

LICENSING SUB COMMITTEE HEARING



AGENDA

Date: Tuesday 21st July 2020

Time: 10.30am

Venue: Virtual Meeting

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube. To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Membership:

| |
|----------------------|
| Councillor J Baugh |
| Councillor A Hensman |
| Councillor B Rose |
| Councillor P Schwier |

Members are requested to attend this meeting, to transact the following business:-

1. **Appointment of Chairman.** To appoint a Chairman to conduct the business of this Hearing.
2. **Apologies for Absence.**
3. **Declarations of Interests.** To declare the existence of any interests relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.
4. To consider an application under the Licensing Act 2003 for the variation of the premises licence in respect of **THE FOX AND HOUNDS, 3 CHAPEL STREET, STEEPLE BUMPSTEAD** (Report and application attached).

If you require any further information relating to this Agenda, or you wish to forward your apologies for absence, please contact Alison Webb on (01376) 552525 Ext. 2614 or e-mail alison.webb@braintree.gov.uk

Emma Wisbey
Governance and Member Manager

| | | |
|--|--|-------------------------|
| APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOX AND HOUNDS, STEEPLE BUMPSTEAD | | Agenda No: 4 |
| Portfolio | Environment and Place | |
| Corporate Outcome: | A sustainable environment and a great place to live, work and play A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported | |
| Report presented by: | John Meddings, Principal Licensing Officer | |
| Report prepared by: | John Meddings, Principal Licensing Officer | |
| Background Papers: | | Public Report |
| <ol style="list-style-type: none"> 1. Application for a variation of a Premises Licence (Appendix 1) 2. Current Premises Licence (Appendix 2) 3. Representation (Appendix 3) 4. Representation supporting documents (Appendix 4) 5. Licensing Act 2003 6. Guidance issued under Section 182 - April 2018 | | Key Decision: No |
| Executive Summary: | | |
| <p>Members of the Licensing Sub-Committee are requested to consider an application for the variation of a Premises Licence having regard to the representation received and the requirement to promote the four licensing objectives:</p> <ol style="list-style-type: none"> a) The prevention of crime and disorder b) Public safety c) The prevention of public nuisance d) The protection of children from harm | | |
| Decision: | | |
| <p>Members are advised they have the following options when determining this application with respect to the Fox and Hounds, 3 Chapel Street, Steeple Bumpstead:</p> <ol style="list-style-type: none"> 1. To Grant the application to vary the Premises Licence with conditions as described within the operating schedule to the Premises Licence application. | | |

2. To Grant the application to vary the Premises Licence with additional conditions deemed necessary to promote the four licensing objectives.
3. To Grant the application to vary the Premises Licence with amended activities or times.
4. To Refuse the application to vary the Premises Licence.

The Licensing Sub-Committee is required to give full reasons for its decision.

The Sub-Committee is reminded that the applicant or any person making a representation in relation to this matter may appeal the decision of the Council to the Magistrates' Court.

Purpose of Decision:

Members of the Licensing Sub-Committee are requested to consider the application made by Catherine Irwin.

Any Corporate implications in relation to the following should be explained in detail.

| | |
|---|---|
| Financial: | None |
| Legal: | The Licensing Sub-Committee is required to give reasons for its decision and any party who is dissatisfied may appeal to the Magistrates' Court within 21 days. If such an appeal is made by the Premises Licence Holder then any decision taken is stayed until such time as an appeal is heard. |
| Safeguarding: | None |
| Equalities/Diversity: | The decision of the Licensing Sub-Committee may affect the business operations of the proposed Licence holder. |
| Customer Impact: | The application has been advertised in accordance with statutory timescales. |
| Environment and Climate Change: | None |
| Consultation/Community Engagement: | A statutory 28 day consultation period has taken place. This includes a public notice being displayed at the premises and on the Council's website. A notice was also placed in a locally circulated publication. |
| Risks: | None |
| | |
| Officer Contact: | John Meddings |
| Designation: | Principal Licensing Officer |
| Ext. No: | 2213 |
| E-mail: | john.meddings@braintree.gov.uk |

1. Information

1.1 Premises

Fox and Hounds
3 Chapel Street
Steeple Bumpstead
Haverhill
Suffolk
CB9 7DQ

1.2 Applicant

Catherine Irwin
3 Chapel Street
Steeple Bumpstead
Haverhill
Suffolk
CB9 7DQ

2. Application

- 2.1 An application was received and validated from Catherine Irwin on 26th May 2020 for the variation of a Premises Licence at the Fox and Hounds, 3 Chapel Street, Steeple Bumpstead.

The purpose of the variation application is to remove condition 10 which states:

10. The Premises Licence Holder (PLH) or Designated Premises Supervisor (DPS), or person instructed by the PLH/DPS and in a suitable position of authority, shall ensure that the area is monitored to ensure that this requirement is being complied with and that loitering does not take place in the Public Front Garden, "with exceptions allowing access and regress to the Public House, the Public Front Garden shall be cleared of patrons or other persons (including staff) from 20:30 pm daily.

- 2.2 The applicant has detailed a number of steps within the operating schedule to promote the four licensing objectives.
- 2.3 The application has been properly made in accordance with the Licensing Act 2003 and a notice of variation was displayed at the premises and in a locally circulated publication. The completed application form is attached as Appendix 1.
- 2.4 The applicant has proposed the following restriction to support this application:

To restrict the use of the front garden to:
May to August inclusive
Monday-Thursday and Sunday up to 10pm
Fri and Saturday up to 11pm

3. Background

- 3.1 The Fox and Hounds, Steeple Bumpstead has been licensed for the Sale of Alcohol for consumption off the premises under the Licensing Act 2003 since 2005 (transitional arrangements), and prior to that licensed under the old 1964 Act.
- 3.2 The licence was transferred to Catherine Irwin on 23rd September 2019.
- 3.3 Catherine Irwin has also been the Designated Premises Supervisor for the Fox and Hounds, Steeple Bumpstead since 23rd September 2019.
- 3.4 In 2010 the premises licence lapsed due to the insolvency of the licence holder. A lapsed licence can only be to be transferred to a new holder within the first 28 days. In this instance that time period had passed and the licence ended.
- 3.5 A new premises licence was applied for on 24th May 2010 and received representations from Environmental Health (Noise) and two local residents.
- 3.6 The representations were later withdrawn after the applicant agreed to a number of conditions that satisfied the concerns of the parties making representation. The licence was subsequently issued on 10th September 2010.
- 3.7 Condition 10 to which this application relates, is one of the conditions added in 2010 to promote the licensing objectives.
- 3.8 According to current records, the premises received multiple complaints regarding loud music and people noise during 2010 to 2011. The last complaint recorded against the premises was September 2011 (loud music and people noise). There have been no complaints recorded since that date.

