

MINUTES

of the

**LICENSING COMMITTEE
HEARING OF APPLICATION**

9th May 2006

Present:

Councillor R. J. Shepherd (in the Chair)

Councillors R.F. Denston, F. B. Mountain and Y. M. Spence

Also in attendance Councillor W. G. Horslen

1. **Apologies for Absence**

No apologies for absence were received.

2. **Minutes**

The minutes of the meetings held on 10th and 12th April, 2006 were confirmed as a correct record and signed by the Chairman.

3. **Declaration of Interests**

The Committee was reminded to declare any personal and prejudicial personal interests in any of the items of business on the meeting's agenda.

4. **Licensing Act 2003 – Application for Variation of a Premises Licence: The White Horse, Townfield Street, Chelmsford**

The Committee had before it a report regarding an application made by Wessex Taverns Limited of 56 North Parade, Whitley Bay, North Tyneside in respect of The White Horse, 25 Townfield Street, Chelmsford, Essex to vary the licensable activities and hours of operation at those premises.

The application was for:

- (a) An extension of licensable activities to include films, live music, recorded music, performance of dance, anything of a similar description to music or the performance of dance, the provision of facilities for making music, the provision of facilities for dancing, the provision of facilities for entertainment of a similar description to making music and dancing, indoors only; and the supply of alcohol, on and off the premises to permit (in total)

Monday to Wednesday - 11.00 hours to 23.00 hours

Thursday to Sunday - 11.00 hours to midnight

Easter Sunday and Sundays prior to May Bank Holiday (1st) Monday, May Bank Holiday (2nd) Monday, August Bank Holiday Monday - 11.00 hours to 02.00 hours

Easter Monday, May Bank Holiday (1st) Monday, May Bank Holiday (2nd) Monday, August Bank Holiday Monday - 11.00 hours to 02.00 hours

11.00 hours New Year's Eve to 02.00 hours 2nd January

- (b) An extension of hours for the provision of late night refreshments indoors to permit (in total)

Monday to Wednesday - 23.00 hours to 23.30 hours
Thursday to Sunday - 23.00 hours to 00.30 hours

Easter Sunday and Sundays prior to May Bank Holiday (1st) Monday, May Bank Holiday (2nd) Monday and August Bank Holiday Monday - 23.00 hours to 02.30 hours

Easter Monday, May Bank Holiday (1st) Monday, May Bank Holiday (2nd) Monday, August Bank Holiday Monday - 23.00 hours to 02.30 hours

23.00 hours on New Year's Eve to 05.00 hours on 1st January
23.00 hours on 1st January to 02.30 hours on 2nd January

- (c) The premises staying open until

Monday to Wednesday - 11.00 hours to 23.30 hours
Thursday to Sunday - 11.00 hours to 00.30 hours

Easter Sunday and Sundays prior to May Bank Holiday (1st) Monday, May Bank Holiday (2nd) Monday, August Bank Holiday Monday - 11.00 hours to 02.00 hours

Easter Monday, May Bank Holiday (1st) Monday, May Bank Holiday (2nd) Monday, August Bank Holiday Monday - 11.00 hours to 02.00 hours

- (d) To remove all embedded restrictions inherent in the Licensing Act, and in particular, those which recreate the effect of Section 77 of the Licensing Act 1964.

The Chairman welcomed all parties present and introduced members and officers to the applicants and interested parties.

The following parties attended this hearing and took part in it:

Applicants

Mr R. Arnot, Mincoffs Solicitors LLP, Legal Representative on behalf of The White Horse

Mr A. Pallister, Area Manager, Wessex Taverns Limited

Ms E. Jones, Designated Premises Supervisor

Interested Parties

Mr. D. Warren

Ms. R. Laidler

Mr. and Mrs. C. Edwards

Mrs. M. Hammond

Mr. K. Crick

Ms. G. Smith

The Chairman confirmed that all parties understood the procedure to be followed at the hearing and asked whether any person wished to withdraw their representations.

The Chairman confirmed that no request to adjourn the meeting had been received. It was reported that the application had been amended as follows:

- (i) the variation to permit regulated entertainment had been withdrawn, with the exception of recorded music; and
- (ii) the seasonal variations in regard to Bank Holiday Mondays and the Sundays before Bank holidays had been withdrawn.

The applicant's legal representative advised the committee that the hours in respect of New Year's Eve were still being applied for.

The Interested Parties expressed the following concerns:

- Potential excessive noise disturbance from patrons using the premises
- The premises would become a shortcut for people on their way to and from town
- Noise level from music in the premises, particularly in the summer months when the doors and windows were open
- Noise nuisance from the garden area

In response to the Interested Parties' concerns Mr Arnot offered the following additional conditions:

- Doors and windows would remain closed, except for access and egress, during regulated entertainment
- The outside tables and chairs would be cleared by 11 p.m.

Mr. Arnot advised the Committee that the premises were a small, local, public house with a maximum capacity of 100. The brewery which owned the premises had no intention of changing the character of the premises or the type of mature clientele currently using the premises.

The Interested Parties thanked the applicant for taking their concerns into account and amending the application accordingly.

The Committee retired at 7.56 p.m. to deliberate in private

The Committee returned to the hearing at 8.11 p.m.

RESOLVED that:

- (a) The Director of Strategic Housing and Environmental Services be authorised to grant the application as amended by the applicant at the meeting; and
- (b) The application be granted subject to the mandatory conditions set out in Appendix B of the report before the Committee and to the following additional conditions:
 - (i) doors and windows to remain closed except for access and egress during regulated entertainment;
 - (ii) the outside tables and chairs to be cleared by 11 p.m.; and

- (iii) notices to be displayed asking patrons to leave the premises quietly.

Having regard to the absence of any nuisance relating to the current use of the premises, the Committee was satisfied that the application as amended together with the above conditions was sufficient for promoting the four licensing objectives.

The meeting closed at 8.15 p.m.