

Minutes of the Meeting of the Licensing Sub-Committee held on 30 August 2017 at 7.00 pm

Present: Councillors Roy Jones (Vice-Chair, in the Chair),
Angela Sheridan and Michael Stone

In attendance: Elizabeth Cox, Licensing Officer
Laura Manning, Licensing Officer
Adam Rulewski, Legal Services
Chima Obichukwu, Legal Services
Charlotte Raper, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

4. Items of Urgent Business

There were no items of urgent business.

5. Declarations of Interests

There were no declarations of interest.

6. Determination of an Application to vary a Premises Licence

The Licensing Officer informed the Committee that an application had been received to vary the Premises Licence at the Bull Public House, 98 Dock Road, Grays, RM17 6EY, by adding an outside bar to the premises plans. Representations had been received from four other persons in relation to the prevention of public nuisance.

Councillor Stone referred to section 3.4 of the report and asked whether the outside bar had been licenced for use at the time in question. It was clarified that the outside bar was not licenced at the time that the routine visit had been carried out, pending the current hearing.

The Chair queried references to live music within the agenda item and sought clarity as to the Committee's remit. Members were reminded that the application was solely to determine the use of the outside bar; the performance of live music had been largely deregulated within smaller capacity venues and therefore did not require a licence.

The Chair proceeded to seek clarity around facilities such as ball pools and bouncy castles in terms of regulation and the requirement for children's safeguarding. These were not licensable, and the behaviour of children fell within management policies for the premises.

The Licensing Officer confirmed that though a resident had intended to attend the hearing, she was not present.

The applicant's agent was invited to the Committee to make a statement. He explained the following:

- The application was to vary the existing licence to include an outside bar, to offer customers convenience.
- Use of the outside area was already covered by the existing licence.
- There was no change to the hours of any licensable activities.
- The current conditions on the licence catered for the situation.
- Environmental Health had made no representations.
- Residents' complaints were not related to the variation in question.

The agent also admitted that there had been some mistakes made, however they were through naivety on the part of the applicant and upon discovery actions had been taken to rectify these issues.

The Chair accepted that the grounds had been improved and accepted that the industry was tough however it was necessary for landlords to work with the local community. Those residents who had made representations had raised no issues with the previous landlord. He asked whether the applicant had genuinely believed they were lawfully able to use the outside bar. The applicant explained that he had assumed a Premises Licence covered the entire premises and did not realise that, aside from planning permission, licence variations would be required. Actions had been taken to be considerate towards local residents; sound monitoring machines had been installed with records taken and kept for 2 months at a time, sound proofing measures had been undertaken and the premises was currently being re-insulated. The premises was licenced until 00:30 but always closed at midnight out of consideration for the local community.

The Chair sought confirmation that there were other members of staff with knowledge of the relevant rules and regulations if the applicant were to be absent. The applicant confirmed that 8 members of staff had personal licences and there were 3 assistant managers. The premises had a strict 25+ policy and there were doormen on Friday and Saturday nights. It was hoped to attract families and young couples and bring something nice to Thurrock. On occasions that residents had contacted the premises to complain about music volumes the music had been turned down. The Chair asked whether there were signs in place to remind patrons to be considerate of neighbours when leaving the premises. There were currently laminated signs and proper signs were being made.

The Chair referred to complaints regarding vomit and broken glass on the pavement. The applicant insisted this had not been the case since they had taken ownership of the premises. There were doormen to prevent these types of issues and people were refused entry every weekend. The pub closed at midnight to prevent noise in the car park carrying on until 1am.

Councillor Stone asked the agent to clarify the matter of late night refreshment provision. It was confirmed that the premises had this provision for late night refreshment, up to 00:30, but would not be needed for the outside area as the conditions ensured that area would be shut by 11pm.

Councillor Stone proceeded to enquire about the sound monitoring equipment and the fact that Environmental Health had, so far, been unable to attend the premises to fix the levels. The applicant confirmed that there had been several attempts to find a time which suited both parties but so far these attempts had been unsuccessful. Councillor Stone continued that the public house had had a 'clean bill of health' for years but now suddenly was the subject of a number of noise complaints. The applicant outlined that a number of actions had been taken to mitigate against noise nuisance and to rectify any issues that had arisen.

Councillor Sheridan queried how often there had been a bouncy castle in the garden area. The bouncy castle had primarily been in use on Sundays and there were signs in place advising parents to supervise their children. It was hoped that once the garden area was complete a children's play area would be built and therefore the bouncy castle would not be necessary in future. The applicant insisted the business was family orientated and children's safety was paramount. Councillor Sheridan noted that the noise might be less of an issue in future without a bouncy castle.

The Chair asked about the live entertainment. Primarily this was held on Friday nights. There had been a few Sundays on which there had been a live singer in the garden area but following complaints from residents this had ceased.

The Chair proceeded to ask what action had been taken regarding the flood lighting in the car park, which had been the subject of resident complaints. The applicant advised that the light had been moved twice to try to find the most suitable position. The applicant was waiting on the Environmental Health Officer for this too.

The Legal Advisor asked for clarification as to the difference between the proposed additional conditions within 2.3 of the report, which indicated that no external speakers should be used and condition 13 which allowed for a surround sound system up to 11pm. The agent clarified that condition 13 was a condition on the existing licence and the proposed condition would be added if the variation were approved.

All parties summarised their cases and the Sub-Committee retired to consider its decision accompanied by the Clerk and Legal Advisors at 19:30.

The Committee reconvened at 19:49.

The application was granted as applied for, subject to the conditions arising out of the operating schedule and the mandatory conditions.

The meeting finished at 7.50 pm

Approved as a true and correct record

CHAIR

DATE

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Democratic Services at Direct.Democracy@thurrock.gov.uk**