

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 8 September 2005

Place: Civic Offices, High Street, Epping **Time:** 10.00 am

Members Present: Mrs R Gadsby, F Maclaine, P McMillan and Mrs M Sartin

Other Councillors: (none)

Apologies: (none)

Officers Present: E Cox (Licensing Officer), R Ferriera (Legal Executive), S Harcher (Environmental Services), G Lunnun (Democratic Services Manager), K Tuckey (Environmental Services) and G J Woodhall (Democratic Services Assistant)

50. ELECTION OF CHAIRMAN

RESOLVED:

That, in accordance with the terms of reference for the Licensing Committee, Councillor Mrs M Sartin be elected Chairman for the duration of the Sub-Committee meeting.

51. DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in agenda Items 9 (Application to vary a Premises Licence at the Spotted Cow, Fountain Place, Waltham Abbey), and 11 (Application to vary a Premises Licence at the New Inn, Sun Street, Waltham Abbey) by virtue of being a local ward member. She declared that her interests were prejudicial and indicated that she would leave the meeting for the consideration and voting thereon.

52. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business, and the terms of reference.

53. EXCLUSION OF PUBLIC AND PRESS

The Sub-Committee noted that there were no items of business on the agenda which necessitated the exclusion of the public and press from the meeting.

54. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE QUEENS HEAD, PATERNOSTER HILL, WALTHAM ABBEY

The three councillors that presided over this item were councillors Mrs R Gadsby, P McMillan and Mrs M Sartin. Councillor F Maclaine acted as an observer. Also present

were Mr Stephen Gill from McMullen & Sons Limited and Mr Norman Lawrie, manager of the public house. No objectors were present at the meeting.

The Sub-Committee considered an application to convert and vary a premises licence for the Queen's Head Pubic House, Paternoster Hill, Waltham Abbey. The application sought permission:

- (a) to permit the sale of alcohol from 10.00 hours to 00.00 hours, Sunday to Saturday;
- (b) to permit occasional regulated entertainment in keeping with the style of operation;
- (c) to provide refreshments after 23.00 hours;
- (d) to remain open for 30 minutes after the end of permitted hours for the sale of alcohol as a 'wind down' period;
- (e) to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematography (Safety) Regulations 1955 and the Children and Young Persons' Acts; and
- (f) to remove all other restrictions inherited from the existing Children's Certificate except those detailed in Part B of the application.

The attention of the Sub-Committee was drawn to the copy of a letter attached to the report from a local resident, writing on behalf of the Paternoster Hill Residents' Association, objecting to the extended opening hours. The letter also alleged that the public house had a history of disturbance over the years, although it acknowledged that the current manager had taken steps to reduce this problem.

Presentation of the Applicant's Case

Mr Stephen Gill of McMullen & Sons Limited presented the case and he was assisted by Mr N Lawrie, manager of the public house. Mr Gill described the premises as a community sports bar in a residential area, although none of the residential properties were particularly close to the public house. He advised that the application included conditions aimed at protecting the amenities of residents. He advised that, in his experience, there had only been one or two disturbances in the past 15 years and he drew attention to the absence of objections from the Police and Environmental Health. Mr Lawrie advised that he had been the manager of the premises for three years and there had been no incidents during his occupation.

Mr Gill was then questioned by the Sub-Committee. In response, Mr Gill said he was not aware why the application had not sought to extend opening hours beyond midnight but suggested that it was probably based on the views of the Area Manager having regard to the location of the public house. He confirmed that he would be happy to accept a variation placing restrictions on the playing of recorded music as well as live music. Mr Lawrie drew attention to works which had recently been undertaken to the public house including the provision of double door entry. He also confirmed that the public house was used mainly by local residents.

Consideration of Application by the Sub-Committee

The Sub-Committee retired to discuss the application in private where they took advice from the relevant officers on the existing Christmas and New Year's opening

hours allowed by law which would have applied had not other hours been specified in the application. The Panel noted that the objector had misinterpreted the proposed hours of opening.