4. Representations

- 4.1 The Section 182 Guidance for the Licensing Act 2003 states that relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.
- 4.2 During the 28 day consultation period under the Licensing Act 2003, the Licensing Authority received one representation from an interested party (Appendix 3).
- 4.3 The representation includes a number of supporting documents (Appendix 4). These include plans, photos and the original representation from 2010.

5 Statement of Licensing Policy

- 5.1 The following extracts from the Council's statement of licensing policy are brought to the general attention of Members:

(1.2) When assessing applications, other than Personal Licences, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives.

(1.6) In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

(1.19) When considering applications, the Licensing Authority will have regard to:

- the Licensing Act 2003, as amended and the licensing objectives,
- Government guidance issued under Section 182 of the Licensing Act 2003, as amended.
- any supporting regulations
- this statement of licensing policy

(1.20) This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

(1.21) When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local planning authority.

(1.31) Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

(1.34) The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a Licence will be tailored to each individual premise, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will therefore

be avoided and no condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives.



Braintree
Application to vary a premises licence
Licensing Act 2003

For help contact
Licensing@braintree.gov.uk
 Telephone: 01376 557790

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

| | |
|-------------------------------|--|
| * Building number or name | <input type="text" value="Fox & Hounds"/> |
| * Street | <input type="text" value="3 Chapel Street"/> |
| District | <input type="text" value="Steeple Bumpstead"/> |
| * City or town | <input type="text" value="Haverhill"/> |
| County or administrative area | <input type="text" value="Suffolk"/> |
| * Postcode | <input type="text" value="CB9 7DQ"/> |
| * Country | <input type="text" value="United Kingdom"/> |

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

| | |
|---------------------------|-----------------------------------|
| * Premises Licence Number | <input type="text" value="S4/3"/> |
|---------------------------|-----------------------------------|

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

| | |
|-------------------------------|--|
| Building number or name | <input type="text" value="Fox & Hounds"/> |
| Street | <input type="text" value="3 Chapel Street"/> |
| District | <input type="text" value="Steeple Bumpstead"/> |
| City or town | <input type="text" value="Haverhill"/> |
| County or administrative area | <input type="text" value="Suffolk"/> |
| Postcode | <input type="text" value="CB9 7DQ"/> |
| Country | <input type="text" value="United Kingdom"/> |

Premises Contact Details

| | |
|---|-------------------------------------|
| Telephone number | <input type="text"/> |
| Non-domestic rateable value of premises (£) | <input type="text" value="17,000"/> |

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VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Listed Grade II Public House, Front and Rear Beer Gardens, Main Bar area, Snug Bar & Dining room.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes ☒ No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Because of the Covid-19 pandemic, when I am finally allowed to open to the public again, I need as much space as possible due to the social distancing to be imposed in the beer gardens and inside. I need the restriction of "No customers allowed in the front beer garden after 8.30pm" removed from the licence to enable me to trade as fully as possible. With social distancing in place, I need as much room as possible to make the pub viable to trade. Without this restriction removed, I am unsure that the public house will have a future.

- ☒ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

All staff will be provided with training in relation to the licensing objectives which apply in their job role. This will include the individual's responsibilities, age verification and licensing offences, as appropriate. Details of the training will be recorded and refreshed at regular intervals.

b) The prevention of crime and disorder

Landlady/Manager will be present at all times to monitor the premises. An incident book will be kept to record details of any incidents in the premises that relate to the licensing objectives, in particular any refusals of sales of alcohol. Signage will be displayed at the exit to the premises that advises customers that they must not take open alcoholic beverages from the premises.

c) Public safety

All safety matters at the premises are adequately covered by statutory provisions such as The Health and Safety at Work (etc) Act and the Fire Safety Order. Public & Employers Liability to be kept in place.

d) The prevention of public nuisance

A telephone number for the premises shall be displayed that is visible from the exterior of the building in the event that contact needs to be made with the staff to deal with any issue that might arise from the licensable activity.

Staff from the premises shall regularly monitor the exterior of the premises for noise and behaviour and litter.

Any person who refuses to leave the public house and gardens, or is identified as causing antisocial behaviour, will be subject to a ban from the premises. A record of banned individuals shall be maintained in the premises and all staff made aware of the persons who are currently banned so that entry may be refused. This record shall be kept available for inspection while the premises are open for trading.

e) The protection of children from harm

A Challenge 25 scheme will be adopted in compliance with the age verification condition: Customers who appear to be under 25 years of age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, 'Pass' card or other identification recognized by the licensing authority in its statement of licensing policy

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

| | |
|---------------------------|----------|
| Band A - No RV to £4300 | £100.00 |
| Band B - £4301 to £33000 | £190.00 |
| Band C - £33001 to £8700 | £315.00 |
| Band D - £87001 to £12500 | £450.00* |
| Band E - £125001 and over | £635.00* |

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

| | |
|---------------------------|-----------|
| Band D - £87001 to £12500 | £900.00 |
| Band E - £125001 and over | £1,905.00 |

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

| | |
|-------------------------|------------|
| Capacity 5000-9999 | £1,000.00 |
| Capacity 10000 -14999 | £2,000.00 |
| Capacity 15000-19999 | £4,000.00 |
| Capacity 20000-29999 | £8,000.00 |
| Capacity 30000-39000 | £16,000.00 |
| Capacity 40000-49999 | £24,000.00 |
| Capacity 50000-59999 | £32,000.00 |
| Capacity 60000-69999 | £40,000.00 |
| Capacity 70000-79999 | £48,000.00 |
| Capacity 80000-89999 | £56,000.00 |
| Capacity 90000 and over | £64,000.00 |

