



licensing activities:

### **Supply of Alcohol (on sales)**

Monday to Sunday                      08:00 to 23:00

### **The Provision of Films**

Monday to Friday                      19:00 to 23:00

Saturday                                  09:00 to 23:00

Sunday                                      09:00 to 22:00

### **Opening Hours**

Monday to Sunday                      08:00 to 23:00

The application was received on 8 October 2021. The Operating Schedule set out conditions which would be attached to the licence if this application was granted.

The Responsible Authorities had all received a copy of the application, it was also advertised at the premises and in a local newspaper. All residences and businesses within 150 metre radius of the premises were individually consulted.

The Licensing Authority received a representation from Loughton Town Council, and one representation from a local resident. Both Essex Police and the Environmental Enforcement Officer had agreed conditions with the applicant which had been attached to the agenda. The Objections related to the prevention of public nuisance.

### **(b) Presentation of the Applicant's Case**

Mr G Wilson advised that the premises would offer a professional environment for people working at home to meet clients or go to which provided an alternative venue. Miss C Dent commented that it would be a place for people to work and reduce isolation. It was recognised that in the evenings the footfall would reduce, therefore one of the rooms would be converted into a screening room. The cinema would be installed by a professional company that supplies, installs and maintains technologies to cinemas throughout the UK called Omnex. The licence would allow the sale of alcohol for users at lunch time and evenings, as well as patrons visiting the cinema in the evenings. It was proposed that this business would be used by the local community and the cinema would provide more of a date night environment rather than the latest films.

The applicant had been working with their landlord, Lopping Hall, who had been very supportive of the businesses proposals.

### **(c) Questions for the Applicant from the Sub-Committee**

The Sub-Committee asked the following questions;

- Was the company VAT registered? The applicant replied that it was.
- Were there separate entrances for the users at Lopping Hall and applicant's business? Yes.
- What type of light refreshments would be served? The applicant advised that there would be no cooking facilities on the premises, and they were looking to work with local businesses to provide refreshments for the daytime. In the evenings, they aimed to sell a variety of posh cinema snacks.

- Why was the applicant requesting a start time of 08:00 to sell alcohol? The applicant advised that this was to ensure that all eventualities were covered. For example Champagne breakfast to celebrate a business deal.
- What was meant by members club? The applicant advised that this was ensure that all users understood and abided by rules of the space. Membership would be a monthly basis and there would be no obligation to purchase refreshments from the premises and it was proposed that members would be able to pre-book s space.
- How would they ensure that members would not disturb each other? The applicant advised that the premises had a large space which they were looking to divide into different types of working spaces for different uses. It was also proposed that a membership app would be developed to enable users to check the availability and to book the type of space they required.

The Legal Officer clarified that the application was for a full premises license and not a club licence. To which applicant replied that a full licence was required because people attending the cinema may not necessarily be members.

- Would family films be shown? The applicant replied that they aimed to show the same film throughout the week at 19:30, which would be marketed for adults and they were considering the option to provide a Sunday matinee for families.
- Is there a market for this type of business model? Yes. The applicant advised that there had been a complete change in the way people were working, as a result of the pandemic and it looked set to remain for the future.
- How would the membership work? The applicant advised that membership would be on a monthly basis and would evolve over time depending on demand.
- Would the soundproofing be appropriate? The applicant advised that the company Omnex had a vast amount of experience in providing sounding proofing for these types of venues.
- What experience did the applicants have? The applicant advised that both himself and his business partner worked within finance. They had previous experience of running a similar venture in Walthamstow since 2018.
- How many entrances/exits did the premises have? The applicant advised that main entrance/exit would be on Station Road with an additional exit at the rear which led onto High Road.
- Would there be a designated smoking area? No, although the premises was near to other restaurants and clubs that did not have smoking areas. The venue was also not a place were clients would necessarily use in the same way as they might in a restaurant/pub. There would be an employee in the reception area, who could deal with any issues caused by the premises.
- How many people would be employed? The applicant replied that three members of staff would be employed, and they would both be in attendance to begin with, although they would look to employee part time staff for the evening cinema usage.
- In the objection raised by Loughton Town Council, it appeared that they would prefer the closing time to be reduced to 21:30. The applicant advised that they wished to remain open and serve refreshment up until 23:00, so that uses of the cinema, could if they wish to, remain on site and finish or purchase another drink.
- Had the Fire Service been consulted? The applicant advised that they had received a letter which stated that they had no objections. The Licensing Officer confirmed this.
- Would the applicant have any objection if the licensing activities were to start at 11:00? The applicant advised that they did not envisage many requests

before lunch time and were happy with a later time if necessary. Furthermore, if required they could apply for a TEN.

