent of downloading CCTV footage in recordable format, either disc or VHS, to the Police/Licensing Authority on demand. The recording equipment tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log must be maintained, endorsed by signature, indicating the system has been checked and is competent, in the event of any failings; actions taken are to be recorded. In the event of technical failure of the CCTV the DPS must report it to the Police immediately.

4. Toilet checks will be carried out every 30 minutes and recorded by staff. A senior member of staff will check every 2 hours to ensure the log is maintained and checks have been sufficient.
5. A drugs safe will be fitted, within 28 days of the formal decision notice, near to the entrance of the premises and all drugs seized will be placed in the safe.
6. The disabled toilets shall be locked at all times with the key kept behind the bar. This will be handed out on legitimate requests and returned. A member of staff shall ensure the toilet is then locked again after use.
7. Signage will be displayed around the premises indicating a Zero Tolerance on drugs and that a search policy exists.
8. The premises will take an active part in any pub watch or local BOBB (behave or be banned) scheme.
9. The DPS shall patrol the outside areas on a regular basis to ensure noise levels are at a minimum.
10. The premises shall adopt a dispersal policy to ensure patrons leave in a quiet and orderly fashion.
11. All doors at the premises facing onto Down Hall Road, including the single fire door and set of double doors, shall be kept permanently closed, except in the event of an emergency. These doors shall also be fitted with an audio visual alarm.
12. A noise limiting device to be installed and used for all sound amplification equipment with the peak level set so as to avoid noise disturbance to

nearby residents. Should this level be breached for a period of 10 seconds, the limiter will cut the power to the amplification equipment. Installation to be carried out by competent persons and a report confirming proper installation will be submitted to the Environmental Protection Unit of the Council. Bypass of the limiting device will only be possible at the limiter itself with access restricted to the DPS. This device to be installed within two calendar months of the date of the formal decision notice. (HES)

114 LICENSING APPLICATION – LICENSING ACT 2003

Chasers, The Chase, Rayleigh, SS6 8QP

The Sub-Committee considered an application for a review of a premises licence made under section 51 of the Licensing Act 2003. The application relates to a premises known as Chasers, The Chase, Rayleigh, SS6 8QP. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from the Police and the licence holder.

Resolved

That the conditions of the premises licence be modified, as follows:-

1. CCTV close circuit television shall be installed to cover the internal areas. The recordings should be of good quality and recorded in real time. All recordings should be retained for at least 28 days and should be made available to the Police or Local Authority upon any reasonable request. Special attention should be made to the entrance door and the recordings should be of good quality head and shoulders as they enter. Signage should be displayed stating CCTV is in operation.
2. The Challenge 25 scheme should be adopted whereby any person who is under the age of 25 will be challenged for suitable proof of age. The only acceptable proof of age will be a full passport, photo style driving licence or 'pass' accredited cards. Such cards will have the pass hologram embossed on them.
3. All staff will receive training on preventing under age sales, drunkenness, age restricted products and any sections of the Licensing Act 2003 that will help in maintaining the licensing objectives. Such training should be recorded and signed by all staff that have received training. Such records will be kept at the premises and be made available upon request from the Police or Local Authority.
4. A refusal and incident book will be kept and maintained at the premises and be readily available upon request by the Police or Licensing Authority. (HES)

115 LICENSING APPLICATION – LICENSING ACT 2003

Select and Save, High Street, Rayleigh, SS6 7QA

The Sub-Committee considered an application for a review of a premises licence made under section 51 of the Licensing Act 2003. The application relates to a premises known as Select and Save, High Street, Rayleigh, SS6 7QA. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from the Police and the licence holder.

Resolved

That the conditions of the premises licence be modified, as follows:-

1. All CCTV recordings will be in real time.
2. The Challenge 25 scheme should be adopted whereby any person who is under the age of 25 will be challenged for suitable proof of age. The only acceptable proof of age will be a full passport, photo-style driving licence or 'pass' accredited cards. Such cards will have the pass hologram embossed on them.
3. All staff will receive training on preventing under age sales, drunkenness, age restricted products and any sections of the Licensing Act 2003 that will help in maintaining the licensing objectives. Such training should be recorded and signed by all staff that have received training. Such records will be kept at the premises and be made available upon request from the Police or Local Authority.
4. A refusal and incident book will be kept and maintained at the premises and be readily available upon request by the Police or Licensing Authority for inspection.
5. A personal licence holder will be present at all times licensable activities are taking place. (HES)

116 LICENSING APPLICATION – LICENSING ACT 2003

Lords Golf Club, Hullbridge Road, Rayleigh, SS6 9QS

The Sub-Committee considered an application for the review of a premises licence made under section 51 of the Licensing Act 2003. The application relates to a premises known as Lords Golf Club, Hullbridge Road, Rayleigh, SS6 9QS. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from the Environmental Protection Unit, interested parties and the licence holders.

Mrs Cowan advised that Hullbridge Parish Council had made an application for review of the premises licence following complaints made by residents in relation to the prevention of public nuisance.

Mr Hook, on behalf of the licence holders, advised that the complaints arose out of two incidents in summer 2011, both of which involved use of the marquee. On 11 June 2011 the marquee was used for formal dining but there was entertainment outside and on 18 June 2011 the marquee was used for a charity function in aid of St Ormond Street Hospital, which impacted disproportionately on residents.

Mr Hook emphasised that the premises offered a range of activities, in addition to golf, and had provided a lot of entertainment without impacting on residents in the vicinity. The club has, nevertheless, worked closely with an acoustic consultant to try and resolve the situation. The club, acoustic consultant and the Environmental Protection Unit have liaised closely on a series of conditions that should address any noise issues.