* Fee amount (£) 190.00

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/braintree/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

EX 522971

TITLE NUMBER

TL 6741

SECTION D

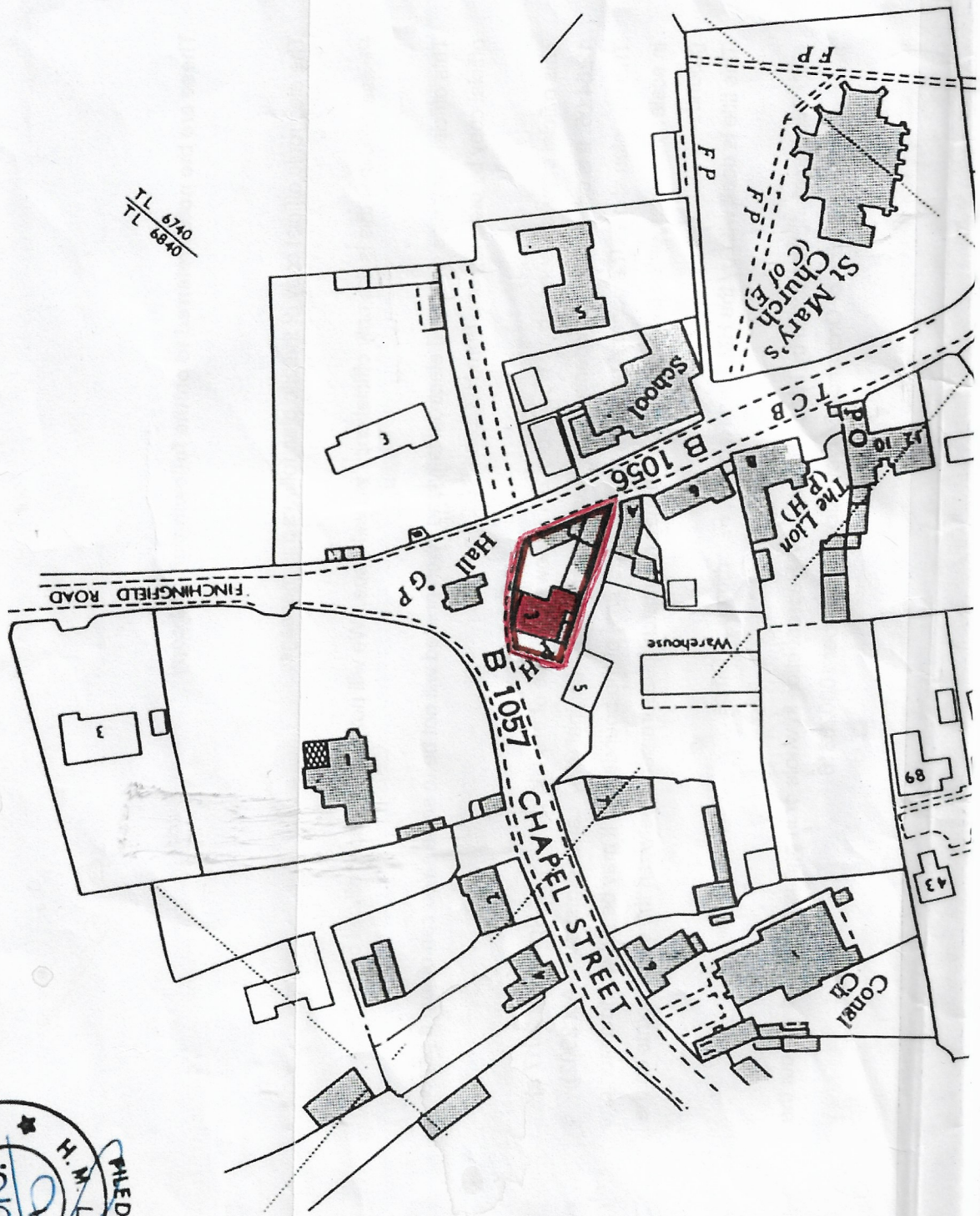
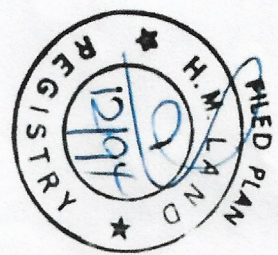
Scale
1/1250 Enlarged from 1/2500

DISTRICT BRAINTREE

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This official copy is incomplete without the preceding notes page.



S4/3

PREMISES DETAILS

| |
|---|
| Postal address of premises or, if none, ordnance survey map reference or description Fox and Hounds 3 Chapel Street Steeple Bumpstead Haverhill Suffolk CB9 7DQ |
| Telephone number |

| |
|--|
| Where the Licence is time limited the dates |
| N/A |

| |
|---|
| Licensable activities authorised by the Licence |
| <p>a) The sale by retail of alcohol for consumption on and off the premises.</p> <p>Provision of Regulated Entertainment consisting of:</p> <p>b) Plays – Indoors c) Films – Indoors d) Live Music – Indoors e) Recorded Music – Indoors f) Performance of Dance – Indoors g) Anything of a similar description to that falling within (d)(e)(f) – Indoors h) Late Night Refreshment – Indoors</p> |

The times the Licence authorises the carrying out of licensable activities

- a) The sale by retail of alcohol for consumption on and off the premises.

Monday to Thursday Inclusive 10:00 to 23:00

Friday and Saturday 10:00 to 00:00

Sunday 10:00 to 23:00

Non Standard Timings

All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour.

Christmas Eve and Boxing Day to extend the terminal hour annually until 01:00am

New Year's Eve to extend an hour to the commencement of permitted hours the next day (01/01)

Provision of Regulated entertainment consisting of:

- b) Plays – Indoors
- c) Films – Indoors
- d) Live Music – Indoors
- e) Recorded Music – Indoors
- f) Performance of Dance – Indoors
- g) Anything of a similar description to that falling with (d)(e) or (f) – Indoors

Monday to Thursday 10:00 to 23:00

Friday and Saturday 10:00 to 00:00

Sunday to 10:00 to 23:00

Non Standard Timings

All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour.

