

REPORT TO LICENSING SUB-COMMITTEE

DATE: 4 APRIL 2018

TITLE: MARQUIS OF GRANBY LICENCE APPLICATION

LEAD OFFICER(S): DAVID TAYLOR, PRINCIPAL ENVIRONMENTAL
HEALTH OFFICER
(01279) 446148

CONTRIBUTING OFFICER: DEBBIE WRIGHT, LICENSING ADMINISTRATOR
(01279) 446105

RECOMMENDED that:

- A** Members of the Licensing Sub-Committee consider the information provided by the applicant and by persons making representations and determine the licence application in accordance with the provisions and licensing objectives of the Licensing Act 2003.
- B** Members of the Licensing Sub-Committee take such steps as they consider necessary for the promotion of licensing objectives which may include the following actions:
- i) Grant the licence subject to conditions consistent with the operating schedule.
 - ii) Grant the licence subject to conditions consistent with the operating schedule modified to such an extent as the authority considers necessary for the promotion of the licensing objectives.
 - iii) Grant the licence and exclude from the scope of the licence a licensable activity.
 - iv) To reject the application.
 - v) To refuse to specify a person in the licence as the designated premises supervisor.

BACKGROUND

1. Harlow Council is the local 'licensing authority' for the purpose of the Licensing Act 2003. A licensing authority must carry out its functions and duties with a view to promoting the licensing objectives. These are:
 - a) The prevention of crime and disorder.
 - b) Public safety.

- c) The prevention of public nuisance.
 - d) The protection of children from harm.
2. In carrying out its licensing functions, a licensing authority must have regard to:
- a) Its statement of Licensing Policy.
 - b) Regulations made under the Act.
 - c) Guidance issued under Section 182 of the Licensing Act 2003.
3. The premises at 2 Fore Street, Old Harlow, Essex, CM17 0AA comprises of a detached brick and timber framed public house. The property was Grade II Listed on 19 June 1981. The premises are situated on land between Market Street and Fore Street near to the junction with London Road.
4. Fore Street, to the south of the application premises, is a narrow pedestrianised road bordered on the other side by 'Seeleys' (which is residential accommodation). Vehicular access is via Market Street. The area is a mixed residential and commercial area, as may be seen on the attached plan.
5. The premises have been previously licensed under the Licensing Act 2003 and earlier legislation. The previous premises licence was surrendered by the licence holder on 23 November 2017.

ISSUES/PROPOSALS

6. An application for premises licence dated 10 February 2018 has been received by the Council. The proposed licensing activities include:
- a) The playing of live music (the proposed timings are within those prescribed by the Live Music Act 2012 [as amended]),
 - b) The playing of recorded music at times indicated in the application,
 - c) The supply of alcohol at the times indicated in the application.

The application may be seen in Appendix A. A plan view of the locality is attached to this report.

7. The application was advertised for 28 consecutive days. Ten valid representations were received from members of the public before close of the consultation period. The representations may be seen in Appendix B.
8. A further four communications were received from responsible authorities ie: Essex Police, Essex Fire and Rescue, Essex County Council (safeguarding) and Harlow Council Environmental Health Service.

- a) Essex Police have proposed a list of conditions which the applicant has agreed to be attached to the licence.
- b) Essex Fire and Rescue have not raised any representations.
- c) Essex County Council have not raised any representations.
- d) Environmental Health advise that conditions be attached to the licence to oblige the licence holder to conduct regular patrols of the area and to install a noise limiting device.

The communications may be seen in Appendix C.

