

LICENSING SUB-COMMITTEE HEARINGS

24 MAY 2013

Present :- Councillor Nick Cope (Chairman)
Councillors Margaret Fairley-Crowe and Michael Lilley

1. Appointment of Chairman

Resolved that Councillor Cope be appointed Chairman for the meeting

2. Declarations of Interest

There were no declarations of interest.

3. Applications under the Licensing Act 2003

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

- Kings Arms, 63 Crouch Street, Colchester

The Sub-Committee considered an application to vary the premises licence in respect of the Kings Arms, 63 Crouch Street, Colchester to the creation of a new servery (outside bar) and cold cellar in the existing barn to the rear of the premises.

In Attendance

Applicant Mr A Evans, Counsel for the applicant
Mr R Calderbank, business Development Manager, Greene King
Mr M Deveney, Manager of the Kings Arms

Objectors Councillor Frame
Councillor Hayes

Licensing Authority Mr M Nelson, Food Safety and Licensing Manager
Mr S Swain, Enforcement Officer
Mr C. Samuel, Legal Services
Mrs S White, Licensing & Committee Co-ordinator

Mrs White gave a brief summary of the application. The Sub-Committee noted that the application was for an extension of the licensed area to include a new servery (outside bar) and cold cellar in the existing barn to the rear of the site and at the back of the external courtyard. The bar was to be located at the front of the barn and open out into the courtyard through the existing double doors. The conditions and hours on the licence were unaffected by the application.

In presenting the application, Mr Evans explained the nature and operation of the pub and its clientele. The premises had been managed by Mr Deveney and his wife, who was the Designated Premises Supervisor, for 10 years. Its clientele tended to be older than the average and Mr Adams mentioned that the premises had the third highest level of sales of Pimms in the country which seemed to be consistent with and compliment the large outside drinking area. The potential for this area to cause disturbance to local residents had been recognised in previous applications and as a result the licence already had a condition limiting the number of outside music events to no more than four per year. The music on these occasions stopped by 18.00 and notification of the event was given to local residents in the vicinity. There was no intention to increase the number of outside events as a result of the current application.

Mr Deveney explained the reasoning behind the application which was to relieve the pressure of the existing bar which on busy days could be surrounded by a crowd 7 to 8 persons deep waiting to be served. The new bar would take orders for food and drink and would also facilitate staff serving patrons at their tables. The suggestion of Environmental Protection to stop serving from the outside bar at 21.00 was accepted by the applicant. Mr Deveney stated that he did not expect the new bar to significantly change the nature of the business. The garden was already very well used and entry was restricted by staff if necessary with doorstaff only being used when events were taking place. Clarification was sought on the letter that was circulated to local residents and Mr Deveney confirmed that they went to every house in the immediate vicinity of the pub.

Mr Milham, Environmental Control Officer, gave a history of the noise complaints that had been received in relation to the premises. In terms of the day to day operation of the premises there had only been three isolated complaints and none of these had been followed up by the complainants. In total there had been 8 complaints from 3 residents in the last 13 years. Conditions had been agreed with the applicant in advance of the hearing but in the interests of clarity it was suggested that the wording of these be amended to control the use of the outside area after 23.00 to help avoid disturbance to local residents.

Councillor Frame addressed the Sub-Committee on the details of his letter of representation which was concerned with the creation of the outside servery and the potential increase in noise nuisance which he believed would occur if the licence was granted due to the increased interaction between customers and staff in this area. Councillor Hayes addressed the Sub-Committee on her representation and asked that the complaints log, which had been circulated by the applicant's representative, be amended and in future contain far more factual information. Councillor Hayes reported that she had on occasions heard music and other noise from the premises and she considered that there was a noise problem at the premises. Councillor Hayes explained

how she had ascertained, on several occasions, from where the noise emanated.

RESOLVED to permit the creation of a new servery (outside bar) and cold cellar in the existing barn to the rear of the premises and at the back of the external courtyard. The bar to be located at the front of the barn and open out into the courtyard through the existing double doors subject to the following conditions –

1. No use of the outside bar after 21.00.
2. No patrons be permitted in the outside area from 23.00, with the exception of those using the smoking area.
3. No bottles or glasses be permitted in the smoking area after 23.00.
4. The licence holder maintains a complaints book to include the nature of each complaint, its time and date and the action to be taken and a record of action taken on each complaint.

Reasons for the Determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations, arguments and evidence presented by all parties including the applicant and other parties under the Licensing Act 2003 and had regard to the section 182 guidance, as amended, and to its own Licensing Policy.

The Sub-Committee being familiar with the area found that there were residential properties to the rear of the premises and that some noise complaints had been received from residents in the past.

The Sub-Committee was mindful that its decision must be an appropriate and proportionate response aimed at the promotion of the licensing objectives. The Sub-Committee therefore approved the conditions agreed by the applicant with Environmental Protection as amended at the Hearing and considered that these were adequate, together with an additional condition offered by the applicant in relation to keeping a complaints book, to address the concerns raised.

All parties were reminded that they have the right to request a review if problems occurred once the new licence was in operation. Parties have the right of appeal against this decision.