Contrary to the recommendation of the Environmental Protection Unit that the club no longer be permitted to hold licensable activities involving live music or amplified sound outside of the marquee or main club buildings, the licence holders were requesting that they be permitted to hold one such event per annum, for regulated entertainment to conclude no later than midnight, with a minimum of two months' notice given to the Licensing Authority.

The Environmental Protection Unit officer stressed that the two months' notice was in order for the licence holders to work with the Environmental Protection Unit to agree appropriate measures to control the event appropriately. He further emphasised that the reference point for noise mitigation from the marquee would be determined by existing noise levels at residential properties on the boundary of the club premises.

In response to questions, the following was noted:-

- All parties had agreed to the full list of suggested conditions to be added to the premises licence and were satisfied that these should address issues around public nuisance.
- The single external event of regulated entertainment per annum would not take place on a Sunday, but a Saturday.
- The boundary would be defined by identifying key points along the boundary with residents' properties at the end of Wellington Avenue and the end of Montefiore Avenue at the junction with Hullbridge Road.
- Any conditions imposed on the licence at today's hearing would apply to any future events held in the marquee from today onwards.

- A noise level of mid 90's decibels was a reasonable level for a dance floor.
- The positioning of sensor/s would depend on the type of electrical sound system used, ie, whether mobile or fixed. The proposed revised condition two was not intended to be restrictive in terms of the type of equipment used; EPU officers would be willing to approve multiple sensor locations, where appropriate. It was anticipated that, via testing, optimum position/s would be chosen for the sensor/s for multiple uses of the marquee. Any alterations to optimum position/s will have to be regulated by the Environmental Protection Unit.
- Condition 11 was in order to confirm the effectiveness of the sound management system and that the installation has been completed to the satisfaction of Council officers.
- Condition 8 requires the marquee doors to be kept closed, with the sides fully down. People would be required to use the main entrance to the marquee to access facilities in the main club building.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

Having given careful consideration to the application and all representations made by all parties present at the hearing, the Sub-Committee considered it appropriate to modify the conditions of the premises licence. It felt that the modified conditions were proportionate and addressed the concerns raised by the Environmental Protection Unit and interested parties and would promote the licensing objective to prevent public nuisance.

Resolved

That the conditions of the premises licence be modified, as follows:-

1. A full acoustic report detailing existing ambient and background levels (15 min LAeq and LA90) at the boundary of the site to be submitted and agreed in writing with the Environmental Protection Unit. Representative days, times and locations for the survey are to be agreed in writing with the Environmental Protection Unit.
2. An electrical sound management system using proprietary software shall be installed in the marquee. The peak level of the system shall be 95dB(A) and the type and location/s of the sensor/s shall be such that the Designated Premises Supervisor ensures the efficient and accurate operation of the equipment. Installation of the electrical sound management system will be by competent persons and a report confirming proper installation shall be submitted to the Environmental Protection Unit.

3. A record of all adjustments and maintenance of the electrical sound management system shall be written by the DPS in a log book kept at the club's Reception. This record will be made available for inspection immediately upon request by an officer of the Local Authority at any time.
4. The electrical sound management system shall be calibrated at least once every year and the certificates submitted to the EPU on each occasion. A record of the calibration will be written by the DPS in the log book kept at Reception.
5. No amplified speech, music or entertainment shall be permitted unless the electrical sound management system is fully calibrated and functioning in accordance with the conditions laid out above.
6. The number, specification, and layout of the sound amplification equipment shall be submitted to and approved by the EPU. The approved details shall then be fully implemented and maintained in the approved form for the duration of the premises licence.
7. Any live performance that requires amplification is required to solely use the premises own sound amplification equipment, therefore also complying with the forgoing conditions.
8. During all events of performance of music where amplification is required, and aside from the marquee walk way entrance adjacent to the main building, the sides of the marquee shall be down and secured to each other and the floor so as to minimise sound loss.
9. In order to adequately maintain acceptable noise levels, any repairs or replacements to the marquee (including the whole marquee) must be made with at least an equal gauge material to the current marquee. Repairs to and replacement of the marquee will be written by the DPS in the log book kept in Reception.
10. Announcements will be made and signage erected at each event in the marquee to remind patrons to leave the premises quietly.
11. A full post implementation acoustic report shall be submitted to and agreed in writing by EPU, subject to the inclusion of the following:-
 - a) The number and type of settings in the electrical sound management system.
 - b) Demonstration of the achievement of no higher than the agreed 15min LA90 at the agreed receptor locations.
 - c) Details of all other noise mitigation used. This may be demonstrated by lining the marquee, separation, barriers and management techniques.

12. The use of the marquee for activities or events requiring amplification at any time shall be restricted to 26 times per annum. These include music, speech, films, television and other similar events. A record of each of these events will be written by the DPS in the log book kept in Reception.
13. The hours of use of the marquee for any licensable activity shall be restricted to:-
 - 0800 – 2400 hours Sundays to Thursdays.
 - 0800 – 0100 hours the following morning Fridays and Saturdays.
 - 0800 – 0200 hours the following morning on New Year's Eve.
14. There will be a maximum of one licensable activity per annum involving live music or amplified sound outside of the marquee or main club buildings, terminating no later than midnight, subject to 2 months' notice being given to the Environmental Protection Unit so that appropriate measures can be taken to properly regulate any sound emissions.
15. The DPS is responsible for the overall management of all regulated entertainment within the marquee and control of the above conditions. (HES)

The meeting commenced at 10.00 am and closed at 1.45 pm.

Chairman

Date

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