RESOLVED:

That the application to vary a premises licence at the Queens Head Public House, Paternoster Hill, Waltham Abbey be granted subject to the conditions specified in the application form and the additional condition agreed at the meeting in relation to all the statements in the application relating to live music, being applied in addition to recorded music.

55. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE HOLLY BUSH, HIGH ROAD, LOUGHTON

The three councillors that presided over this item were Councillors Mrs R Gadsby, F Maclaine and Mrs M Sartin. Councillor P McMillan acted as an observer. Also present were Mr Stephen Gill, representing McMullen & Sons Limited.

The Sub-Committee considered an application to convert and vary a premises licence for the Hollybush Public House, High Road, Loughton. The application sought permission:

- (a) to permit the sale of alcohol from 10.00 hours to 00.00 hours Sunday, Monday, Tuesday, Wednesday and Thursday, and to permit the sale of alcohol from 10.00 hours to 01.00 hours on Friday and Saturday;
- (b) to permit occasional regulated entertainment in keeping with the style of operation;
- (c) to provide refreshments after 23.00 hours;
- (d) to remain open for 30 minutes after the end of permitted hours for the sale of alcohol as a 'wind down' period;
- (e) to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematography (Safety) Regulations 1955 and the Children and Young Persons' Acts; and
- (f) to remove all other restrictions inherited from the existing Children's Certificate, except those detailed in Part B of the application.

The Sub-Committee considered representations from four local residents objecting to the extended hours. Copies of the letters were attached to the report. The objectors had drawn attention to noise from the public house/patio of the public house, loud music, especially when the back doors of the premises were left open and public order offences in the street.

Presentation of the Applicant's Case

Mr Gill advised that the Hollybush was a community public house in the High Street, in close proximity to shops and commercial premises. He acknowledged that it also backed onto residential properties. Mr Gill stated that the concerns expressed by objectors regarding activities within the confines of the public house had been addressed by the conditions proposed in the application. However, he advised that, having regard to the representations made, he was offering two additional conditions.

He proposed that all the restrictions on live music would apply to recorded music and that notices would be posted at all the exit points requesting customers to respect the amenities of neighbouring properties and to leave the premises promptly and quietly.

Mr Gill suggested that, in any event, reduced weight should be attached to the written representations from objectors as the objectors were not present to express their views to the Sub-Committee. In relation to the representations about anti-social behaviour in the streets, he stated that there were other licensed premises in the vicinity and the acts of anti-social behaviour were as likely to stem from customers of those other properties as well as the Holybush.

Mr Gill was then questioned by the Sub-Committee. In response, he said that he would be happy to consider any suggestions as to how the public house could help to stop anti-social behaviour including vandalism in the adjoining streets. He confirmed that the Pub Watch Scheme involved an exchange of information about people banned from a particular public house with a view to such people being banned from all public houses in the scheme. Mr Gill confirmed that, in his view, there were adequate toilet facilities at the public house for the number of customers. In conclusion, he stated that he considered the Hollybush to be a well run public house.

Consideration of Application by the Sub-Committee

The Sub-Committee then retired to discuss the application in private where they took advice from relevant officers on the proposed hours of opening, other licensed premises in the vicinity of the Hollybush, the existing Christmas and New Year's opening hours allowed by law and the requirement that letters of representation should not be devalued simply because the writers of those letters were not present at the meeting.

RESOLVED

That the application to vary a premises licence at the Hollybush Public House, High Road, Loughton be granted subject to the conditions contained in the application form and additional conditions agreed at the meeting in relation to all the statements in the application regarding to live music, applying equally to recorded music and to the posting of notices at all of the exits asking customers to respect the amenities of neighbouring properties and to leave the premises promptly and quietly.

56. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE STAG, BRENTWOOD ROAD, MARDEN ASH

The three councillors that presided over this item were Councillors Mrs R Gadsby, F Maclaine and Mrs M Sartin. Councillor P McMillan acted as an observer. Also present was Mr Stephen Gill from McMullen & Sons Limited.

