

Licensing Sub-Committee – 20 November 2007

Minutes of the meeting of the **Licensing Sub-Committee** held on **20 November 2007** when there were present:-

Cllr Mrs P Aves

Cllr Mrs B J Wilkins

Cllr Mrs J A Mockford

OFFICERS PRESENT

A Bugeja	- Head of Legal Services
A Law	- Solicitor
P Nellies	- Licensing Officer
C Honey	- Trainee Solicitor
S Worthington	- Committee Administrator

84 APPOINTMENT OF CHAIRMAN

Cllr Mrs B J Wilkins was appointed Chairman of the Sub-Committee.

85 PROCEDURE FOR LICENSING REVIEW HEARING

The Committee noted the procedure to be followed during the review hearing.

REVIEW OF PREMISES APPLICATION

The Sub-Committee considered an application for a review of a premises licence made under section 51 of the Licensing Act 2003. The application related to premises known as The Paul Pry, 14 High Road, 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 two interested parties.

The applicant stressed that, since moving into his home in October 2005 the noise from the Paul Pry, on Tuesday and Friday evenings particularly, was unbearable, to such an extent that he had installed double glazing at his property, which had improved the situation somewhat. It was, however, still possible to hear the base from a DJ unit used at the pub from the kitchen of his home, which was situated at the rear of the property.

The applicant indicated that he had made contact with the Paul Pry on a number of occasions about the noise. The premises supervisor, Mr Brookes, had subsequently had locks fitted to the windows, but these were not always used. The pub, as part of its licensing conditions, was supposed to have door staff on duty on Friday and Saturday evenings, but this was not always the case. There had, however, been a marked improvement in noise levels since the review had been instigated, with all the licensing conditions being observed.

The applicant concluded by requesting that the Sub-Committee considered as evidence a petition that had been signed by 25 local residents indicating that they were dissatisfied with the way in which the pub was operating. The problem was particularly acute on Tuesday and Friday evenings when the pub

offered entertainment, as customers often lingered outside the premises afterwards talking and generally making a noise.

A copy of the petition was given to the licence holder and the Committee confirmed that, whilst allowing this to be presented as evidence at this stage, it was a matter for the Committee to determine what weight was attached to it.

In response to Member questions the following was confirmed by the applicant:-

- The Police were not contacted when there was excessive noise, as they would have advised contacting the Council's Environmental Health Department, which was unmanned late at night.
- Noise associated with a group playing with a radio controlled car in the pub car park until 2am occurred on a Friday evening.
- There had been some improvement in the situation, with locks being fitted to windows, however, during live entertainment, the DJ was positioned right by the front windows of the pub.

The licence holder's representative emphasised that it was unsatisfactory for the applicant to put forward a petition at such a late stage and to attempt to give the views of neighbours who had not made formal representations with respect to the application.

The licence holder's representative drew attention to the fact that only one letter from one interested party had generated the review of the premises licence. The Spirit Group had, however, taken the issues raised in the letter very seriously.

The premises supervisor confirmed the following:-

- He had been premises supervisor at the Paul Pry since September 2005 and lived above the premises.
- He had not received complaints from any local residents other than the applicant.
- Signs were displayed at the premises requesting customers to leave quietly.
- On Tuesday nights there was a karaoke evening, which finished at 11pm.
- The garden and patio area was cleared at 11pm.
- The pub was a friendly one, with a clientele of 25 years and over, with a good mix of families and older people, which did a good trade in food. The clientele could be younger on Tuesday and Friday evenings, when there

was live entertainment at the premises.

- The Police had only been called to the premises once in the past two years.
- Window locks had been fitted, with keys held by the premises supervisor and duty manager. A review of all the windows had been conducted which had identified that the vented windows on either side of the front doors did not close fully; these would also be fitted with window locks.
- Regular perimeter checks were conducted at 9pm during live entertainment, which were recorded in a diary.
- Door staff were employed on Friday and Saturday evenings; the same company was used every week. Attendance was confirmed by e-mail by the company and the door staff were required to sign in and out on each occasion. It was emphasised that the occasion referred to by the applicant when door staff were not on duty arose on a Sunday evening; the licence conditions did not require the licence holder to employ door staff on Sunday evenings.
- Staff employed a zero tolerance policy with respect to offensive language, particularly given that there were occasionally children on the premises.
- Deliveries were only made between 1 – 3pm and no food was delivered before 9am.
- Regular inspections by the Council's Environmental Protection Unit had not highlighted any problems with the noise limiting devices at the premises. Discussions had, however, taken place with the person who provided the live entertainment at the premises and a decision had been taken to move his sound system to a more central position, in the vicinity of the television screen, rather than at the front of the premises.
- The windows were single-glazed.

The licence holder's representative confirmed that the licence holder would be prepared to offer some additional conditions to the licence in order to try to alleviate the applicant's concerns, including the following:-

- Door staff to remain until 15 minutes after customers have vacated the premises.
- Additional signage to be placed in the car park requesting customers to leave the area quietly.
- A record book to be kept by the premises supervisor whenever there was entertainment at the premises, recording all perimeter checks conducted and ensuring that windows were locked.

- The premises supervisor to work in partnership with the Environmental Protection Unit, to review the level at which the noise limiters were set and to make any changes deemed appropriate.

A former resident, who had until July 2007 lived directly opposite the Paul Pry, drew particular reference to the fact that when he and his partner had been living opposite the pub, his young son had slept at the front of the house in a bedroom facing the pub. The house was single glazed, with the front door directly opposite the pub, but his family had not suffered from any noise emanating from the pub. The pub was not a rowdy one, and it was difficult to discern whether occasional noises came from the town centre or the pub.

Members, whilst noting the petition, did not consider that the level of representations actually received was indicative of wider concerns regarding the operation of the premises. It appeared as though, in so far as there had been any disturbance, this had been relatively limited.

Members considered that the conditions suggested by the licence holder would go some way to addressing the concerns expressed by the applicant and thus felt that it would not be unreasonable to add these to the licensing conditions. In addition, Members noted the intention of the licence holder to review, with the Council's Environmental Protection Unit, the level at which the noise limiters were set and make changes, as appropriate.

Resolved

That the following additional conditions be applied to the licence:-

- Door staff to remain for 15 minutes after the last customers have left the premises.
- Additional signage to be displayed in the car park requesting patrons to leave quietly.
- A record book to be kept by the premises supervisor relating to perimeter checks and the locking of windows, to be made available for inspecting by the Licensing Authority. (HES)

The meeting commenced at 2.00 pm and closed at 4.40 pm.

Chairman

Date

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