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Premises / Personal Licences Sub-Committee

19 August 2021

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON THURSDAY, 19TH AUGUST, 2021 AT 10.05 AM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors V Guglielmi, McWilliams, Winfield and Casey (Stand-by Member).
Also Present:	Mr Ralph Davis, Mrs Jane Davis and Miss Abbi McCutcheon.
In Attendance:	Michael Cook (Licensing Manager), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Debbie Bunce (Legal and Governance Administration Officer) and Lisa Tann (Licensing Technical Officer)

39. CHAIRMAN OF THE MEETING

It was moved by Councillor Winfield, seconded by Councillor McWilliams and:

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

40. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

41. DECLARATIONS OF INTEREST

Councillor McWilliams declared as a point of information for the public record that she was the Ward Member for The Bentleys and Frating, which was the adjacent ward to Alresford and Elmstead Ward in which the premises in question was located.

**42. REPORT OF CORPORATE DIRECTOR (OPERATIONS AND DELIVERY) - A.1
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SNOOTY FOX,
FRATING ROAD, GREAT BROMLEY, ESSEX**

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 grant of a Premises Licence in respect of The Snooty Fox, Frating Road, Great Bromley..

The application had been made under the Licensing Act 2003 for a Premises Licence to be granted which would include the sale of alcohol on and off the premises, the performance of live music, the playing of recorded music, the performance of dance, and the provision of late night refreshment.

The Sub-Committee was informed that this Premises was a public house complete with a beer garden/decking area attached to and within the grounds of the public house. The area also included a car parking area if required for Weddings or other events.

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

2.2 PROPOSED OPENING HOURS

Mondays to Saturdays	1000 to 0130
Sundays	1000 to 2230

3.0 PROPOSED LICENSABLE ACTIVITIES

3.1 Live Music

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.2 Recorded Music

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.3 Performance of Dance

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.4 Anything of a Similar Description of Live Music, Recorded Music or Performance of Dance

Mondays to Saturdays	1000 to 0000
Sundays	1000 to 2230

3.5 Late Night Refreshment

Mondays to Saturdays	2300 to 0000
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3.6 Sale of Alcohol on and off the premises

Mondays to Saturdays	1000 to 0130
Sundays	1000 to 2230

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 nine letters of representation/objection had been received from residents in relation to this application.

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) Planning and Building Control

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

The Chairman then invited the Applicant, Snooty Fox Bromley Ltd to give representations to the Sub-Committee.

Mr Ralph Davis assisted by his wife Mrs Jane Davis, who were two of the Applicants advised the Sub-Committee that they had been running public houses since 1989. They had begun with The White Horse in Capel St Mary and then The Brewers Arms in Colchester, where they were still the Licensees.

They explained that they had always worked co-operatively with Police Licensing Officers and that they were responsible Licence holders.

The Chairman asked if any Members had questions that they would like to ask Mr and Mrs Davis.

Members expressed concern about the item regarding any adult entertainment or services ancillary to the use of the premises whereby they had stated the following in their application:

Stag and and Hen Parties
Strippers
Drag Queens
Stand-up Comedians
Gaming Machines.

Mr Davis explained that when they had applied for their Licence in Colchester they had been given a list of what activities they were able to apply for and so they had picked all of the activities listed. They had therefore asked for the same items when applying for the current Licence. They explained that they did not intend to have strippers etc, but that if there was a hen party or stag do at the pub then it would allow the party to have a stripper-gram as the Licence would cover those occasions. The premises was primarily going to be a restaurant which was why they had asked for music to be included in their Licence. They also wanted to be able to provide live music for occasions when someone was having a birthday party and wanted to have a live band.

Members asked whether they had taken on board the advice of the Council's Licensing Team and they said that they had.

Mr Davis further explained that they had applied for the hours that the pub had previously been granted but that they had not known that the pub had been closed for the past three years, this was therefore not a transfer of the existing licence application but was in fact a completely new application for a fresh licence.

Mr Davis was asked whether if there was music outdoors could the noise levels be controlled and he advised that they would never be live music outdoors and any activities outside would be very infrequent.

Mr Davis explained that outside there was a decking area and smokers were encouraged to use the front of the area so that they were not near to the restaurant or kitchen area and the drinkers and those patrons with children were requested to use the rear of the decking area. After 7.00 p.m once children had left, the smokers were asked to then use the rear area to take them away from the neighbouring properties and so avoid any excessive noise. If there was any entertainment indoors, the doors and windows would be closed.

The Chairman then asked those persons present who had made representations/objections if they wished to address the Sub-Committee.

Mr Olly Pittman then addressed the Sub-Committee. He explained that he had live at his present address for ten years. He said that because of the excessive noise from the pub previously he had considered moving house. He did not feel the need for the pub to be open until 1.30 a.m. and that he felt that 11.00 p.m. or 12 Midnight would be sufficient and then that would not be an issue for him.

Mr Paul Willey then addressed the Sub-Committee.

He explained that there had been instances when someone had urinated up the side boundary wall at his house and also that he had found beer bottles in his garden. He said that these incidents were a nuisance but he felt that it did not warrant reporting to the Police. He said that he had two young children who slept in the bedroom at the front of the house and the side so he was concerned about excessive noise. He explained that he had previously supported the pub and said that he would do so again.

The Sub-Committee then asked further questions of Mr Davis regarding the opening hours and Mr Davis confirmed that they had only applied for the hours that the pub had previously been granted on the previous licence but that they were willing to reduce the hours of operation.

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 Applicants, 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. The sections of the application that are not agreed are for the sale of alcohol on and off the premises to 01.30 hours Mondays to Saturdays and the performance of dance, live music, recorded music and late night refreshments until midnight Mondays to Saturdays.*

These hours were not granted because the Sub-Committee recognise that this is a country pub and importantly, because the Applicants, having spoken to their new neighbours acknowledge that the hours sought, albeit it is believed they were similar to the hours that the premises previously had when known as the White Rose, may be excessive and had indicated that they were quite willing to reduce the hours.

3. **HOWEVER, SUBJECT TO PARAGRAPH 2 ABOVE**, *the Sub-Committee has decided to grant the application as follows. 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.*

Sale of Alcohol on and off the premises:

*Mondays to Saturdays – 10.00 to 23.30 hours
Sundays – 10.00 to 22.30 hours*

Performance of dance, live music, recorded music and late night refreshments:

*Mondays to Saturdays – 10.00 to 23.30 hours indoors only, and
Sundays – 10.00 to 22.30 hours indoors only.*

Events in the garden or parking area of the public house, including live music, must not exceed more than 6 occasions per calendar year. Events in the garden or parking area must not occur or take place beyond dusk or 19.00 hours, whichever is the later on the 6 occasions.

In terms of non-standard timings, i.e. bank or public holidays, Christmas Eve or New Year’s Eve, the timings will be as follows:

*Sale of alcohol on and off the premises – 10.00 to 01.30 hours
And*

*Performance of dance, live music, recorded music and late night refreshment –
10.00 to 01.00 hours*

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

This decision was made today, 19 August 2021 and will be confirmed in writing to all parties.

The meeting was declared closed at 11.24 am

Chairman