The Sub-Committee considered an application to convert and vary a premises licence for The Stag Public House, Brentwood Road, Marden Ash. The application sought permission:

- (a) to permit the sale of alcohol from 10.00 hours to 00.00 hours Sunday, Monday, Tuesday, Wednesday and Thursday and to permit the sale of alcohol from 10.00 hours to 01.00 hours on Friday and Saturday;
- (b) to permit occasional regulated entertainment in keeping with the style of the operation;

- (c) to provide refreshments after 23.00 hours;
- (d) to remain open for 30 minutes after the end of permitted hours for the sale of alcohol as a 'wind down' period;
- (e) to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematography (Safety) Regulations 1955 and the Children and Young Persons' Acts; and
- (f) to remove all other restrictions inherited from the existing Children's Certificate except those detailed in Part B of the application.

The attention of the Sub-Committee was drawn to a letter of objection to the application from a local resident, a copy of which was attached to the report to the meeting. The letter referred to existing noise from the beer garden and suggested that any extension of hours would lead to an increased use of the garden as customers tended to spill over into the garden when events were held at the public house. Reference was also made to a marquee which had been erected in the beer garden and to noise from people in the car park. The letter also stated that a large percentage of the customers walked back to Ongar Town Centre and would be likely to create noise in the early hours of the morning.

Presentation of the Applicant's Case

Mr Gill advised that the Stag Public House was a small country pub with a reasonably sized garden area. He stated that there was no history of any trouble at the public house and that the premises mainly served the immediate community. He suggested that sufficient conditions had been proposed in order to overcome the objections which had been made. He drew attention to the condition regarding the closure of the patio/outside seating area at 23.00 hours and to the condition requiring the posting of notices in the car park asking customers to leave the area promptly and quietly.

In response to questions from members of the Sub-Committee, Mr Gill advised that the car park was likely to be illuminated but he could not give an absolute assurance. He confirmed that adequate illumination would be provided in order for the proposed notices to be seen. Mr Gill advised that it was company policy to only provide air conditioning in situations where customers were uncomfortable. This was not the case at this public house and doors and windows would remain closed during the performance of music to ensure that neighbours were not disturbed. He said that he did not believe that this property had double entry doors but pointed out that music was not a major offer at these premises. He stated that in some establishments where there had been a history of noise problems, consideration had been given to the provision of a noise limiter but this was not an issue at this property. He advised that there was a commitment to ensure that music could not be heard at the boundaries of the property.

Consideration of Application by Sub-Committee

The Sub-Committee then retired to discuss the application in private where they decided that there was no need in this case to take advice from the relevant officers.

RESOLVED:

That the application to vary a premises licence at The Stag Public House, Brentwood Road, Marden Ash be granted subject to the conditions specified in the application and to additional conditions requiring that all statements in the application relating to live music, would apply equally to recorded music and to the proposed notices in the car park being able to be clearly visible at all times.

57. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE SPOTTED COW, FOUNTAIN PLACE, WALTHAM ABBEY

The three councillors that presided over this item were Councillors F Maclaine, P McMillan and Mrs M Sartin. Councillor Mrs R Gadsby left the meeting for this item. Also present was Mr Stephen Gill from McMullen & Sons Limited, Mrs P Franklin and Mr L Pearce, local residents and objectors, and Mr David Baker from the District Council's Planning Services.

The Sub-Committee considered an application to convert and vary a premises licence for the Spotted Cow, Fountain Place, Waltham Abbey. The application sought permission:

- (a) to permit the sale of alcohol from 10.00 hours to 00.00 hours Sunday, Monday, Tuesday, Wednesday and Thursday and to permit the sale of alcohol from 10.00 hours to 01.00 hours on Friday and Saturday;
- (b) to permit occasional regulated entertainment in keeping with the style of operation;
- (c) to provide refreshments after 23.00 hours;
- (d) to remain open for 30 minutes after the end of permitted hours for the sale of alcohol as a 'wind down' period; and
- (e) to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematography (Safety) Regulations 1955 and the Children and Young Persons' Acts.

