

LICENSING SUB-COMMITTEE HEARINGS

4 APRIL 2011

Present :- Councillors Nick Cope
Substitute Members :- Councillor Michael Lilley for Councillor Mark Cory
Councillor Mary Blandon
for Councillor Christopher Garnett

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Application under the Licensing Act 2003

The Head of Environmental and Protective Services submitted reports in relation to the following applications for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

Chequers Inn, The Street, Great Tey, Colchester, Essex

The Sub-Committee considered an application for the variation of a premises licence in respect of the Chequers Inn, The Street, Great Tey to permit -

- Supply of alcohol off the premises
- Extension of hours for the supply of alcohol on the premises during non-standard timings
- Extension of opening hours over New Year
- Provision of indoor sporting events
- Provision of late night refreshment over New Year
- To amend the licensable area to include a Village Shop.

In Attendance:

Applicant: Mr Grimsey (Solicitor for the Applicant) and Mr Hunter (Designated Premises Supervisor, Greene King)

Responsible Authority: Mr Milham, Environmental Control

Officers: Mr Daines, Head of Protective Services; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mr Weavers (Legal Services Manager & Monitoring Officer)

Resident: Mr Crookendon

Ms Tuthill, Committee Services Assistant (Licensing) briefly introduced the application advising that Environmental Control had commented on the application and that four representations had been received in response to the application as well as one letter of support from the Parish Council. Ms Tuthill asked the applicant to clarify exactly what they were seeking as part of this application as the Licensing Authority believed that some negotiations had taken place between the applicant and Environmental Control prior to the Hearing.

Mr Grimsey introduced the application and confirmed that the main reason for making the application was to allow the supply of alcohol off the premises from the shop, although they were also seeking the supply of alcohol off the premises in the public house area to allow late diners to be able to take their unfinished drinks home with them. Indoor sporting events had been applied for to allow spectators at Darts matches which take place at the premises once a fortnight.

Mr Milham, Environmental Control confirmed that Greene King had already agreed that the opening times for the shop would be 11.00 to 21.00 Mondays to Fridays and 11.00 to 15.00 Saturdays and Sundays. Mr Grimsey confirmed this and apologised for any confusion caused. Mr Milham confirmed that he was happy with the agreed shop opening times.

The Designated Premises Supervisor, Mr Hunter advised the Sub-Committee that since taking the public house over in November 2010, he had tried to turn the business back into a local, traditional, food-led public house and that the village shop had come about following requests from the local community.

The Solicitor for the applicant informed the Sub-Committee that he was aware that there have been some problems surrounding the Chequers Inn in the past but that these were not related to Mr Hunter who had only been at the premises since November last year.

Having read some of the local residents concerns in their letters of representation about the sale of alcohol to those underage, the Chairman asked Mr Hunter what provisions were already in place to prevent underage sales, to which Mr Hunter said that the premises had already adopted Challenge 21 in the shop and public house. However, it was noted that this was not a condition on the existing premises licence and that the current standard being adopted in licensed premises was Challenge 25.

In regards to some of the issues raised in the residents' letters of representation, Mr Hunter confirmed that on 10 December 2010, the lights had been left on to allow those leaving the premises to see where they were going otherwise it would be pitch black. In reference to the fireworks incident on New Year's Eve 2010, Mr Hunter said that he had been in bed at the time of the incident, that it was unrelated to the premises and that he had not known anything about it until he was approached by the Parish Council in mid-January. With regards to damage to nearby properties, Mr Hunter said that he was not aware of any incidents or complaints and had spoken to the Petanque Club which use the car park and they had not thought there had been an incident in about 20 years. Councillor Lilley asked Mr Hunter if he had arranged any meetings with local residents

to discuss their issues and concerns surrounding the application and Mr Hunter confirmed that he had tried to talk to all of the objectors.

Mr Grimsey advised the Sub-Committee that Mr Hunter was an experienced licensee who wanted to work with the local community and develop a business during a difficult time.

Mr Crookendon (resident) then addressed the Sub-Committee and informed it that he had lived in the village for 30 years and was supportive of the application, but that there had been some confusion amongst residents about the shop opening hours. Mr Crookendon also commented that historically there had been noise and behavioural problems caused by patrons of the premises and that there had been a problem with noise there on New Year's Eve 2010. Mr Crookendon said that he had telephoned Mr Hunter on New Year's Eve about the problem and said that if the problem continued he would invite Mr Crookendon to his home to listen to the noise and that he was keen to work with Mr Hunter to resolve any issues that arose. Mr Crookendon said that he had found working with Greene King difficult and sought clarification surrounding the Noise Abatement Notice which had been served on a previous landlady and wondered whether it still applied to the premises. Mr Milham confirmed that the Noise Abatement Notice only applied to the Designated Premises Supervisor upon which it was served and therefore did not apply to Mr Hunter.