Christmas Day and Boxing Day to extend the terminal hour annually until 01:00am

New Year's Eve to extend an hour to the commencement of permitted hours the next day (01/01)

- h) Provision of Late Night Refreshment – Indoors

Monday to Sunday 23:00 to 00:00

Non Standard Timings

All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour.

31st December New Years Eve from 23:00 until 05:00 am on 1st January New Years Day

The opening hours of the premises

Monday to Thursday 10:00 to 00:00
Friday and Saturday 10:00 to 01:00
Sunday 10:00 to 00:00

Non Standard Timings

All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour.

Christmas Eve and Boxing Day to extend the terminal hour annually until 01:00am

New Year's Eve to extend an hour to the commencement of permitted hours the next day (01/01)

Where the Licence authorises supplies of alcohol whether these are on and / or off supplies

On and Off Sales

Name, (registered) address of Holder of Premises Licence

CATHERINE IRWIN
Fox And Hounds
3 Chapel Street
Steeple Bumpstead
Essex
CB9 7DQ

Registered number of Holder, for example company number, charity number (where applicable)

N/A

| |
|---|
| Name of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol |
|---|

| |
|------------------------|
| CATHERINE IRWIN |
|------------------------|

| |
|---|
| State whether access to the premises by children is restricted or prohibited |
|---|

| |
|---|
| Children shall only be admitted when accompanied by a responsible adult. |
|---|



The Licensing Section
Causeway House
Bocking End
Braintree
Essex CM7 9HB

Premises Licence

Premises Licence number:

19/01279/LADPS/LA S4/3

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Fox And Hounds
3 Chapel Street
Steeple Bumpstead
Haverhill
Suffolk
CB9 7DQ

Telephone number at premises

Where the Licence is time limited the dates

N/A

Licensable activities authorised by the Licence

a) The sale by retail of alcohol for consumption on and off the premises.

Provision of Regulated Entertainment consisting of:

- b) Plays – Indoors
- c) Films – Indoors
- d) Live Music – Indoors
- e) Recorded Music – Indoors
- f) Performance of Dance – Indoors
- g) Anything of a similar description to that falling within (d)(e)(f) – Indoors
- h) Late Night Refreshment – Indoors

The times the Licence authorises the carrying out of licensable activities

- a) The sale by retail of alcohol for consumption on and off the premises.

Monday to Thursday Inclusive 10:00 to 23:00

Friday and Saturday 10:00 to 00:00

Sunday 10:00 to 23:00

Non Standard Timings

All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour.

Christmas Eve and Boxing Day to extend the terminal hour annually until 01:00am

New Year's Eve to extend an hour to the commencement of permitted hours the next day (01/01)

Provision of Regulated entertainment consisting of

- b) Plays – Indoors
- c) Films – Indoors
- d) Live Music – Indoors
- e) Recorded Music – Indoors
- f) Performance of Dance – Indoors
- g) Anything of a similar description to that falling with (d)(e)(f) – Indoors

Monday to Thursday 10:00 to 23:00

Friday and Saturday 10:00 to 00:00

Sunday to 10:00 to 23:00

Non Standard Timings

All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour.

Christmas Day and Boxing Day to extend the terminal hour annually until 01:00am

New Year's Eve to extend an hour to the commencement of permitted hours the next day (01/01)

- h) Provision of Late Night Refreshment – Indoors

Monday to Sunday 23:00 to 00:00

Non Standard Timings

All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour.

| |
|---|
| 31st December New Years Eve from 23:00 until 05:00 am on 1st January New Years Day |
|---|

| |
|--|
| The opening hours of the premises |
|--|

| |
|---|
| Monday to Thursday 10:00 to 00:00 Friday and Saturday 10:00 to 01:00 Sunday 10:00 to 00:00 |
|---|

| |
|-----------------------------|
| Non Standard Timings |
|-----------------------------|

| |
|---|
| All statutory Bank Holidays and certain Saints* Days, St Patrick's Day, St George's Day, St Valentine's Day, St Andrew's Day extend the terminal hour for the licensable activities by 1 hour. |
|---|

| |
|--|
| Christmas Eve and Boxing Day to extend the terminal hour annually until 01:00am |
|--|

| |
|---|
| New Year's Eve to extend an hour to the commencement of permitted hours the next day (01/01) |
|---|

| |
|--|
| Where the Licence authorises supplies of alcohol whether these are on and / or off supplies |
|--|

| |
|-------------------------|
| On and Off Sales |
|-------------------------|

Part 2

| |
|--|
| Name, (registered) address, telephone number and email (where relevant) of Holder of Premises Licence |
|--|

| |
|---|
| CATHERINE IRWIN Fox And Hounds 3 Chapel Street Steeple Bumpstead Essex CB9 7DQ |
|---|

| |
|--|
| Telephone number: 07393 930475 e-mail: foxandhounds123@yahoo.com |
|--|

| |
|---|
| Registered number of Holder, for example company number, charity number (where applicable) |
|---|

| |
|------------|
| N/A |
|------------|

Name, address and telephone number of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol

**CATHERINE IRWIN
3 Chapel Street
Steeple Bumpstead
Haverhill
Suffolk
CB9 7DQ**

**Email:
Telephone:**

Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol

21851 – London Borough of Havering

Corporate Director

23rd September 2018
Date Granted

24th September 2019
Date of Issue

Annex 1 – Mandatory Conditions

All supplies of alcohol

- 1. No supply of alcohol may be made under the premises licence**
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

Exhibition of films

- 3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section:**

Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where-

- (a) The film classification body is not specified in the licence, or**
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.**

In this section-

**‘children’ means persons aged under 18; and
‘film classification body’ means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984
(c.39)(authority to determine suitability of video works for clarification).**

Irresponsible drinks promotions

- 4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises**

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
5. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification policy

6. (1) The Premises Licence Holder or Club Premises Certificate Holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature.