The attention of the Sub-Committee was drawn to representations concerning the application which had been received from interested parties. Copies of those representations had been attached to the report to the meeting and comprised:

- (a) letters from five residents including Mrs Franklin and Mr Pearce referring to noise generated by customers leaving the public house, public order offences in the street, customers' cars parked on the pavement and the close proximity of the premises to residential properties;
- (b) a petition with 47 signatures opposing the application; and
- (c) a response from Planning Services following statutory consultation.

Presentation of the Applicant's Case

Mr Gill stated that the Spotted Cow was a quiet public house in terms of turnover and was barely viable. He advised that the application had been made in order to provide an opportunity to make the premises more viable. He suggested that in view of the nature of the customer profile, the premises were unlikely to stay open late every evening but the extension of hours was being sought in order to secure maximum

flexibility. He suggested that the majority of customers were pensioners and were unlikely to be involved in public disorder offences on the streets. He stated that the proposed conditions should ensure that neighbours were not disturbed by noise but he offered the imposition of a further condition requiring that all statements in the application relating to live music, should also apply to recorded music.

Mr Gill advised that Head Office of McMullen's were not aware of any recent complaints regarding the public house. He stated that the landlord was currently on holiday and therefore unable to be present at this meeting. He further offered another condition restricting live and recorded music to 23.00 hours Monday - Friday and 00.00 hours at weekends.

In response to questions from the Sub-Committee, Mr Gill stated that the extended hours might attract more customers which would lead to the premises being more viable. He accepted that any new landlord might attract a different type of clientele but pointed out that any landlord would have to meet the licensing objectives. He suggested that several of the objections which had been made related to issues on the street which could not be controlled by the premises. He confirmed that the public house had a small car park with three or four parking spaces.

Mr Gill accepted that closure of the public house might be a possibility if the situation did not improve but he pointed out that there was still a number of customers who would be opposed to that step. In view of the limited number of customers he suggested that the concerns expressed by the objectors could not be related to those customers. Mr Gill confirmed that he was aware of rumours that the current landlord would be leaving shortly. He said that he was unaware whether she had handed in her formal notice and pointed out that she needed to give notice of leaving. Mr Gill suggested that many of the concerns raised by the objectors had been satisfied by the proposed conditions in the application.

Presentation of Objectors' Case

The objectors reiterated the issues raised in their letters and questioned why an extension of hours was being sought in view of the limited number of customers. They agreed that many of their concerns related to the situation at the premises in the past but pointed out that if additional customers were to be attracted they would need to come from outside of the town and result in the return of many of the unacceptable conditions. The objectors explained that the petition had been drawn up as a result of noise within the past three weeks.

Mr Baker stated that the Spotted Cow was a small public house in a close-knit area with residential properties including old people's bungalows. He pointed out that the distance between the public house and residential properties was much closer than one normally expected and that customers leaving in the early hours would inevitably cause disturbance to neighbouring properties. He advised that the public house was poorly situated and that to attract more customers it would be necessary to introduce specific promotions and activities which would be likely to lead to people attending from outside of the town, parking in the nearby streets, etc. Mr Gill accepted that Mr Baker's representations might be appropriate to a busy public house or one with a history of creating problems for its neighbours but the Spotted Cow was a quiet community pub struggling to survive, which must be given every opportunity to do so.

In reply to questions from the Sub-Committee, Mr Baker stated that nearby residential properties did not form a terrace with the public house but were nevertheless very close to it. The Public House was detached but there were residential properties on the other sides of the small square.

Consideration of Application by Sub-Committee

The Sub-Committee then retired to discuss the application in private where they took advice from the officers that possible future developments should not be taken into account. The Sub-Committee took account of the location of the public house and its proximity to residential properties. In the light of this issue, the Sub-Committee agreed the application as submitted should be refused but that a variation to the application, reducing the hours sought by the application to limit public nuisance problems would be acceptable.

RESOLVED:

- (1) That the application to vary a premises licence at the Spotted Cow, Fountain Place, Waltham Abbey be refused on the grounds of the prevention of public nuisance likely to result from noise disturbance associated with the extended hours applied for, the close proximity of the premises to residential properties and the size of the premises;
- (2) That the following variations would be acceptable:
 - (a) to permit licensed activities from 10.00 hours to 23.00 hours every day;
 - (b) to provide refreshments until 23.30 hours each day;
 - (c) all statements relating to live music applying equally to recorded music.