**(d) Closing statement from the Applicant**

The applicant advised that they had both lived in Loughton for eight years and felt that this business would benefit the community, environment and was right for the area. The premise allowed people the additional space outside their homes and helped to reduce the isolation that some people had experienced throughout the lock down period. They had received a positive reaction from their landlord, and it provided the community with an alternative source of evening entertainment.

**(e) Consideration of the application by the Sub Committee**

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application.

During their deliberations the Sub-Committee received no further advice from the Legal Officer present. The Sub-Committee noted all of the submissions and representations, both oral and written, that had been made in relation to the application and had considered what was appropriate to promote the four licensing objectives and the relevant parts of the Council's Licensing Policy and the Home Office's guidance.

**RESOLVED:**

That the application for a premises licence in respect of **191 High Road, Loughton, Essex IG10 4LN** be granted subject to the following conditions which in the opinion of the Licensing Sub-Committee were reasonable, proportionate and in the public interest for the promotion of the licensing objectives:

1. The conditions which were consistent with the Operating Schedule as varied by the conditions agreed with the Licensing Officer of Essex Police on pages 45 and 46 of the Agenda and with the Senior Environmental Enforcement Officer, Community Resilience Team of Epping Forest District Council on Page 51 of the Agenda, save that the condition relating to supply of alcohol (on sales) on pages 25 and 26 of the Agenda be amended to read Monday to Sunday 10:30 to 23:00.

The reason for amending was to prevent a nuisance been caused within the working environment. Members and patrons should also be asked when leaving the building to do so quietly in respect of the rights of people nearby thus preventing a public nuisance arising.

2. The mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

The applicant was also reminded that if the conditions of the Licence were breached, the matter could be reviewed by the Licensing Sub-Committee and the premises licence could be looked at again.

The applicants had their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision and that the licence in general could be reviewed.

**43. APPLICATION TO VARY AN EXISTING PREMISES LICENCE FOR THE MERRY FIDDLERS, 4 FIDDLERS HAMLET, EPPING, ESSEX, CM16 7PY**

The three councillors that presided over this application were Councillors M Sartin (Chairman), P Keska and I Hadley.

The Chairman welcomed Karen Cochrane, the applicant's solicitor, Mr Thomas James, the applicant. Councillor N Avey was present objecting on behalf of Epping Town Council. The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application.

**(a) Application before the Sub-Committee**

The application was for a variation to the existing premises licence for The Merry Fiddlers, 4 Fiddlers Hamlet, Epping, Essex, CM16 7PY.

The Licensing Compliance Officer introduced the application for the following licensing activities:

1. To add Films Monday to Sunday 12.00 – 23.00
2. To add Late Night Refreshment Monday to Saturday 23.00 – 00.30am
3. To amend opening times to Monday 07.00 – 00.30am, Tuesday to Saturday 08.00 – 00.30, Sunday 08.00 – 23.00

It was noted that the most up to date copy of the premises licence had not been attached to the agenda. The correct version of the variation application had been circulated via email to members and attendees of the Sub-Committee before the meeting.

The application was received on 22 October 2021. The Responsible Authorities had received a copy of the application, it was also advertised at the premises and in a local newspaper, a copy of the newspaper advert.

The Licensing Authority received one representation from Epping Town Council which related to the Prevention of Public Nuisance. No other representations were received.

**(b) Presentation of the Applicant's Case**

The applicant's solicitor informed the Sub-Committee that the variation only requested the addition of films and late night refreshments to the current licence. The licensing hours and opening times of the premises remained the same.