Alcoholic drink measures

- 7. The responsible person shall ensure that:**
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–**
 - (i) beer or cider: ½ pint**
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml**
 - (iii) still wine in a glass: 125 ml**
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and**
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.**

The sale of alcohol below the cost of duty plus VAT

- 8. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.**
- (2) For the purposes of the condition set out in paragraph 1 –**
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;**
 - (b) “permitted price” is the price found by applying the formula –**

$$P = D + (DXV)$$

Where –

- (i) P is the permitted price,**
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and**
 - (iii) V is the rate of the value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;**
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –**
- (i) the holder of the premises licence,**
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or**

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

GENERAL

- 1. All staff must be adequately trained.**

THE PREVENTION OF CRIME AND DISORDER

- 2. No Drugs or drunkenness to be tolerated at the premises at all times.**

PREVENTION OF PUBLIC NUISANCE

- 3. No Regulated Entertainment emanating from the licensed premises shall be heard at such a volume at nearby residential premises so as to give reasonable cause for complaint by residents. Such noise shall be inaudible at occupied residential premises after 23:00.**
- 4. All external doors and windows must be closed from 23:00 hours daily, except for access and regress.**
- 5. Any area used for smoking shall be managed so as to prevent noise from persons using the area readily audible nearby residential premises after 23:00 hours.**
- 6. Regulated Entertainment is only to be permitted in the Internal Access Areas.**
- 7. Notices shall be displayed in prominent positions reminding customers to leave the premises and immediate area in a quiet and orderly manner.**
- 8. For the purpose of achieving the noise related conditions, the Premises Licence Holder (PLH), or the Designated Premises Supervisor (DPS), or a person instructed by the PLH/DPS and in a suitable position of authority, shall monitor noise levels whilst Regulated Entertainment is being carried on, and record any occasions where noise levels are considered too high and the remedial action taken. Records shall be kept for 18 months and made upon request to the Licensing Authority, or a Responsible Authority as defined by the Licensing Act 2003. In monitoring the noise levels the Premises Licence Holder (PLH) shall keep records of the time, date and the person who monitored the noise levels and of any remarks.**
- 9. “Monitoring of noise levels in the context of the above requirement shall include consideration of levels of noise audibility in the street, and consequently the audibility inaudibly to those persons/properties in the immediate vicinity, and shall include circumnavigation of the entire premises by the person making the assessment.**

10. The Premises Licence Holder (PLH) or Designated Premises Supervisor (DPS), or person instructed by the PLH/DPS and in a suitable position of authority, shall ensure that the area is monitored to ensure that this requirement is being complied with and that loitering does not take place in the Public Front Garden, “with exceptions allowing access and regress to the Public House, the Public Front Garden shall be cleared of patrons or other persons (including staff) from 20:30 pm daily.
11. Notices must be displayed at the premises requesting customers to leave the premises quietly and respect the neighbourhood surrounding the premises.

PUBLIC SAFETY

12. Fire Extinguisher and fire detection system must be installed with the appropriate emergency lighting.

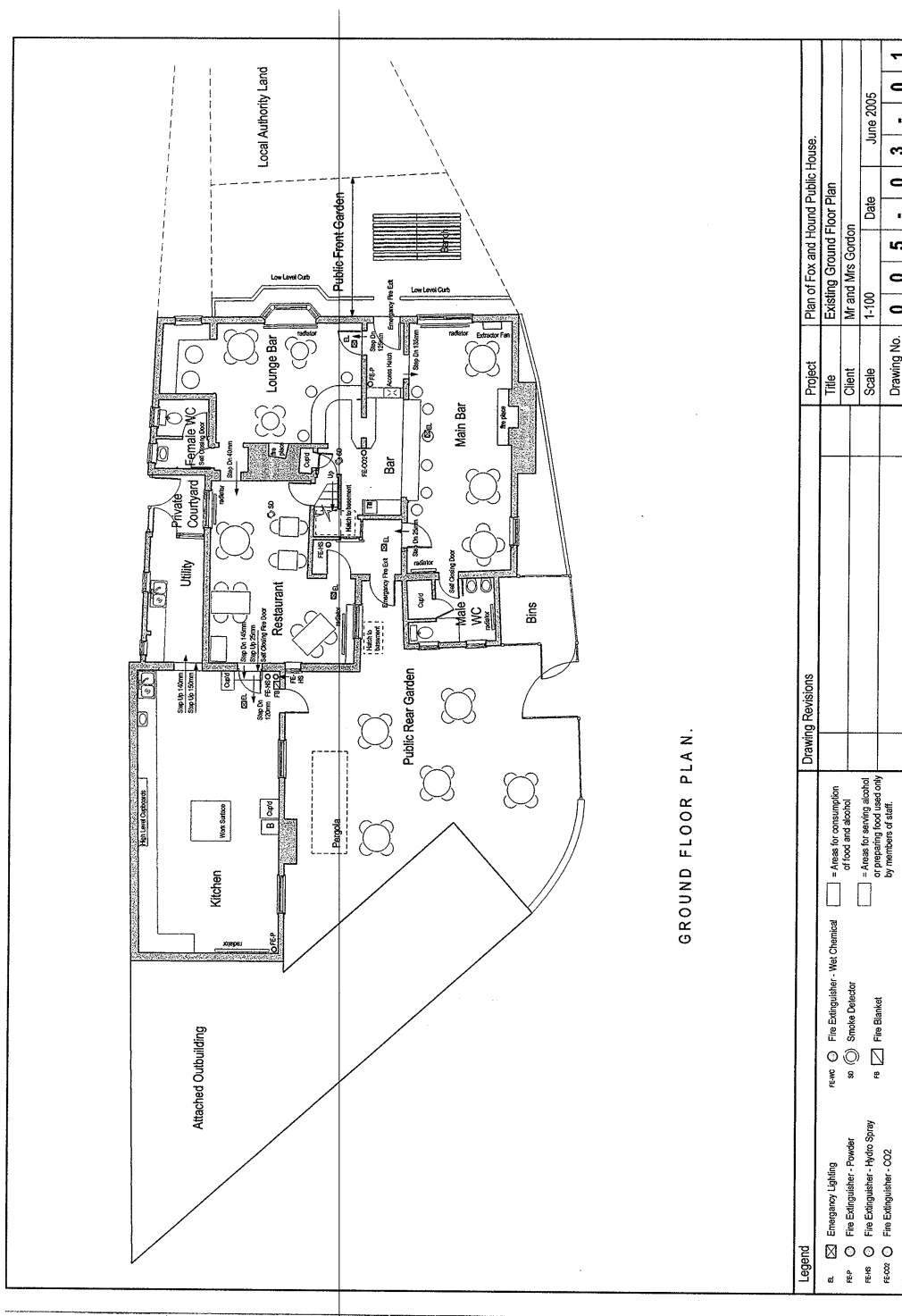
THE PROTECTION OF CHILDREN FROM HARM

13. Children shall only be admitted when accompanied by a responsible adult.
14. Challenge 21 Scheme must be in place with appropriate notices displayed.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

