

Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Thursday, 18th August, 2005

Place: Council Chamber, Civic Offices, High Street, Epping

Room: Committee Room 1

Time: 10.00 am

Democratic Services Officer A Hendry (Direct Line 01992 564246)
Email: ahendry@eppingforestdc.gov.uk

Members:

Councillors M Cohen, Mrs R Gadsby, L Martin and P McMillan

<p>PLEASE NOTE THE START TIME OF THE MEETING</p>

1. ELECTION OF CHAIRMAN

Under the terms of reference for the Licensing Committee each Sub-Committee is required to elect a Chairman on an ad hoc basis for the duration of the meeting.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

4. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 5 - 10)

5. EXCLUSION OF PUBLIC AND PRESS

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Paragraph Number	Information
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6	Private Hire Vehicle 4 Licence – Exemption to Display Plate – Mr Hopps
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To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

6. PRIVATE HIRE OF VEHICLE LICENCE EXEMPTION TO DISPLAY PLATE - MR C. HOPPS (Pages 11 - 12)

7. PUBLIC AND PRESS

Recommendation:

To agree that the Public and Press be invited back to the meeting for the remaining items of business.

8. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - THE TOBY CAVERY, BUCKHURST HILL (Pages 13 - 14)

Recommendation:

To consider an application to vary a premises licence the above premises.

8.1 An application to convert and vary a premises licence for the above premises has been received.

8.2 The variation requested is outlined on the attached extract from the application.

8.3 The conversion has already been granted by officers under delegated authority, however a representation concerning the variation has been received from an interested party (attached).

8.4 Following the statutory consultations no representations have been received from the Responsible Authorities.

8.5 Should the variation to the licence be granted Officers request that it be subject to conditions derived from the applicants operating schedule and previously agreed correspondence.

9. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - THE VICTORIA TAVERN, SMARTS LANE, LOUGHTON (Pages 15 - 26)

Recommendation:

To consider an application to vary a premises licence the above premises.

9.1 An application to convert and vary a premises licence for the above premises has been received.

9.2 The variation requested is outlined on the attached extract from the application.

9.3 The conversion has already been granted by officers under delegated authority, however representations concerning the variation have been received from interested parties (appendix 1).

9.4 Following the statutory consultations, representations have been received from the Responsible Authorities for Planning and Environmental Control (appendix 2).

9.5 Should the variation to the licence be granted Officers request that it be subject to conditions derived from the applicants operating schedule and previously agreed correspondence.

10. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - THE MONKHAMS, BUCKHURST HILL (Pages 27 - 28)

Recommendation:

To consider an application to vary a premises licence the above premises.

10.1 An application to convert and vary a premises licence for the above premises has been received.

10.2 The variation requested is outlined on the attached extract from the application.

10.3 The conversion has already been granted by officers under delegated authority, however a representation concerning the variation has been received from an interested party (appendix 1).

10.4 Following the statutory consultations no representations have been received from the Responsible Authorities.

10.5 Should the variation to the licence be granted Officers request that it be subject to conditions derived from the applicants operating schedule and previously agreed correspondence.

Agenda Item 4

PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

LICENSING COMMITTEE – TERMS OF REFERENCE

(1) The full Committee shall comprise 11 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.

... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub-Committee shall elect a Chairman on an ad-hoc basis.

(3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.

(4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.

(5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.

... (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).

(7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS
LICENSING COMMITTEE**

Licensing Act 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS
LICENSING COMMITTEE**

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Game Licences Act 1860
Gaming Act 1968
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Lotteries & Amusements Act 1976
Pet Animals Acts 1951 & 1981
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

Part 3(2) – Responsibility for Functions

PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUB-COMMITTEES

All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
 - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
 - (ii) The Chairman will outline the procedure to be followed.

- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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PART B - Application to vary a premises licence under the Licensing Act 2003

I/We Mitchells and Butlers Leisure Retail Ltd

being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34/~~section 37~~ of the Licensing Act 2003 (delete as applicable) for the premises described in Part A above.