- 9. Where representations are made, the licensing authority must hold a hearing to determine the licence application.
- 10. The representations refer to the following licensing objectives:
 - a) Prevention of crime and disorder.
 - b) Public safety.
 - c) Prevention of public nuisance.
 - d) Protection of children from harm.
- 11. The representations refer to the following issues:
 - a) Late night licence will increase the likelihood of fights in the street.
 - b) Late night entertainment will disturb residents.
 - c) Late night entertainment will likely attract a wider clientele and lead to disorder.
 - d) Concerns that the building is not suitable for use as an entertainment venue because of its close proximity to residential accommodation and because the building is listed and cannot be properly sound proofed.
 - e) That patrons from local pubs spill out onto the street with glasses in hand and congregate in groups.
 - f) That persons making use of the external smoking area causes disturbance.
 - g) Drug dealing and drug taking has previously been observed in the area around the public house.
 - h) Concern that the sale of alcohol late at night will increase the likelihood of drug taking,

- i) That patrons of pubs in Old Harlow drink and drive.
- j) Renovation of the public house is welcomed and will be an asset to the community but the provision of a licence until the early hours may attract crime.
- k) There is already one other local venue with a late night licence within a predominantly residential area.
- l) Glass and bottles are frequently abandoned in the area.
- m) Vomit, urine, cigarette butts and drug paraphernalia are sometimes left in the area posing a consequential health risk.
- n) Persons have been seen urinating against walls and vehicles.
- o) Close-by residential premises (Seeleys and Market Street) are built using the 'cross wall construction' method with storey height window frames at the front which makes them more vulnerable to the noise penetration.
- p) That there is no space around the public house, which causes patrons to congregate around the entrance which may increase the impact of nuisance caused to residents,
- q) That there are three licensed premises within a relatively small residential area giving rise to a cumulative impact.
- r) That children living locally will be exposed to offensive language from within their bedroom when windows are open during summer months.
- s) Children will be disturbed by noise when in their bedrooms.
- t) Previous experience indicates that disturbance caused by patrons leaving licensed premises occurs for an hour after closing as persons disperse and collect their vehicles.
- u) That Council officers have not dealt with previous problems.
- v) Vehicles have previously been damaged by drunk persons and property damaged. Door bells are rung and residents have been abused after challenging persons that were engaging in anti-social activity.
- w) The area suffers congestion at closing time. Persons congregate in the street and block the road.
- x) The proposed closing times are akin to a night club.

12. With regard to the summary of representations in (11) above, members of the Licensing Sub-Committee will wish to note that the person making the application has not previously traded from the premises and therefore is in no part directly responsible for earlier disturbances or problems.
13. Persons making representations have been invited to attend the hearing.
14. An applicant has a right of appeal to the Magistrates Court against the decision of the licensing authority to reject the application or of the attachment of conditions to a licence. A person who made relevant representations has a right of appeal on the grounds that the licence should not have been granted or on the grounds that the licensing authority should have attached different or additional conditions.

IMPLICATIONS

Place (Includes Sustainability)

Concerns have been raised by the Environmental Health Team regarding the potential for noise nuisance from the proposals. As set out in the report the premises is a Grade II Listed building and this may make suitable adaptation to minimise noise emissions more difficult than would otherwise be the case.

Author: Graeme Bloomer, Head of Place

Finance (Includes ICT)

None specific.

Author: Simon Freeman, Head of Finance

Housing

As outlined in the body of the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

The Sub-Committee should carefully balance the granting of a licence benefits that might arise from increasing the night-time economy against the potential for increased anti-social behaviour.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

Members must have due regard to the application for a Premises Licence and the proposed licensable activities, the representations received and determine the application in accordance with the promotion of the licensing objectives. Further legal advice in relation to any aspect of this application will be provided by an Officer at the Sub-Committee hearing to enable the process to be fair to all parties.

Author: Amanda Julian, Legal Services Manager

Appendices

Appendix A	Premises Licence Application
Appendix B	Representations
Appendix C	Correspondence from Responsible Authorities

Background Papers

Licensing Act 2003 (as amended)

Revised Guidance issued under section 182 of the Licensing Act 2003

The Licensing Act 2003 (Hearings) Regulations 2005

Glossary of terms/abbreviations used

None.