58. ADJOURNMENT

The Sub-Committee adjourned for lunch at 1.15pm and returned at 1.45pm.

59. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE NEW INN, SUN STREET, WALTHAM ABBEY

The three Councillors that presided over this item were Councillors Mrs Sartin, Maclaine and McMillan; Councillor Mrs Gadsby acted as an observer. The Chairman welcomed the participants, and requested that they introduce themselves to the Sub-Committee and officers. In attendance was the applicants, Mr S Charlton, Regional Manager for Punch Taverns, and the Licensees Mr M Coyle and Mr R Moxon. There were no objectors in attendance. The Chairman then introduced the members and officers present, and explained the procedure that would be followed for the determination of this application.

(a) The Application before the Panel

The Environmental Health Manager informed the Sub-Committee that an application to vary a Premises Licence had been received in respect of The New Inn in Sun Street, Waltham Abbey, along with representations from interested parties. The application had requested permission to serve alcohol and late night refreshment until midnight on Sunday to Wednesday and 1.00am on Thursdays to Saturdays. The application had also requested that the premises be open to the public from 5.30am until 30 minutes after the sale of alcohol had ended, although alcohol would not be permitted to be supplied until 10.00am. The application had also requested that Live Music be permitted until 11.00pm Sunday to Thursday and 12.00am Friday to

Sunday, with Recorded Music permitted for a further hour each evening. The application also requested an extra hour for the sale of alcohol and provision of live music on Christmas Eve and Boxing Day.

(b) Presentation of the Applicant's Case

Mr Charlton stated that the main issue for the application before the Sub-Committee was the reported noise outside the premises at closing time mentioned in the representations made by local residents. The Sub-Committee were reminded that there had not been any representations made by the Police, or any evidence provided that crime and disorder had been emanating from the premises. There was no connection between the incidents cited in the representations and the New Inn, as it was a responsible outlet that was well managed by the Licensees. There was a late night venue in the vicinity that did not shut until 2.00am, and the Police presence in the local streets had no connection to the establishment. Mr Charlton reassured the Sub-Committee that despite concerns over youths drinking in local parks, there was no sale of alcohol to minors for consumption on or off the premises.

Mr Charlton stated that the proposed hours would allow customers to disperse over a longer period of time and would actually help to reduce disorder within the vicinity. Mr Charlton offered a further condition that there would be no admittance to the premises after 11.30pm, and reminded the Sub-Committee that the application could be reviewed if the proposed measures led to further complaints from local residents.

Mr R Coyle, one of the licensees at the New Inn, further added that there was always one of the Licensees on site at any time. The Police had only been called once in eight years, as generally there were no problems at the premises. The main source of income was food rather than alcoholic drinks, and at closing time, customers were dispersed as quickly and quietly as possible. There were a number of other public houses in the vicinity, which caused the noise disturbances to residents late at night. The live music would mainly take place on Saturday nights.

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

In response to questions from the Sub-Committee, the applicants stated that no complaints in respect of noise had been received by either the Police or the Council from local residents. None of the residents in the rooms above the premises had ever complained about the noise emanating from the premises. During music performances, the windows and inner door was always shut, and a decibel counter had been installed to monitor the volume of any music.

The car park associated with the premises was not restricted to patrons only as there was very little parking available within the general locality. It was known that some patrons of the nearby late-night venue used the car park, which would account for why the premises often got blamed for some of the disturbances. The premises had been a member of the local "pubwatch" scheme before it had lapsed and the doors would be locked at 11.30pm each night to prohibit any further entry. Closed Circuit Television had been installed for both inside and outside the premises, but was not currently in 24-hour operation. Notices had been placed within the premises asking customers not to take glasses or bottles outside, but customers from other premises did and the licensees regularly collected glasses and bottles that belonged to other local establishments.