Part B1 - Variation

Toby Carver
Do you want the proposed variation to have effect from the second appointed day? Please tick y

If not when do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)

To extend hours for the sale of alcohol, hot drink &/or food, to permit the categories of regulated entertainment as indicated, all to operate Monday - Sunday 10:00 -00:00 & for hours noted on notable days & certain international events. To remove any restrictions which are placed on the licence by virtue of schedule 8, paragraph 6(8) of the Licensing Act 2003 (unless otherwise indicated). Full details may be inspected on the application

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

N/A

Part B2 - Operating Schedule

Please complete those parts of the operating schedule which would be subject to change if this application to vary were successful

What licensable activities do you now intend to conduct on the premises and/or at what varied times do you intend to conduct them ?

(please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

Provision of regulated entertainment

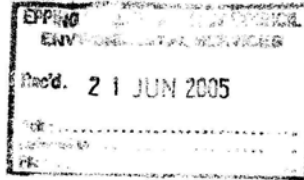
Please Tick Yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)

Drfitwood, 4 The Drummonds, Buckhurst Hill, IG9 5HG

19 June 2005

The Licencing Officer
Epping Forest District Council
Council Offices
High Street
Epping
Essex CM16 4BZ



Dear Sir or Madam

It has come to my attention that the owners of the Bald Faced Stag PH, also known as The Carvery, situated on High Road, Buckhurst Hill, are applying for an extension of licencing hours to enable them to sell alcohol between the hours of 10.00 am and 24.00 midnight each day Monday through to Sunday and outside these hours on other international sporting occasions.

I believe it is unreasonable for such a licence to be granted as the Public House in question is located in prime residential area with flats to the front of it, houses to the rear of it, a hotel (ie where people sleep) to the right of it (facing the front of the building) and flats to the left of it. None of these neighbours will want their neighbourhood to become noisy with the comings and goings of patrons until 12 midnight (or later). At the very least they will suffer from the noise of car doors being slammed and at worst from cheering and festivities well into the small hours. I do not condone drinking and driving and you would do well to take this very seriously.

Also, the Bald Faced Stag PH currently enjoys patronage from both mature people and families of all ages. This type of patronage is relatively conducive to the area and by and large the pub carries on its business without notable problems. However, the new licencing application, if approved, will change the character of the business entirely. With a 10.00 to 24.00 hour licence the pub will attract many more young, single men and women particularly to view "big screen specials". These types of patrons are well known for their loud, abusive behaviour and we should not encourage it in Buckhurst Hill. The correct decision would be to refuse the change of licence.

I look forward to your response.

Yours faithfully

S Routledge

PART B - Application to vary a premises licence under the Licensing Act 2003

We Punch Taverns Plc being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34/section 37 of the Licensing Act 2003 (delete as applicable) for the premises described in Part A above.

Part B1 - Variation

Victoria Tavern

Do you want the proposed variation to have effect from the second appointed day?

Please tick

If not when do you want the variation to take effect from

Day	Month	Year

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

n/a

Please describe briefly the nature of the proposed variation. (please read guidance note 8)

- An additional hour every Thursday, Friday and Saturday.
- A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend
- A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
- A further additional hour every Christmas Eve.
- A further additional hour every Boxing Day.
- To reflect existing New Year's Eve/Day hours.
- Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

All of the above to be for the sale of alcohol, recorded music and live music, limited to 2 entertainers

As permitted by the Licensing Act 2003, we wish to present Epping Forest District Council with our views about Punch Taverns' requested amendments to the license for The Victoria Tavern, 165 Smart's Lane, Loughton, Essex, IG10 4BP.