None

S4/3



Mobile:
Email:

The Old Bakery House
5 Chapel Street
Steeple Bumpstead
Essex
CB9 7DQ

Mrs V Gorham
Licensing Officer
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

17th June 2020

Dear Mrs Goreham

**Objection to Licence Application 20/00478/LAFULP/LA – Full Variation to the Premises Licence
The Fox & Hounds, 3 Chapel Street, Steeple Bumpstead, CB9 7DQ**

With reference to my letter dated 12 June 2010 and to the subsequent licence granted a few days later, the conditions imposed by Braintree District Council have been successful in preserving the amenity of our family home and the character of the area. Nothing has changed over the past ten years, so this application to remove a condition that is vital to our home is entirely unwelcome.

The Designated Premises Supervisor (DPS) has changed several times over this period; and some have been stricter about managing the front 'garden' than others. We are reasonable neighbours but have reserved the right to call the Fox & Hounds to advise them politely that they have drinkers on the front. These calls were always after 9.00 pm (i.e. more than half an hour after the area should have been vacated) and only if the drinkers were being loud and intrusive. So long as the calls were responded to politely, and the drinkers brought inside, the peace was maintained; but these calls would happen once to three times per week at this time of year.

By way of background, the Fox & Hounds has not, historically, had a front 'garden' at all. It is difficult to date the attached photo but the vehicle suggests that it could have been taken in the 1930's. This shows the 'Old Bakery House' in the background. Used as a bakery, this property was demolished in 2001 following the grant of planning permission for our existing house on the same site. Other photographs available on the internet show the Fox & Hounds at various times from the 1980's until summer 2009 with no front 'garden'. I also attach an aerial photo taken of the old house/bakery site in c.2000, along with a copy of the 1978-1983 1:2500 scale Ordnance Survey map. These confirm that this area was contiguous with the public highway and available for vehicle parking.

We purchased our property in 2008. At the time there were two pub tables on the front which were only used occasionally – and we were entirely happy with the management of the pub at this time. In the autumn of 2009, the pub's rear courtyard garden was closed and the front 'garden' created by moving the furniture and erecting a fence. As stated previously, this caused an immediate, extremely distressing, escalation of noise directly outside of our front windows with drinkers shouting, swearing and smoking until well past midnight. This activity commenced again in the spring of 2010, just before the licence was reviewed.

I recall during our discussions in 2010 that it is not possible for a licensing authority, a DPS or any third party to regulate what people say or how loudly they communicate. The only way to restrict

noise from licensed premises is to limit the hours of operation. An earlier time was suggested by yourselves, so that the customers did not get too settled and find that all alternative seating was no longer available. The first draft of the current licence provided for closure of the front 'garden' at 7.30 pm; but this was negotiated back to the current 8.30. On the basis that I would never call before 9.00 pm, this '*status quo*' has existed quite well for a decade – and I restate that nothing has changed with the relative properties, their use or the front 'garden' itself.

Interestingly, however, we were told in 2010 by the previous applicant that she owned the front 'garden' area, which I did not question at the time. Title information is now readily available via the Land Registry MapSearch website and Promap which demonstrate that this is not the case. The Fox & Hounds is registered under title number EX522971 and our property (including the 'bell-mouth' to the Old Bakery courtyard) is registered under title number EX689757. With reference to the two plans attached, it is clear that this enclosed, fenced, 'garden' area is situated on unregistered land that is likely to belong to, and be managed by, the local Highways Authority. Whilst it may have a premises licence, I now question whether the Fox & Hounds has the legal permission to obstruct the highway in this location? It is fair to mention that parking is compromised in this area, with extensive parking around the junction between Finchinglefield Road and Church Street (including blocking the road between the Moot Hall and the premises) and, regularly, blocking the entrance to the Old Bakery courtyard (with access to four residential properties) and surrounding pavements.

Returning to Licence Application 20/00478/LAFULP/LA, I wish to object on the following grounds, in accordance with the four licensing objectives embodied into the Licensing Act 2003:

- a) *The prevention of crime and disorder* - no comment
- b) *Public safety* – no comment
- c) *The prevention of public nuisance* – The area in question is situated less than 4.5 metres from the front windows of the Old Bakery House, 5 Chapel Street and within the conservation area of Steeple Bumpstead; an area where a large number of young families live. It is noted that the only way to control the noise from patrons of licensed premises is to regulate the times when those areas are open. The effect of this area being 'open' until past midnight has already been witnessed in the autumn of 2009 and the spring of 2010; and it would be entirely unacceptable to return to that situation and to the disruption of the lawful enjoyment of our home.
- d) *The protection of children from harm* – The Old Bakery House is a four-bedroom family home constructed in 2002. In our case, we have three children and my 11-year-old twin girls occupy the bedrooms at the front. In 2010 they were 1 year old; so any disturbance now would have even more of an impact on their sleep, well-being and education than it would have done at that time. It is entirely inappropriate to subject young children to the degree of noise disturbance that would result from this licence application.

Yours sincerely

Alex Laxton

Telephone:

Mobile:

Email:

**The Old Bakery House
5 Chapel Street
Steeple Bumpstead
Suffolk
CB9 7DQ**

12 June 2010

Ms V Goreham
Licensing Officer
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

APPENDIX 4

Dear Ms Goreham

Re. Objection to Licence Application – The Fox & Hounds, 3 Chapel Street, Steeple Bumpstead, CB9 7DQ

Please accept this as a formal objection to the application for a new premises licence in respect of the Fox & Hounds at Steeple Bumpstead. In bringing this objection, I refer to the conditions placed upon the previous licence, granted in 2005, and to the recent conduct of the applicant.

