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Premises / Personal Licences Sub-Committee

13 August 2021

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON FRIDAY, 13TH AUGUST, 2021 AT 1.00 PM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Coley, V Guglielmi, J Henderson and Casey (Standby Member)
Also Present:	Peter Vaughan (Licence Holder, British Flag), Ronan McManus (Senior Licensing Officer, Essex Police)
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Emma King (Licensing Officer) and Debbie Bunce (Legal and Governance Administration Officer), Lisa Tann (Licensing Technical Officer)

34. CHAIRMAN OF THE MEETING

It was moved by Councillor J Henderson, seconded by Councillor Coley and:

RESOLVED – That Councillor V Guglielmi be elected as Chairman for the meeting.

35. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence, or substitutions on this occasion.

36. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on 14 June 2021 were approved as a correct record and signed by the Chairman.

37. DECLARATIONS OF INTEREST

There were none.

38. REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - A.1 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- BRITISH FLAG, 56 WEST STREET, HARWICH, ESSEX CO12 3DD

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting and made introductory remarks.

The Council's Licensing Manager (Michael Cook) then gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in Item A.1 of the Report of the Corporate Director (Operations and Delivery), an application for the variation of a Premises Licence held in respect of the British Flag, 56 West Street, Harwich, Essex CO12 3DD.

The application had been made under the Licensing Act 2003 to request an increase of the opening hours and the sale of alcohol hours.

Section 2.2 of the written report set out the current opening hours of the premises which were as follows:-

Monday to Thursday	1000 – 0030
Fridays and Saturdays	1000 – 0130
Sunday	1000 – 0030

Sale of Alcohol on and off the premises

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Performance of Live Music

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Performance of Recorded Music

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Other Entertainment falling within Act

Monday to Thursday	10:00 - 00:00
Fridays and Saturdays	10:00 - 01:00
Sunday	12:00 - 23:30

Non Standard Timings

Sale of Alcohol on and off the premises, Performance of Live Music, Performance of Recorded Music, Other Entertainment falling within Act

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, Midnight on 31 December).

Section 3.1 of the written report set out the proposed licensable activities which were the subject of the variation application as follows:

Opening Hours

Monday to Thursday	1000 – 0030
Friday and Saturday	1000 – 0230
Sunday	1200 – 0000

Sale of Alcohol on and off the premises

Monday to Thursday	1000 – 0000
Friday and Saturday	1000 – 0200
Sunday	1200 – 2330

The applicant had also stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 4.1 to 4.5 inclusive of the Officer report.

Members were further informed that twelve letters of representation/objection had been received from residents in relation to this application.

It was further reported that one representation had been received from Essex Police with the following comments:

Essex Police decided that the application posed a risk to the residents of Harwich and formally objected to the variation on the 14th of July 2021. Essex Police made this objection under the Crime and Disorder and Public Nuisance licensing objectives.

Full details of those objections were included in Essex Police's supplementary bundle which was attached to the Officer report.

The Sub-Committee had before it for its information the relevant extracts from the Council's Statement of Licensing Policy in respect of planning considerations and the statutory 'Prevention of Public Nuisance' Licensing Objective.

Members also had before them for their assistance the relevant paragraphs from the Home Office's Section 182 Guidance that accompanied the Licensing Act 2003 in respect of the following –

- (1) Prevention of Public Nuisance
- (2) Prevention of Crime and Disorder; and
- (3) Hours of Trading

The Sub-Committee also had before it the Applicant's Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the Applicant, Admiral Taverns Limited to give representations to the Sub-Committee.

Peter Vaughan of Admiral Taverns, the Licence Holder for the British Flag was present. He explained that he had agreed with Essex Police to vary the hours applied for which would now be only 30 minutes more on a Friday and Saturday than the existing Licence as follows:-

Monday to Thursday	1000 – 0000
Friday and Saturday	1000 – 0130
Sunday	1200 – 0000

Mr Vaughan explained that in all of the other businesses that he ran he believed that he complied with all of the Licensing Objectives. He had been running businesses for 37 years. He stated that though he lived in Chelmsford he visited the British Flag 2 or 3 days a week. He said that he knows the local area well. He said that the complaints received had been in relation to music but that the application before the Sub-Committee was only to extend the times for the sale of alcohol. He said that the beer garden was not in use after 11.30 p.m.

Mr Vaughan explained that he operated a closed door policy with no under 18s on the premises after 8.00 p.m. Any adults with children must remain sober.

He explained that there was no entry after 10.00 p.m. Mondays – Thursdays, no entry after 11.00 p.m. Fridays and Saturdays and no entry after 9.00 p.m. on Sundays.

The Chairman then asked if any Members had questions that they would like to ask Mr Vaughan.

Mr Vaughan was asked why he wanted to extend the hours of the pub, i.e. what was the justification. Mr Vaughan explained that he wanted to tap into the local market for 40-55 year olds that worked on the lighthouse and the windfarms who finished their shifts around 8.30 p.m. – 9.00 p.m. and only arrived at the pub at 10.00 p.m. Those individuals generally stayed locally in Bed & Breakfast accommodation and they were older people who did not want loud music. He just wanted to provide an period of 30 minutes drinking time.

Mr Vaughan was then asked to explain the resident's concerns about the noise in the back garden and that on one occasion the noise had been heard until 2.30 a.m and the Police had been contacted. Residents were claiming that the doors had been left open. He said that since lockdown had ceased when he had re-opened it had not been beyond Midnight.

Ronan McManus, Senior Licensing Officer for Essex Police was also in attendance and the Chairman then invited him to give representations to the Sub-Committee.

Mr McManus explained that Essex Police felt that the initial application to extend the opening hours of the premises would have had a significant impact on local residents. Essex Police were also concerned that if the hours were extended it would set a precedent for other Licenced Premises in the area.

He explained that on 15 July 2021 Darren Kelly of Admiral Taverns had contacted William Moody, the District Licensing Officer for Essex Police and had agreed in principle an extra half-an-hour on Fridays and Saturdays only with the last entry to the premises being one hour before closing time. Those hours and conditions had been subsequently confirmed by Admiral Taverns.

He explained that the last incident of note on the Police records in relation to the premises had occurred on 30 November 2019. There had been no incidents of note in

the last year but due to the pandemic the premises had not been open for much of that time.

The Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

After a period of time, the Sub-Committee, the Council's Solicitor and the Legal and Governance Administration Officer then returned to the meeting and the Council's Solicitor confirmed that she had not provided any specific legal advice to the Sub-Committee whilst it was making its decision.

The Chairman of the Sub-Committee then read out the following decision:

1. 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 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.
2. The Sub-Committee **DOES NOT AGREE** to grant the application in full but agrees to the sale of alcohol on the premises until 01.30 Fridays and Saturdays only and on the condition that no entry is allowed after 00.30.
3. The Sub-Committee takes this opportunity to remind the Applicant of the other conditions on its licence, including when the doors and windows must be closed, and the use of the smoking area which is for that alone and not for drinking.
4. The Sub-Committee also recommend that measures should be taken to ensure that customers to the Premises leave quietly including for example that calming and soothing winding-down music is played; lights are increased; and customers are reminded to open and close doors quietly and not to talk or sing loudly, or communicate at excessive volume.

Finally, I must mention that all parties who are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates' Court.

This Decision was made today, 13 August 2021 and will be confirmed in writing to all parties.

The meeting was declared closed at 2.10 pm

Chairman