
PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'B'

17 JULY 2012

Present:- Councillors V E Guglielmi (Chairman), G L Mitchell, Shearing.

Stand-by Member:- Councillor Pugh.

Also Present:- Councillor De-Vaux Balbirnie. (items 1 – 2 (part))

In Attendance:- Streets and Seafronts Manager, Solicitor, Licensing Officer, Democratic Services Officer (JCN), Assistant Licensing Officer.

(10.00 a.m. – 10.55 a.m.)

1. MINUTES

The minutes of the meeting of the Sub-Committee held on 24 October 2011 were approved as a correct record and signed by the Chairman subject to the correction of the date of the meeting.

2. LICENSING ACT 2003 – APPLICATION NO: 12/00385/PREMGR - APPLICATION FOR THE GRANT OF A PREMISES LICENCE – THE ROYAL OAK INN, 226 MAIN ROAD, DOVERCOURT, ESSEX

The Sub-Committee had before it for its consideration a re-application that had been submitted by Mr Freeman for the grant of the Premises Licence held in respect of the above premises.

The Chairman welcomed all those persons present to the meeting and outlined the procedure that would be followed during the hearing.

Members were made aware of the details of the current licensable activities at the premises, details of the variations applied for and the steps that the applicant proposed to take to promote the Licensing Objectives, as set out in the application, and as summarised in Sections 4.0, and 5.0, respectively, of item A.1 of the Report of the Head of Public Experience.

The Licensing Officer drew the Sub-Committee's attention to typographical errors contained in the agenda and report.

The Sub-Committee was informed that the application had been advertised by the display of a notice on the premises and in the local press.

It was reported that a representation had been received from the Department of Public Experience (Food, Health & Safety) on the grounds that the Licensing Objectives in respect of Public Nuisance had not been satisfied. However, following discussions with the Applicant, this representation had been withdrawn, subject to the following conditions being attached to the Licence (if granted):-

1. All external doors and windows shall be kept closed except for access and egress during the provision of regulated entertainment, being a condition relating to the prevention of public nuisance.
2. All external windows shall be kept closed during the provision of regulated entertainment after 23.00 hours, being a condition relating to the prevention of public nuisance.

3. The holder of the premises licence, or the designated premises supervisor or any other person in control of the premises shall undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary, being a condition relating to the prevention of public nuisance.

It was reported that four letters of representation had been received from local residents on the grounds that the Licensing Objective for the Prevention of Public Nuisance had not been satisfied.

The Sub-Committee was advised that the objectors had been invited to the meeting but had not attended.

In the light of the above it was thereupon:-

RESOLVED – That the case be heard in the absence of the objectors who were unable to attend, but that their representations be considered in accordance with Section 20(3) of the Licensing Act 2003 (Hearings) Regulations 2005.

Mr Freeman addressed the Sub-Committee in support of his application and answered questions raised by members of the Sub-Committee.

It was moved by Councillor Guglielmi and duly seconded and:-

RESOLVED - That the public be excluded from the meeting pursuant to Section 100A(4) of the Local Government Act 1972 during the period when the Sub-Committee will be deliberating and considering its decision on the grounds that such deliberations involve the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

Members thereupon retired to deliberate and consider their decision. The Solicitor was asked to retire with them to advise on the legal position if required.

Following such deliberations the meeting was re-opened to the public. It was confirmed to all parties present that the Solicitor had given no specific legal advice to Members during their retirement.

It was moved by Councillor Guglielmi, duly seconded and:-

RESOLVED – That the decision of the Sub-Committee is as follows:-

The Sub-Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the applicant, the representations received from the Department of Public Experience (Food, Health and Safety), and concerned residents along with the Guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own Statement of Licensing Policy.

The decision of the Sub-Committee is to grant this application in full, subject to the imposition of certain conditions.

In addition to any Mandatory conditions and any conditions that are consistent with the Operating Schedule the following conditions will apply in order to satisfy the relevant Licensing Objective.

1. All external doors and windows shall be kept closed except for access and egress during the provision of regulated entertainment, being a condition relating to the prevention of public nuisance.

2. All external windows shall be kept closed during the provision of regulated entertainment after 23.00 hours, being a condition relating to the prevention of public nuisance.
3. The holder of the premises licence, or the designated premises supervisor or any other person in control of the premises shall undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary, being a condition relating to the prevention of public nuisance.
4. Suitable air conditioning units are to be used when doors and windows are closed during regulated entertainment and after 23.00 hours in order to maintain the air quality within the premises for the comfort of their customers. Such systems must be maintained on a regular basis, being a condition relating to the prevention of public nuisance.

The decision will be confirmed in writing to all parties and they will also be informed that they have a right of appeal to the Magistrates' Court within a period of 21 days beginning with the date the applicant is notified of the decision by notice.

Chairman