In his closing statement, Mr Hunter acknowledged that there had been an issue on New Year's Eve and that he and Mr Crookendon had, had a discussion about the problem. Mr Hunter confirmed that he did not want to have live bands and discos on a regular basis, but may want them for occasions such as New Year's Eve which many local residents attend. Mr Hunter informed members that it was his intention to keep a nice village country pub and that he could not see any issues that would result from this application, particularly in relation to residents concerns regarding the possibility of people congregating outside the premises.

The Decision

RESOLVED that having regard to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report and the submissions made at the Hearing the Sub-Committee determined to grant the application to permit –

- Provision of regulated entertainment and entertainment facilities as follows-

Indoor sporting events and supply of alcohol off the premises for the following hours-

11.00 to 00.00 Mondays to Thursdays

11.00 to 01.00 Fridays and Saturdays

11.00 to 23.30 Sundays

Non standard timings for indoor sporting events: Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays 11.00 to 01.00. New Year's Day annual Petanque

club match 09.00 to 01.00

- Non standard timings for the supply of alcohol on and off the premises:

New Year's Eve from the beginning of normal licensed hours to the beginning of normal licensed hours the following day.

- To permit the provision of Late Night Refreshment indoors

Non standard timings: New Year's Eve 23.00 to 05.00

- Hours the premises are open to the public: New Year's Eve from the beginning of normal licensed hours to the beginning of normal licensed hours the following day.

- To amend the licensable area to include a Village Shop.

The Licence was granted subject to the following conditions –

Conditions set out on the Operating Schedule (previously not included):

1. The licensing objectives have been carefully considered taking account of the premises and their location.
2. The premises will promote the four licensing objectives in accordance with the Section 182 Guidance.
3. Risk Register kept on site

Conditions imposed by the Sub-Committee at the Hearing:

1. The "Challenge 25" scheme be adopted.
2. Only approved proof of age identification showing a photograph, date of birth and holographic mark will be accepted. Approved forms include passport, photo driving licence and pass accredited card.

Conditions agreed with Environmental Control prior to the Hearing:

1. That the hours for the supply of alcohol off the premises for the shop be as follows:
11.00 – 21.00 Mondays to Fridays inclusive
11.00 – 15.00 Saturdays and Sundays

Considerations:

The Sub-Committee noted that one letter of support had been received and that four relevant representations opposing the application had been received from interested parties and that one resident attended the hearing either speaking on their own behalf.

The Sub-Committee noted that the majority of the objections of the interested parties concerned the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee also noted that comments had been submitted by Environmental Control and that as a result the hours for the sale of alcohol off the shop premises had been reduced to Mondays to Fridays 11:00 to 21:00 and Saturdays and Sundays 11:00 to 15:00.

Policy:

The Sub-Committee considered the guidance issued under section 182 of the Licensing Act 2003 and its own policy particularly those paragraphs dealing with off sales/shops and supermarkets and rural areas.

In arriving at its decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties including the applicant and the interested parties under the Licensing Act 2003.

Reasons for the Determination:

The Sub-Committee weighed the evidence of all parties giving careful consideration to all the representations and the evidence presented by each party.

It was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives and it was satisfied that the most appropriate way forward was to grant the licence with amended hours for the sale of alcohol off the shop premises Mondays to Fridays 11:00 to 21:00 and Saturdays and Sundays 11:00 to 15:00; and subject to the additional conditions relating to Challenge 25 and proof of age identification.

The Sub-Committee found that some of the evidence presented by the interested parties was not within the remit of the Sub-Committee or pertinent to the decision being matters that involved a previous designated premises supervisor. In view of this it felt that the case made by local residents in respect of the likely noise nuisance and crime and disorder as a result of the application was not proved sufficiently to justify the refusal of the application or further amendments to the hours. The Sub-Committee noted that the pub was generally not responsible for anti social behaviour committed away from the premises and outside the applicant's direct control however it urged the applicant./DPS to maintain a constructive and open dialogue with local residents in order to quickly address any issues of concern.

The Sub-Committee considered it necessary and proportionate, in order to promote the licensing objective of the prevention of children from harm and to address the concerns that had been expressed in relation to underage drinking, to impose conditions relating to the implementation of the Challenge 25 scheme.

4. Close of Meeting

The meeting closed at 11.40.