
**MINUTES OF THE MEETING OF THE PREMISES/PERSONAL LICENCES
SUB-COMMITTEE 'A', HELD ON MONDAY 14 AUGUST 2017 AT 10.05 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors V E Guglielmi (Chairman), Whitmore, Winfield and Watson (Stand-by Member)
Also Present:	None
In Attendance:	Mark Westall (Head of Customer and Commercial Services), Linda Trembath (Senior Solicitor (Litigation and Governance)), Debbie Bunce (Legal Administration & Information Officer), Katie Sullivan (Committee Services Officer), Emma King (Licensing Officer) and Michael Cook (Licensing Assistant)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

2. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Sub-Committee held on 6 September 2016 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

**4. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 -
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE MANOR,
RECTORY ROAD, GREAT HOLLAND, ESSEX**

The Chairman (Councillor V E Guglielmi) welcomed everyone to the meeting.

The Council's Licensing Officer (Emma King) 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 (Operational Services), an application for the Variation of the Premises Licence held by Olivia Hearn ("the applicant") for The Manor Public House, Rectory Road, Great Holland.

Section 2.2 of the written report set out the proposed opening hours for the premises whilst Sections 3.1 to 3.6 inclusive detailed the current licensable activities. The proposed licensable activities applied for by the applicant were before Members in Sections 4.1 to 4.6 of the written report. However, it was noted that variation in respect of Late Night Refreshment, at 4.5, was not being sought at this time, as this had not been included in the original advertising and the applicants did not want to delay the application as a whole.

The applicant had stated the steps that she proposed to take to promote the statutory Licensing Objectives within her Operating Schedule and these were detailed in Sections 5.1 to 5.5 inclusive. The applicants had also offered to stop outside events at 10.00 pm.

All responsible authorities had been consulted with as standard procedure and it had been confirmed that Essex Police had spoken with the applicant on 18 July 2017. The applicant had confirmed that the outside mobile bar would only be used seasonally and would be hired out to private parties off site. The applicant had also confirmed that the outdoor alcohol would be served in plastic glasses only. Essex Police therefore had no objections to this application.

The Council's Pollution and Environmental Control team had objected to the application and Andy Rutson-Edwards (Environmental Protection Officer – Pollution & Environmental Control Team) had submitted the following comments regarding the premises licence variation:

"I ask that the variation, if granted restricts all outdoor events referred to in Part 4 of the application to finish no later than 23.00 with the speakers positioned so that the sound is directed inward away from noise sensitive premises.

My previous paragraph refers to the playing of live music, recorded music and anything similar (sections E, F, and H) in the application where it relates to outdoor events these are further restricted by the condition as follows:

Not to continue beyond 23.00. Maximum noise levels (MNL) LAeq(15min) from the events shall not exceed 65dB(A) 1 metre from the nearest noise sensitive property.

For a licence variation, if given for music after 23.00 including outdoor events please take note of the following: Directions, given under the Noise Act 1996 provide that the permitted level for the purposes of that Act is 34 decibels where the underlying noise level does not exceed 24 decibels or 10 decibels above underlying noise levels in any other case. In the event that the representations are received and the Authority concludes that a noise condition is required that starting point for such a condition would be 34 decibels.

Adding these conditions to any variation of license will significantly reduce the likelihood of public and statutory nuisance.

If an applicant wishes to contend that higher or longer hours are appropriate then the Authority would expect the applicant to provide a noise survey to support such a contention.

Alternatively the following condition would achieve the same effect if imposed restricting the end time of outdoor recorded and live music events to 23.00. A noise limiter must be fitted to the musical amplification system set a level determined by, and to the satisfaction of, an authorised officer of the Environmental Service, so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Service and access shall only be by persons authorised by the Premises Licence Holder.

The limiter shall not be altered without prior agreement with the Environmental Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Service. No additional

sound generating equipment shall be used on the premises without being routed through the sound limiter device.”

No other representations had been received by any individual, body or business that had grounds to do so.

The Sub-Committee had before it for its information the relevant extract from the Council’s Statement of Licensing Policy in respect of 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 Chairman asked if anyone had any questions that they would like to ask the Licensing Officer following her summary of the written report. There were no questions asked.

Mrs Hearn’s husband was also present and he confirmed that he and his wife were business partners, however Mrs Hearn was the Premises Licence holder for The Manor.

Mr and Mrs Hearn addressed the Sub-Committee and put forward their case as to why the application should be approved and confirmed that the opening hours chosen for the proposed usage of the outside area had been requested as it was in line with the opening hours for the current licensed area. They then responded to questions raised by Members.

In response to being asked about car parking space Mr and Mrs Hearn confirmed that the car park would still be used for parking but that they were hoping to buy some additional land in the future and in the future they were considering changing around the car parking area and garden. When outdoor events were arranged, the mobile bar known as “the rocket” would be parked in the car park, and that was why the application included the car park as well as the garden but the rest of the car park would still be used for parking. In response to being asked when they planned for events to take place they confirmed that they would look to hold events on bank holiday weekends, village fete days and on the anniversary for each year since they had opened the pub.

Mr and Mrs Hearn said that they had taken a year to renovate the public house before opening and that the application had initially been made on the basis of the times that had been permitted prior to their ownership. They called last orders at 11.00 pm. They wanted to be a “family friendly” pub and were conscious of noise issues as they lived on the premises and had a two year old child. They understood the concerns of the Council’s Pollution and Environmental Control Team about noise and were happy to agree a 10.00 pm finish time for outdoor events, but if someone particularly wanted something different they could apply for a Temporary Event Notice (TEN).

Mr and Mrs Hearn confirmed that they would manage the noise levels outdoors, including where people brought their own noise equipment, by physically walking around at regular intervals.

Mr Rutson-Edwards then addressed the Sub-Committee and explained why the Council's Pollution and Environmental Control Team had put forward representations on this application and their suggested control measures. He then responded to questions raised by Members which included queries about Noise Limiters.

The Chairman then requested Mr and Mrs Hearn and Mr Rutson-Edwards to leave the meeting to discuss the suggested control measures in more detail. Mr and Mrs Hearn and Mr Rutson-Edwards then withdrew from the meeting.

Following that discussion Mr and Mrs Hearn and Mr Rutson-Edwards then returned to the meeting indicating that they had reached agreement on measures to control the noise at events held outdoors; Members were given the opportunity to ask any further questions.

In response to being asked if the Public House was a Freehouse Mr and Mrs Hearn confirmed that it was; in response to being asked if they had any help and support, they confirmed that they had lots of help and support from their respective families and that Mr Hearn's family had experience in the industry.

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

The Sub-Committee, the Council's Solicitor, the Legal Administration and Information Officer and the Committee Services Officer then returned to the meeting.

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

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 Tendring District Council Environmental Services 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.

That in relation to the application generally the applicant now seeks a finish time for all outdoor events of 10.00 pm, and the licence is granted to allow that with one condition added, namely that for all outdoor events a noise limiter and/or some way of managing the noise so that the levels noted by the Council's Pollution and Environmental Control Team are not exceeded. This condition has been agreed between the parties and is made in respect of the Licensing Objective for the Prevention of Public Nuisance.

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, 14 August 2017 and will be confirmed in writing to all parties.

The meeting was declared closed at 11.15 am

Chairman