We oppose the request for extended hours for the purpose of live music; we ask Epping Forest District Council to deny both extended hours and music at these premises. Our reasons are as follows:

- Smart's Lane and Forest Road are very much residential areas which will be unduly affected by live music.
- This opinion is based on the painful experience afforded us by the previous landlord to whom a Public Entertainments License was granted. The terms of the license were severely abused and ultimately, Epping Forest District Council were obliged to prosecute the landlord.

We wish to prevent any possibility of a recurrence of this situation. In this instance, we believe that prevention is better than cure.

- The Victoria Tavern lies adjacent to The Royal Oak which is currently licensed for extended hours and for music. We understand that The Royal Oak is subject to complaints from local residents on account of the noise. Providing a further music license to a pub in the immediate vicinity can only exacerbate the problems being experienced by local residents.

Also, the beer garden for The Victoria is adjacent to houses on Smart's Lane. Recent works in The Victoria have seen the inclusion of additional tables in - and the removal of the trees from the perimeter of - the beer garden. Since these works, the noise levels in the immediate area have been noticeably higher on the days that the beer garden is used.

It should also be added that The Victoria Tavern is an old building that has little (if any) sound-proofing and is single-glazed; this is the same for most of the houses close by.

- At present, on Friday and Saturday evenings, the increased traffic from patrons of both The Victoria Tavern and the Royal Oak make the traffic and parking situation in Smart's Lane difficult. There have been many instances of badly parked cars rendering Smart's Lane, which is a very narrow, one way route, almost impossible to pass, particularly for larger vehicles such as fire engines and ambulances.

At closing time (currently 11 to 11.20), the increase in traffic – which is largely forced down Smart's Lane – is simply inconvenient. At 12.20, this would be more than inconvenient.

Very few other pubs in the Loughton area have a license for extended hours. Should the application for The Victoria Tavern be granted, we believe that our traffic problems will increase.

The Victoria Tavern

We oppose The Victoria Tavern's application for extended hours and the music license:

Name	Address	Signed
S SCOTT	118 SMARTS LANE	
MARTIN WRIGHT Ruth Woodon	62 - HIGH BEECH RD 60 " " "	 R. Woodon
Shila Sutton G. HALL	7, Forest View Road 9 FORESTVIEW ROAD	S. Sutton
R LOUING L LOUING	19 FORESTERS BIRCH RD. 19 " " " "	
B.W. MOORE	6. FOREST VIEW ROAD 1910 4DX	
M.G. MOORE M. CLARK	" " " " 194 FOREST ROAD	M.G. Moore
A. HARRIS	153 FOREST RD	
R MAXX	137 Smarts Lane Loughton 1910 4BP	
T Grant M. GORDON	98 Smarts Lane Loughton 916 SMARTS LANE	T Grant M. Gordon
Y. Demby	66 High Beech Road -	
R.G. BIRD	164 HIGH BEECH ROAD.	
K Jacobson	65 High Beech Rd	
P. COLLIN	" " " "	
S BAKER	78 High Beech Road	
C BAKER	" " "	
E. Owen	189 Smarts Lane	
R T MOORE	118 FOREST RD.	
D M MOORE	118 Forest Rd.	
M. McSWENEY	133 SMARTS LANE	M. McSweney
M COLE	85 SMARTS LANE	
M. Doreby	145 Smarts Lane	
J.R. WOODMAN.	164 FOREST RD 1910160.	
N. TAYLOR	114 " " " 19101EQ	
S. TAYLOR	" " " " "	
N. LONG	53 HIGH BEECH ROAD	
A. LONG	53 High Beech Road	
H FORSBERG	141 SMART LANE LAUGHTON	

114 E
1.6 N
120
T

The Victoria Tavern

We oppose The Victoria Tavern's application for extended hours and the music license:

Name	Address	Signed
B. Nash.	196 Forest R.D.	B. Nash.
J. Gago	132 FOREST RD	J. Gago
J. McCRAE	128, FOREST RD	J. McCrae
C. Howe	130 FOREST RD	Came there,
C Nanton	124 Forest Road	(Signature)
D MARRIS	83 FOREST RD	D MARRIS
K BRYANT	122 Forest Rd	K BRYANT
B. Bryan	122 Forest Road	B. Bryan
L NANTON	124 FOREST RD	L. Nanton
P. Hawk	130 FOREST RD	P. Hawk
J. Welby	93 FOREST ROAD	J. Welby
L. JOURNAL	103 FOREST ROAD	L. Journal
R. WINGFIELD	105 FOREST RD	R. Wingfield
J. P. WELBY	107 FOREST RD	J. P. Welby
M. DUCLOS	117 FOREST RD	M. Duclos
R. GILBEN	131 FOREST ROAD	R. Gilben
L. GILBEN	131 FOREST ROAD	L. Gilben
S. ADAM	103 FOREST RD.	S. Adam
B. HAY (ed)	137 Forest Rd.	B. Hay (ed)
B. SAKE	147 Forest Rd	B. Sake
L. SCOTT	118 SMARTS LANE.	L. Scott
M. SWEETIFFE	16, SMARTS LANE	M. Sweetiffe
R. LUBAGA	77 HIGH BEECH ROAD	R. Lubaga
J. POLHITT	51. High Beech Road.	J. Polhitt
K. MALCOLMSON	57. HIGH BEECH ROAD	K. Malcolmson
L. BARRINGTON	59 HIGH BEECH RD.	L. Barrington
S. BARRINGTON	59 High Beech Rd	S. Barrington
J. DUDMAN	61 HIGH BEECH RD	J. Dudman
J. STONE	67 HIGH BEECH RD	J. Stone
J. HAYES	69 High Beech Rd.	J. Hayes
Jr. RATTEN	70 High Beech Rd.	Jr. Ratten
M. DEMBAY	66 HIGH BEECH ROAD	M. Dembay
JAN WRIGHT	62 HIGH BEECH ROAD	JAN WRIGHT
MARIE WRIGHT	62. HIGH BEECH ROAD, HAUGHTON.	M. Wright

The Victoria Tavern

We object to the application for extended hours and the music license for the above:

Name	Address	Signed
Paul DAVIES-JAMES	157 SMARTS LANE, IG10 4BP	Paul Davies-James
Kare Danley-Jones	157 Smarts Lane IG10 4BP	Kare Danley-Jones
P Graylen	9 Beech Terrace IG10 4BT	P. Graylen
D Copeman	155 Smarts Lane IG10 4BP	J. Cateman
J Willett	153 SMARTS LANE IG10 4BP	J. Willett
R Garvey	143 Smarts Lane IG10 4BP	R. Garvey
L. Hamley	106 SMARTS LANE IG10 4BS	L. Hamley
L. HAMLEY	106 SMARTS LANE IG10 4BS	L. Hamley
J. Lawrence	104 Smarts Lane, IG10 4BS	J. Lawrence
J. BURMAN	114 SMARTS LANE, IG10 4BS	J. Burman
W. PHILLIPS	38 HATLEY AVE ILLINGHAM, ESSEX IG1 1GJ	W. Phillips
P. HERD	159, SMARTS LANE, LOUGHTON	P. Herd
S. WRIGHT	159 Smarts Lane Loughton	S. Wright
Mark Williams	112 Smarts Lane Loughton	Mark Williams
K. Latta	116 Smarts Lane Loughton	K. Latta
D. HISCORE.	110 SMARTS LANE LOUGHTON	D. Hiscore
B. HISCORE	110. SMARTS LANE LOUGHTON	B. Hiscore
P. PIERCE	138 FOREST ROAD LOUGHTON	P. Pierce
S PHILPOT	138 FOREST ROAD LOUGHTON	S. Philpot
R PHILPOT	138 FOREST ROAD LOUGHTON	R. Philpot
LR BARTON	215 SMARTS LANE	LR. Barton
B. French	211 Smarts Lane	B. French
R. WILLIAMS	"	R. Williams
P REID.	209 SMARTS LANE	P. Reid
J. Arthur	209 Smarts Lane	J. Arthur
M. J. DODDING	207 Smarts Lane	M. J. Dodding
M. W. COLLIN	203 SMARTS LANE	M. W. Collin
G. FRENCH	179 Smarts Lane	G. French
C. FRENCH	" " "	C. French
I. WOZNICKI	175 SMARTS LANE	I. Woznicki
D. WOZNICKI	" " "	D. Woznicki
J. WILLIAMS	112 Smarts Lane	J. Williams
J. H. WILLIAMS	" " "	J. H. Williams
S. G. LARK	139 " "	S. G. Lark