By way of introduction, The Old Bakery House, 5 Chapel Street, Steeple Bumpstead is situated 2.4 metres (7.9 feet) from the northern elevation of the Fox & Hounds; separated by a public walkway. The house is a four bedroom family home that was constructed in 2002. We are aware that in 2005, the former owners of our property (Messrs. Jolly) made representations to the Licensing Committee at Braintree District Council in an attempt to protect the amenity of the area and the following conditions were imposed:

- That live music was permitted only on Friday evenings, Saturday evenings and Sunday lunchtimes
- That live music was not to be amplified
- That pre-recorded music was not to be amplified (suggesting that discos and karaoke events that use large amplifiers/speakers were not permitted or that the music was to be inaudible outside)
- That neither live nor pre-recorded music was allowed outside at any time
- That 7 days notice to noise sensitive neighbours was required before any special events

In breach of these conditions, the applicant hosted monthly 'open mike evenings' on a Thursday night, which were a combination of live music and karaoke, plus other extremely loud live music events. I define 'extremely loud' in this instance as being able to hear the notes and lyrics of each song clearly in every room in our house. There is video evidence available to support this assertion.

Despite being asked to moderate the volume of these events on a number of occasions, the applicant chose to ignore the impact their actions were having on my wife, three young children (a boy aged 4 plus twin girls aged 21 months) and me.

As a consequence, I object strongly to the application for live music and entertainment licences, which have not volunteered any of the previous licence conditions that were intended to protect the amenity of this quiet rural village. Without meaningful, measurable conditions, such as 'music to be inaudible outside the premises', a relaxation of conditions that were agreed 5 years ago would be wholly inappropriate for a 15th Century, Grade II listed, village pub that is situated in the heart of a conservation area – and a village that is home to a significant number of young families.

Our second issue with the Fox & Hounds, which again has a direct bearing on the conduct of the applicant, is the closure of the rear courtyard, to constrain a large number of dogs and provide an exercise area.

When we moved into our property in May 2008, there were two wooden bench/tables on the front. These are shown on the plan that accompanies this licence application. Whilst people would occasionally use these tables to eat a meal, make a telephone call or smoke a cigarette, it was unusual for anyone to spend a long period of time in this area. As a consequence, we were not too badly troubled by conversation or laughter. Drinkers in the rear courtyard, on the other side of the building, were almost inaudible. This was the situation throughout the summer of 2008 and early summer of 2009.

This use of the frontage was intensified deliberately in late summer 2009 when the applicant closed the rear courtyard, erected a low wooden fence around the front area and filled the new enclosure with plants and chairs moved from the courtyard. Although we expressed our grave concern at the time, this concern was not heeded and the pub's customers were encouraged to use this outside area. As a consequence, we suffered a sudden, considerable increase in noise disturbance during the autumn of 2009 before the cold weather discouraged people from staying outside too long. The warm weather this spring brought an immediate and highly distressing increase in noise, with people shouting, swearing, laughing and smoking directly outside our front windows. These windows include my children's bedrooms and our lounge, where my wife and I try to relax in the evenings.

As a result, it is impossible to open the windows on warm evenings. Even with the windows closed, the children's sleep is badly disturbed by the inconsiderate actions of a number of individuals. With them open, the noise is much worse and the smell of cigarettes permeates into the house. On many evenings we have endured shouting and other disturbance until well past midnight. The presence of this seating area and the applicant's woeful disregard for the amenity of this quiet village has significantly reduced the lawful enjoyment of our property and is having a detrimental effect on the well-being of my family.

As a consequence we seek a licence condition that requires this front area to be cleared of customers during the early evening. There is a walled courtyard to the rear, which could and should be used in accordance with the plan and description appended to the licence application.

In making this public complaint, I wish to place on record that we were aware that we were buying a house situated next to a country pub. We had lived next to the Red Lion in Sturmer for some years previously without issue. We checked the activity in the Fox & Hounds carefully before proceeding with the purchase. The village is quiet, the road carries little traffic and ambient noise levels are negligible. We concluded that this was a quiet pub that specialised in food and was in character with the heart of a rural village. We expected the normal 'comings and goings' of a pub; the occasional overloud greeting or shouted goodbye at closing time, car doors slamming and people walking home. We did not anticipate regular, amplified live music events, an application to extend opening hours and the creation of a seating area on the frontage.

In summary therefore, this objection centres around factors that have changed over the last 9 to 12 months and what is proposed as part of this new application: The increase in live and amplified music events, the deliberate intensification of use of the frontage and the proposal to extend the opening hours. At no time has the applicant offered measures to mitigate the effect of these activities on neighbouring properties.

Finally, to address the four fundamental 'licensing objectives' embodied into the Licensing Act 2003, I would make the following observations:

- a) *The prevention of crime and disorder* - no comment
- b) *Public safety* - no comment
- c) *The prevention of public nuisance* - The previous licence sought to prevent public nuisance through conditions. The applicant did not adhere to these conditions and now seeks significantly to increase public nuisance. This application for unregulated live music, up to 7 nights a week and midnight at the weekends (01.00 for holiday events) is completely inappropriate for a rural, residential village
- d) *The protection of children from harm* – within this application, I see no measures whatsoever to protect the health and well-being of the three children who the applicant knows are affected by the activities of this pub. Live and amplified music that is incredibly loud in their bedrooms, plus the continued inconsiderate and un-neighbourly use of the frontage in the evenings will continue to affect their sleep (as it has done so already) and the innocent enjoyment of their home. It is entirely inappropriate to subject young children to the degree of noise disturbance sought by the applicant within this licence application.

Yours sincerely

Alex Laxton

Appendices:

- 1) A selection of photographs showing the attractive rear courtyard in its former and present states and also the front of the pub before and after the creation of the seating area
- 2) Four aerial photographs showing the rear courtyard in use prior to autumn 2009, the former lack of use at the front and the proximity of the Fox & Hounds to our property (the oldest photo shows the original Bakery House prior to demolition)



The Moot Hall, Steeple Bumpstead.