It was further added that anybody who caused trouble within the premises were barred, and that the Police would be called if there were ever any serious disturbances. The premises had a Supper Licence that allowed it to serve light meals

until 11.00pm, which was also the time that the beer garden was closed to the public. Although the premises had all the necessary safety certificates, it was not classified as a Hotel as the applicants did not wish to have a 24-hour Sale of Alcohol Licence.

(d) Consideration of the Application by the Sub-Committee

The Sub-Committee were disappointed that none of the objectors had attended the hearing, as they felt that they had only listened to one side of the argument, although the Sub-Committee noted that the objectors were some distance from the premises. However, the Sub-Committee felt that it was a busy establishment with numerous facilities and that there had been no evidence of any trouble emanating from the premises.

There was some confusion over the Late Night Refreshment timings within the application, as normally these would not begin until the Supper Licence had expired, and would not finish until around 30 minutes after the end of the sale of alcohol period. The Sub-Committee was also unsure as to why the applicants would want to start the supply of late night refreshment at 5.30am. It was agreed to reconvene the hearing and ask further questions of the applicants.

(e) Further Questions for the Applicant from the Sub-Committee

Mr Charlton explained that the premises were also an old Coaching Inn, which meant that activities such as breakfast and coffee for the benefit of the residents started at 5.30am. The premises had 9 twin rooms that could accommodate a maximum of 18 residents, and was registered for bed and breakfast with the Tourist Board.

The Chairman explained that the timings for Late Night Refreshment should start at 11.00pm when the Supper Licence finished, and end approximately 30 minutes after the end of the Sale of Alcohol. As the application already requested that the premises be open to the public from 5.30am, Schedule O would already cover the ancillary activities required for the Coaching Inn business. Mr Charlton requested that the Schedule for Late Night Refreshment be amended accordingly.

(f) Further Consideration of the Application by the Sub-Committee

The Sub-Committee felt that there were no grounds to refuse the application. The objections that had been raised were more general to the locality rather than specific to the premises, and it was recognised that there were problems in Waltham Abbey as a result of all the establishments in the area. The Sub-Committee accepted the new condition that there would not be any admittance to the premises after 11.30pm every evening, and the revised hours for Late Night Refreshment that had been discussed with the applicant. The Chairman informed the applicant of the Sub-Committee's decision.

RESOLVED:

That the application to vary a Premises Licence at the New Inn public house in Sun Street, Waltham Abbey be granted subject to the conditions contained within the application, and the additional conditions agreed at the meeting in relation to:

- (a) that there be no admittance of the public to the premises after 11.30pm every evening; and

(b) that the premises be permitted to serve late night refreshments between the following times:

- (i) 11.00pm to 12.30am Sunday to Wednesday; and
- (ii) 11.00pm to 1.30am Thursday to Saturday.

60. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE MERRY FIDDLERS, FIDDLERS HAMLET, EPPING

The three Councillors that presided over this item were Councillors Mrs Sartin, Maclaine and Mrs Gadsby; Councillor P McMillan acted as an observer. The Chairman welcomed the participants, and requested that they introduce themselves to the Sub-Committee and officers. In attendance were the applicants, Mr S Charlton, Regional Manager for Punch Taverns, and the Premises Manager Mr D Speed. There were no objectors in attendance. The Chairman then introduced the members and officers present, and explained the procedure that would be followed for the determination of this application.

(a) The Application before the Sub-Committee

The Environmental Health Manager informed the Sub-Committee that an application to vary a Premises Licence had been received in respect of The Merry Fiddlers in Fiddlers Hamlet, Coopersale, along with representations from interested parties and the responsible authorities for Environmental Control and Planning. The application had requested permission to serve alcohol until midnight on Monday to Saturday and 11.30pm on Sundays. The application had also requested that the premises be open to the public from 11.00am, 12.00pm on Sundays, until 30 minutes after the sale of alcohol had ended. The application had also requested that Live Music be permitted until 12.00am on Monday to Saturday and 11.30pm on Sunday, with Recorded Music permitted for a further 30 minutes each evening. The application also requested an additional hour and a half for the sale of alcohol and provision of live music on Christmas Eve and Boxing Day if either occurred on a Sunday.