**R Bryant
122 Forest Road
LOUGHTON
Essex
IG10 IEG**

17 June, 2005

Licensing Department
Epping Forest District Council
Civic Offices
Epping
CM16 4BZ

For the attention of Kim Tuckey

Victoria Tavern, Smarts Lane, Loughton, Essex

I shall be obliged if the Committee could take into account the following when considering applications from the owners of the above.

I am aware that the above is for sale and that the owners, presumably to give a free hand to any incoming tenant, have applied for a licence to enable them to have late opening hours on a number of evenings, for a music licence and for permission to have live entertainers performing in their premises.

I wish to object to the grant of any of the above permissions/licences on the grounds that this is a residential area and that late hours and music would cause a public nuisance and disturb the peace of the residents. We already have to endure a great deal of nuisance, particularly late at night, from the Royal Oak, Forest Road.

The Victoria is situated in the middle of a residential area and within a very short distance of the nearest private houses. It is adjacent to the Royal Oak. The main entrance of the Victoria is located on the side of the premises and faces onto the gardens of two rows of private houses in Forest Road and Smarts Lane. My own house is one of these and is within some 75 yards of the Victoria.

If a music and/or a performing licence were granted it is absolutely inevitable that there would be serious noise pollution and disturbance and late hours would compound the disturbance. There is a large number of elderly people and some very small children in the immediate vicinity but in fact the peace of not just them but of everyone would be disturbed. In summer the windows and doors of the pub would inevitably be open and thus the noise would not be confined to the Victoria but would pervade the whole area with the houses forming a channel to funnel the sound. Such noise would force the area's residents to keep their own doors and windows closed to try to escape the nuisance. I am, as I write, having to keep all my windows closed despite the hot weather, and still to put up with the noise pollution from the Royal Oak which was granted facilities to celebrate Ascot Day. I could not sit in my garden because of the very loud music. This noise has been going on for some hours and will no doubt

continue until late in the evening, so I am experiencing the potential nuisance of the Victoria.

I have no doubt that you will take into account in your deliberations of Article 8 of the Human Rights Act which I believe gives a qualified right for me and my neighbours to have our homes (including our gardens) and family life respected within the limits of what is best for the community as a whole. In my view the number of residents likely to be affected by any noise and other pollution would outnumber those who sought to enjoy the pollution itself - I am sure that there are fire and health safety limits on the number who might be reasonably admitted to this comparatively small public house.

In addition there are any number of establishments already available in the Loughton area where those so minded can go to enjoy their choice of noisy entertainment away from residential areas. Patrons of the Victoria would be there only comparatively fleetingly. Not so the residents. Their disturbance would be for every night affected by any licence without any let up. I thus feel that the question of proportionality covered in the above Act is on the side of the residents.

I have discussed these matters with a number of my neighbours and I shall be glad if you will consider what I have written above and will refuse the applications before you relating to the Victoria Tavern.

A handwritten signature in black ink, appearing to read 'R Bryant', written in a cursive style.

