

Crawley Borough Council

Minutes of Licensing Sub Committee Thursday 21 February 2008 at 7 pm

Present:

Councillors R J Hull, B McCrow and J A Singh

Officers Present:

Rob Burns	Environmental Protection Officer (Observing)
Jackie Guest	Senior Technical Support Officer (Observing)
Bill Nailen	Licensing Officer (Observing)
Mike Lyons	Licensing Officer
Madeleine Shopland	Committee Clerk
Astrid Williams	Legal Clerk

Also in Attendance:

Representation for Applicant	Helen Audsley	Licensing Legal Manager for Orchid Pubs Operations Limited
Representation for Applicant	Faye Given	Licensing and Legal Co-ordinator for Orchid Pubs Operations Limited
Representation for Applicant	Will Porter	Area Manager for Frogshole Farm
Interested Party	David Allen	

15. Appointment of Chair

RESOLVED

That Councillor R J Hull be appointed Chair for the meeting.

16. Application to Vary the Premises Licence – Frogshole Farm, Maidenbower

The Sub Committee considered an application to vary the premises licence held in respect of the Frogshole Farm, Maidenbower Drive, Maidenbower, Crawley.

The Chair outlined the procedure for the meeting. The Licensing Legal Manager for Orchid Pubs Operations Limited requested that she and the Area Manager for Frogshole Farm be allowed to present the case for the Applicant. The Sub Committee consented to this.

The Chair confirmed that the Sub Committee had asked for clarification on some points of the application.

The Sub Committee agreed that each party should be given 10 minutes to present their arguments.

Report ES/198 of the Council's Head of Environmental Services was presented by Mike Lyons, a Licensing Officer for Crawley Borough Council.

It was noted that where it read Police - no comment under point 2.2 of the report it should read Police - no objection.

The Application

The Sub Committee was informed that the Council had received an application on 2nd January 2008 for a variation to the existing Premises Licence for the Frogshole Farm Public House under the Licensing Act 2003 from the Applicant, Orchid Pubs Operations Limited.

The application proposed to convert the existing kitchen into a new trade area, existing cellar into a new trade kitchen, remove two existing raised floors and adapt another. It also proposed to shorten the bar servery, creating a new door opening to the existing lobby area and adding new fixed seating. No changes to the permitted hours and licensing activities had been proposed.

It was confirmed that the application had been advertised in the press and notices had been displayed at the premises during the consultation period in accordance with the statutory requirements and the Council's Licensing Policy Statement.

Three written representations had been received from interested parties (set out in Appendix C to the report) objecting to the variation, on the basis that the application did not promote the licensing objectives 'Prevention of Crime and Disorder' and 'Prevention of Public Nuisance.' A representation in favour of the application (set out in Appendix D to the report) had also been received. No representations had been received from the Responsible Authorities.

The Applicant

Helen Audsley addressed the Sub Committee. She informed Members that that it was proposed to increase the number of tables by six and emphasised that it was proposed that the size of the bar be reduced.

She went on to remind the Sub Committee that the pub had been severely damaged by a fire in February 2007. This had offered the Applicant an opportunity to review the premises' internal layout to ensure that the pub offered the most to the local community. Conversations with the local community and a Maidenbower web forum had revealed a desire for an increased focus on dining rather than vertical drinking.

The Area Manager, Will Pointer, indicated that he visited the pub on two occasions prior to the fire and had been disappointed with the atmosphere. The Applicant was looking to create a more family friendly, traditional atmosphere. Sky Sports would be removed from the pub and the pool table would not be reinstalled. Mr Pointer asked that the Sub Committee consider a 'mood board' that highlighted the type of atmosphere the Applicant hoped to create. The Sub Committee and the Interested Party consented to the consideration of this additional information.

Members were reminded that the capacity would not change as capacity limits for the premises were governed by fire and safety regulations.

Objectors

Mr Allen, an Interested Party addressed the Sub Committee. He commented that the proposed changes to the layout of the premises would allow the pub to cater for up one third more patrons.

He indicated to the Sub Committee that a condition of the licence was that 'Kitchen doors [to] be kept closed at all times except as required for access or escape in emergency.' This had been imposed to help reduce noise disturbance to nearby houses. He asked that a similar condition be imposed on the proposed new door that would open into the short corridor leading to the proposed new kitchen area. He emphasised that the number of staff exits would be reduced from three to one, which he believed could potentially increase any noise disturbance.

The Interested Party questioned whether nearby residents would be subject to a noise disturbance if folding doors located on the far side of the pub were allowed to be propped open.

Mr Allen was also concerned that smokers would congregate at the front of the pub, by the car park to smoke, disturbing nearby houses. Legislation did not allow smokers to smoke within the pub and a condition of the licence meant that they were unable to use the beer garden after 23.00 hours.

Members' Questions and Closing Comments

Members questioned why all the Responsible Authorities, excepting the Police had had no comment to make on the application. The Licensing Officer informed them that they had been contacted for their views on the application. The majority had not responded and the Planning department had stated that they had no comment to make.

In response to Members' queries as to how many more patrons the Applicant hoped to attract, Helen Audsley stated that the capacity of the premises would remain the same.

The Sub Committee enquired whether there had been any noise nuisance cases relating to the premises prior to the fire. The Environmental Protection Officer commented that the premises had a long and chequered history of noise complaints but these had not been substantiated. He stated that if residents had any noise concerns regarding the premises in the future they would be welcome to contact him. He went on to explain that the Noise Team had not objected to the application as they felt that the conditions already attached to the licence dealt with any potential noise issues sufficiently. However, he would expect the proposed new door near the kitchen to be kept closed except in an emergency or for allowing access. Helen Audsley indicated that the Applicant would be happy to accept a condition which stipulated that this door should be kept closed except in an emergency or for allowing access. Keeping the door open would not benefit the Applicant, as it would create security issues for the nearby office.

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

17. Application to vary the Premises Licence – Frogshole Farm

The Sub-Committee gave further consideration to the application and to the matters raised at the meeting. The Sub Committee took into account how the licensing objectives had been promoted in the application.

RESOLVED

- (1) That the application submitted by the Applicant (Orchid Pubs operations Limited) to vary the licence under the Licensing Act 2003 in respect of the Frogshole Farm, Maidenbower Drive, Maidenbower, Crawley, be granted subject to the following condition:-

- (1.1) The external door at the end of the corridor leading from the kitchen shall be kept closed at all times except as required for access or escape in emergency

The Sub Committee concluded that the variation to the premises layout could not take place within the Frogshole Farm premises in accordance with the application submitted by the Applicant without causing some risk of public nuisance, and thereby compromising the promotion of the third licensing objective. The additional condition has been imposed to reduce and/or obviate that risk.

18. Re-admission of the Public

The Chair declared the meeting re-opened for consideration of business in public session and announced the Sub Committee's decision with regard to the licence application to the Applicant and the Interested Party. The following comment was also made:

We considered concerns about noise from smokers and whether a new condition was required but feel that the condition at Annex 3 Clause (5) also covers this circumstance. We wish to make a comment in relation to this condition that the attention of smokers should be drawn to the notice.

As the Applicant has indicated a willingness to accept an additional condition regarding the external door at the end of the corridor, leading from the kitchen the Sub Committee has added a condition on this matter

We have considered other comments regarding noise but feel the existing conditions adequately cover these.

With this condition, we are minded to grant the application subject to the additional condition that I mentioned.

For completeness, we note that Annex 2 Clause (5) has been made redundant by the No Smoking legislation.

19. Closure of Meeting

With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 8.05 pm.

R J HULL
Chair