The variation would allow the applicant flexibility required for showing films outdoors in England and the possibility of cancellations and reorganisation being made at the last minute due to the weather. The applicant had run two successful events under TENS, although one had been cut short due to the weather, so it was for this reason he wished to add this to his licence. There was also a need to encourage more trade throughout the week, when the premises was less busy. No objections had been received from neighbours and he had been in regular contact with them, to ensure that the premises was not causing any disturbances. The solicitor concluded that the applicant had only requested changes to the provision of films and late night refreshments to enable the premises to serve hot drinks within their already permitted opening hours.

The Legal Officer advised that the hours referred to in the agenda (Section L) would be amended inline with the most recent application of the premises on 12 December 2018, namely Opening Hours Monday to Saturday 07:00 – 00:30 and Sunday 08:00 – 23:00.

**(c) Questions for the Applicant from the Sub-Committee**

The Sub-Committee asked the following questions:

- What late night refreshments would be served? The solicitor advised that the late night refreshment was needed for patrons wishing to purchase hot drinks.
- What were the parking facilities, and would it be used as a drive in cinema? The applicant advised that the pub had 50-60 car parks spaces and it would not be a drive in cinema. The films were to be held in the rear field of the premises and typically at times when the premises was quieter, which was normally in the week. Customers would view the film in person in the garden and not in their cars.
- Would films be shown within the premises? The applicant advised that no films would be shown within the premises. The red line that depicted the licensing area was around the whole of the premises i.e. the building and garden include the premises. It was noted that films in this case would only be shown outside in the garden area and not within the building.

**(d) Questions for the Applicant from the Objector**

The objector did not ask any questions.

**(e) Presentation of the Objector**

Councillor N Avey informed the Sub-Committee that many of the Town Council concerns had been addressed by the information received from the applicant today. The Town Council had considered that the premises already had a generous premises licence and the concerns had been around the potential of an all week cinema operating in a small, rural hamlet. This would also potentially increase traffic, noise and cause highways issues. The Town Council still requested that the licence for films only be for Friday and Saturdays and late night refreshments served until 00:00 not until 00:30, which they believed was sensible in the context of the application.

**(f) Questions for the Objector from the Sub-Committee**

There were no questions from the Sub-Committee.

**(g) Questions for the Objector from the Applicant**

The solicitor queried why the Town Council thought the request for late night refreshments to be served until the same time as alcohol would present any problems. Councillor N Avey advised that the Town Council comments had been written before the evidence had been provided at this Sub-Committee meeting.

**(h) Closing Statement from the Objector**

That if the applicant applied for future variations, he may wish to speak to the Town Council beforehand to explain the proposals, to possibly prevent objections.

**(i) Closing Statement from the Applicant**

The solicitor advised that the applicant had consulted his neighbours and had no complaints for either of the previous TENs therefore there was no reason to reject the application. She advised that if there were any issues in the future, the Council had the option to be review the licence.

**(j) Consideration of the application by the Sub Committee**

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application.

During their deliberations the Sub-Committee received no further advice from the Legal Officer present. The Sub-Committee noted all of the submissions and representations, both oral and written, that had been made in relation to the application and had considered what was appropriate to promote the four licensing objectives and the relevant parts of the Council's Licensing Policy and the Home Office's guidance.

**RESOLVED:**

That the application to vary the premises licence in respect of **THE MERRY FIDDLERS, 4 FIDDLERS HAMLET, EPPING, ESSEX, CM16 7PY** be granted subject to the existing conditions on the licence with the variations as set out below:

- The provision of Films – Monday to Sunday -12:00 to 23:00.
- Late Night Refreshment – Monday to Saturday – 23:00 to 00:30am.

This Licensing Sub-Committee had considered the application to vary the Premises Licence, the representation made, the existing conditions on the Premises Licence, it was of the opinion that the application would not have an adverse effect on the promotion of the 4 licensing objectives namely, prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm and that existing conditions would still uphold the 4 objectives.

The applicant was also reminded that if the conditions of the Licence were breached, the matter could be reviewed by the Licensing Sub-Committee and the premises licence could be looked at again.

The applicants had their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision and that the licence in general could be reviewed.

**CHAIRMAN**