R Bryant, MBE

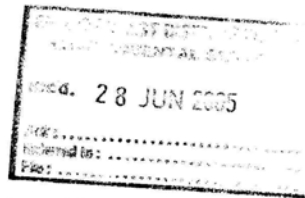
To: Consumer Protection Team- FAO Kim
Tuckey/Jim Nolan
From: Planning Service, Emily Rouse
Date: 27/6/05

Your ref:

Our ref: PL/779/ER



**Epping Forest
District Council**



**Premises Licence Application
Victoria Tavern, 165 Smarts Lane, Loughton**

I refer to the above application received by Planning Services as a Responsible Authority on 31/5/05.

This pub is located in a quiet residential locality with car parking for some 8-10 cars. This application seeks to serve alcohol from 10am –11pm Monday to Wednesday, from 10am – midnight Thursday to Saturday and from 12pm –10:30pm on Sunday. Closure would be half an hour after alcohol ceases to be served. There would also be live music on some nights inside the pub until 11pm or midnight. There is a large beer garden which adjoins residential properties.

Conclusion. Although there may be a degree of nuisance caused by patrons leaving late at night, the proposed opening hours of the pub are considered reasonable. However, Planning Services do make representations to this application on grounds that a) the use of the beer garden is likely to cause noise nuisance to adjoining residents late at night and that b) the playing of live music until midnight is also likely to cause noise disturbance.

I am copying these comments to the applicant's solicitors.

Please contact me or David Baker on x4514 if you have any queries.

Emily Rouse

Emily Rouse
Trainee Planning Assistant

m e m o

To: Environmental Services
Licensing Section
Kim Tuckey

From: Environmental Services
Mr. R. Gardiner
Technical Team Co-ordinator

Date: Date: 7 July 2005

Your ref:

Our ref: WK/200337863



**Epping Forest
District Council**

**Licensing Act 2003
The Victoria Tavern, 165 Smarts Lane, Loughton Essex, IG10 4BP**

I refer to an application made under the Licensing Act 2003 regarding the above mentioned premises that I received on 16th June 2005.

I would like to make the following representation(s) with regard to the Licensing objective – prevention of public nuisance, as detailed in the attached letter to the applicant dated 7 July 2005

If you wish to discuss any of my comments please contact me on (01992) 564089.

Mr. R. Gardiner
Technical Team Co-ordinator

14/7/05

KT Space

Date: 7 July 2005

Our Ref: WK/200337863

Your Ref:

TLT Solicitors
One Redcliff Street
Bristol
BS1 6TP

Mr. R. Gardiner (01992) 564089
email:rgardiner@eppingforestdc.gov.uk

Dear Sir or Madam:

Licensing Act 2003
The Victoria Tavern, 165 Smarts Lane, Loughton Essex, IG10 4BP

On behalf of the Council's Environmental Protection Team, I confirm receipt of a copy of your application dated 28 April 2005 that I received on 16 June 2005 regarding the above mentioned property. I have made the following representations to the Council's Licensing Section with regard to the Licensing objective – Prevention of Public nuisance:

1. Live and recorded music

- a) To prevent public nuisance, I believe that the variation to include live music (albeit restricted to 2 performers), for the extended hours requested (an additional hour on Thursday, Friday and Saturday) should not be permitted i.e. the existing limitation on hours should apply for any live music.**

Reason

- b) In June 2000 noise abatement notices were served on the licencees of the premises at that time due to noise from live music at the property. The noise abatement notices were subsequently breached on three occasions due to noise from live music.
- c) There have been no noise complaints since April 2001 and no noise complaints against the current licencees. I understand that the current licencees do not have live music.
- d) Previous visits to the property in the year 2000 established that the property was not suitable for loud music due to the close position of neighbouring residential premises and lack of sound insulation provided by the structure of the building (single glazed windows and no lobby with double doors).
- e) A recent visit to the property confirmed that this situation had not changed. The windows of the property facing towards the nearest residential premises are single glazed and the property only has one exit door, therefore noise can easily escape through the structure of the building and whenever customers enter and leave the premises. In conclusion the property remains unsuitable for playing loud music.
-

- f) I have similar reservations about extending the hours for recorded music. However, because the applicant can simply reduce the volume of any recorded music to an acceptable level, if necessary turning it off, I am willing to accept this variation for recorded music only.