(b) Presentation of the Applicant's Case

Mr Charlton informed the Sub-Committee that the application would enable customers to disperse over a longer period of time at the end of the evening. Mr Charlton reiterated for the benefit of the Sub-Committee that the application sought to extend the sale of alcohol by one hour between Monday and Saturday and an extra 1½ hours if Christmas Day or Boxing Day occurred on a Sunday, along with an extra ten minutes for drinking up time. The Premises Manager, Mr Speed, stated that neighbours had not approached him with reports of problems or written letters of objection, and that Mr Speed had not been aware of any complaints before the production of the agenda.

Mr Charlton did concede that there had been numerous complaints over highways issues in the vicinity of the establishment, however the Premises Manager was powerless to control where patrons parked their vehicles. The frustration of neighbours not being able to park outside their houses was understood and there were plans to increase signage in an effort to ensure that more patrons used the premises' car park. Mr Charlton felt that if neighbours had concerns over highways issues in the locality then these should be reported to Essex County Council. Mr Charlton stated categorically that there had been no 'lock-ins' until 2.00am, no complaints had been forthcoming from the Police over the issue, and there had not been any evidence produced to suggest that these events had taken place.

In response to comments that had been made in the letters of objection, Mr Speed conceded that there had been a customer inside the premises with a knife on New Year's Eve 2003, but the manager had asked the customer to leave, who did so with no problems. The motorcycle club that used to use the premises as a base for their club activities had not met at the premises for a considerable period, and the bouncy castle was only ever used during daylight hours at the weekend.

Mr Charlton reminded the Sub-Committee that the premises was predominantly an eating establishment that did not attract the younger element through alcohol promotions; last orders for food were taken at 9.00pm. The Police had not had to attend any incidents at the premises, and neither had they made any representations in respect of the application. Mr Charlton was not aware of taxis hooting their horns after 11.00pm, and neither had any evidence been produced to support the claims. Events such as the Classic Car Rallies were periodic and not every week, and the promoter provided a bus service in an effort to reduce traffic in the locality. A bus service was also run from the Co-Operative store in Epping to the establishment whenever there were fireworks displays planned, which were usually completed by 9.00pm. Mr Charlton stated that the Merry Fiddlers was a well-run establishment and commended the application to the Sub-Committee.

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

In response to questions from the Sub-Committee, the Premises Manager replied that there was a large field to the rear of the establishment that was utilised for the fireworks displays and Classic Car Rallies. The field itself was two acres in size, and usually there were three rallies held each year. In relation to the incident on New Year's Eve 2003, the Premises Manager confirmed that he had escorted the man with the knife from the premises, and that there were no injuries as a result of the incident.

Mr Charlton added that Mr Speed had been in situ at the premises for 2½ years now and had a financial interest in the premises as well. It was confirmed that Mr Speed would be the Designated Premises Manager by the second appointed date, and that the current partner's name would be removed from the application form. Finally, in an effort to allay some of the concerns of local residents, Mr Charlton offered a new condition whereby there would not be any further entry permitted to the premises after 11-00pm each evening.

(d) Consideration of the Application by the Sub-Committee

The Sub-committee felt that the new condition offered by the applicant, no entry to the premises after 11.00pm, would alleviate one of the concerns raised by local residents. The Sub-Committee noted that the application had not requested any extra hours on Sundays for Sale of Alcohol, and only one extra hour during the rest of the week. The Sub-Committee felt that there should also be an extra condition in respect of the additional signage to encourage patrons to use the car park. There had been no objections in relation to the requested hours for Live and Recorded Music, hence no conditions could be imposed, and all other conditions were granted as per the application.

The Chairman informed the applicant of the Sub-Committee's decision.

RESOLVED:

That the application to vary a Premises Licence at The Merry Fiddlers in Fiddlers Hamlet, Epping be granted subject to the conditions contained within the application, and the additional conditions agreed at the meeting in relation to:

- (a) that there be no admittance of the public to the premises after 11.00pm every evening; and
- (b) that extra signage be installed on the premises requesting patrons to park their vehicles in the car park provided.

CHAIRMAN