Photos of The Fox & Hounds, Steeple Bumpstead from c.1930 to 2009; with no front 'garden':



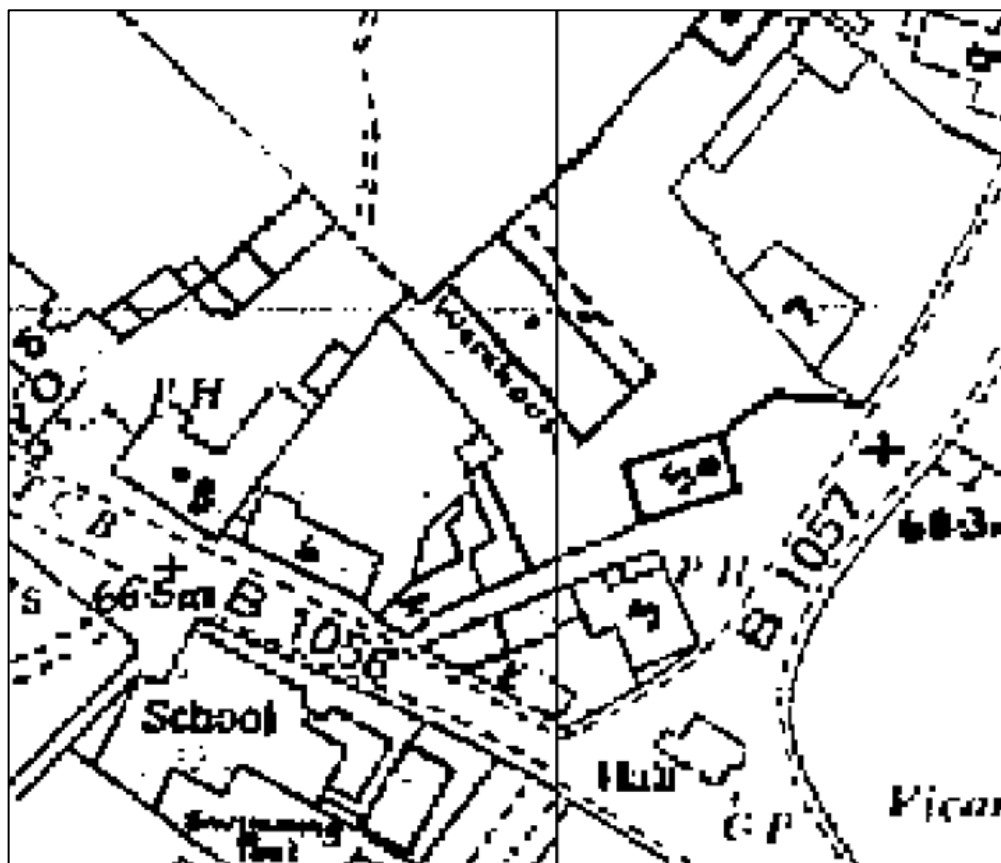
The former 'Old Bakery House', demolished in c.2001. This photo reflects the layout in the 1978-1983 OS map and also the c.2000 aerial photo attached of the Old Bakery site. Below is the current property, pre 2009.







1978 – 1983 OS (Enlargement from 1:2500 scale) – Showing the old bakery/house (now demolished):



c.2000 Aerial photo showing the old bakery/house (now demolished). The front garden did not exist:



c.2006 Aerial. The new 'Old Bakery House' was constructed in 2002.
We moved to the property in May 2008.
The front garden did not exist until autumn 2009:



**HEARING PROCEDURE FOR PREMISES LICENCES/CLUB PREMISES CERTIFICATES
WHERE APPLICANT AND OBJECTORS ARE PRESENT**

1. Welcome and Introduction

- [1] The Chairman welcomes the people who are present and introduces the Members. He/she will ask the Members to confirm that they have no declarations of interest to declare in respect of the application.
- [2] The Chairman asks the Applicant to introduce himself/herself and then asks the Objectors to introduce himself/herself/themselves.
- [3] The Chairman then confirms that the hearing will be conducted in accordance with this procedure. If any party wishes to rely upon any evidence that has not been disclosed prior to the hearing, they must ask for the Chairman's permission at this point.

2. The Applicant's Case

- [1] The Chairman asks the Applicant or his/her representative to present his/her application for a licence.
- [2] The Applicant or his/her representative may then call any witnesses and/or give evidence in support of his/her application.
- [3] The Objector[s] or their spokesperson may then question the Applicant [if he has given evidence] and any witnesses.
- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Applicant and any witnesses.
- [5] If there are any witnesses, the Applicant or his representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

3. The Objector[s] Case

- [1] The Objector[s] will give their reasons for objecting to the application.
- [2] The Objector[s] or their representative will then call any witnesses in support of their objection.
- [3] The Applicant or his representative may then question the Objector[s] [if they have given evidence] and any witnesses.

- [4] The Chairman or any Member of the Sub-Committee may ask questions of the Objector[s] and any witnesses.
- [5] If there are any witnesses, the Objector[s] or their representative will then be given a final opportunity of asking any further questions of the witnesses to clear up any points raised in the earlier questioning.

4. Closing Statements

- [1] By or on behalf of the Objectors. The Objectors may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] By or on behalf of the Applicant. The Applicant or his/her representative may summarise any points they wish to make and comment briefly on the Objector's replies to questions. They cannot introduce new issues.
- [3] The Chairman will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is adjourned. The Sub-Committee will then retire to a separate room with the Legal Adviser and Member Services Officer to deliberate.
- [4] If the Legal Adviser gives legal advice to Members during the period of adjournment this advice will be repeated in summary form when the hearing reconvenes.

5. Decision

- [1] The Chairman will then announce the Sub-Committee's decision and ask the Legal Adviser to read out the details including the reasons.
- [2] Before closing the hearing, the Chairman will notify the Applicant and the Objector[s] of the rights of appeal available to the parties should they disagree with the decision. Such appeal should be made within 21 days of receiving written notification of the Sub-Committee's decision.