2. Use of garden

- a) **In order to prevent public nuisance due to disturbance caused by customer noise outside the building, I believe that the request for additional hours should be rejected unless the operating schedule is amended or conditions imposed in order to control the use of the garden.**

e.g.

The garden and any other area outside the building must not be used by customers outside of 10.00 to 23.00 hours Monday to Saturday and 10.00 to 22.30 hours on Sunday.

Reason:

- b) The applicant has asked for an additional hour every Thursday, Friday and Saturday. I am concerned that if these hours are authorised the garden at the front of the premises that backs onto neighbouring residential premises will be used by customers, and if busy will cause an unacceptable level of disturbance simply from the normal customer noise.

If you would like to discuss the matter or have any written comments, please do not hesitate to contact me. I should be happy to withdraw the representation(s) if the operating schedule is amended accordingly or if our discussions lead to the conclusion that there is a valid reason for withdrawal of the representation.

Yours sincerely



Mr. R. Gardiner
Technical Team Co-ordinator

c.c. Mrs K Tuckey – Licensing Section

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PART B - Application to vary a premises licence under the Licensing Act 2003

We Greene King Brewing & Retailing Ltd being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34/section 37 of the Licensing Act 2003 for the premises described in Part A above.

Part B1 - Variation

Monkhams

Do you want the proposed variation to have effect from the second appointed day? Please tick ✓
✓

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)

Hours open to the public

Supply of alcohol by retail

Provision of entertainment including:

Performance of live music

Playing of recorded music

To allow children under 14 into the bar area.

It is not the applicant's intention in applying for a variation, to change the nature of this business.

The number of customers is not expected to rise, & the focus will remain families & food as at present.

Any live music will be incidental & sympathetic to this theme.

The extra hour on a Friday & Saturday night is simply so that customers can continue to purchase & enjoy, food & alcohol in a relaxed atmosphere.

Appendix 1.

From: Jim Nolan
To: Tuckey, Kim
Date: 25/07/2005 11:19:48
Subject: Fwd: Monkham's Pub developments

thanks,

Jim.
Ext 4083

>>> Robert Barwell 25/07/2005 11:07:06 >>>
Hi,

Please see the attached.

Thanks,

Rob

>>> David *Finney <davidfinney@fsmail.net> 24/07/05 09:58:11 >>>
Dear Sir/Madam

Last night, on walking past the Monkham's, I noticed a sign advising of new developments to the pub - i.e. additional live music and late night refreshments. I am writing to put forward my concerns and objections to any proposal of this nature.

Currently, in my opinion the Monkham's already disturbs the local peace in two ways:

1. Males leaving the pub at night (the usual drunken noisiness, although particularly noticeable in a quiet residential area I am very fond of (have lived here for 10 years).

2. The Landlord's dogs (they are often let into the pub garden just after closing time and bark incessantly at passers-by, running up to the fences in a quite threatening manner.

The houses directly opposite the pub must find these two issues most upsetting.

I'd like to make it clear and I am an occasional pub-goer, and have frequented the pub in the past (prior to the new landlord) and the pub itself is fine. I also love live music and I do eat in drinking establishments.

My concerns now are that if live music (in particular) and late food are added to the pub, that the above problems will increase. The area also has a problem with speeding cars that are attracted to the pub (often dropping people off at the pub or picking them up) and this is of course a danger to local residents.

Ideally, a pub such as the Monkham's, would not be directly in the midst of a residential area at all.

Yours sincerely

David Finney

10-year Resident in Walnut Way

Senior Associate Director in Global Market Research Company

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Whatever you Wanadoo:
<http://www.wanadoo.co.uk/time/>

This email has been checked for most known viruses - find out more at:
<http://www.wanadoo.co.uk/help/id/7098.htm>