

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 26 January 2006

Place: Civic Offices, High Street, Epping **Time:** 9.30 am - 1.47 pm

Members Present: Mrs R Gadsby, R Morgan, Mrs P K Rush and Mrs P Smith

Other Councillors: Ms S Stavrou

Apologies: (none)

Officers Present: J Nolan (Environmental Services), R Ferriera (Legal Executive), D Baker (Planning Services Officer), K Tuckey (Environmental Services) and Z Folley (Democratic Services Assistant)

133. ELECTION OF CHAIRMAN

RESOLVED:

That, in accordance with the Terms of Reference for the Licensing Committee, Councillor R Morgan be elected Chairman for the duration of the Sub – Committee meeting.

134. DECLARATIONS OF INTEREST

There were no declarations of interests pursuant to the Council's Code of Member Conduct.

135. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Panel noted the agreed procedure for the conduct of business, and the Terms of Reference.

136. LICENSING ACT 2003 - THE KINGS OAK PUBLIC HOUSE, HIGH BEECH, LOUGHTON

The members of the Sub – Committee that presided over this application were Councillor R Morgan, Mrs R Gadsby and Mrs P Smith. Councillor Mrs K Rush acted as an observer.

In attendance was Mr C Akers, the applicant, Mr R Eton, Mr Light, the legal representatives for the case, Mr S Bunce an objector and Mr R Baker of the Responsible Authority for Planning Services. Also present was Mr S Fisher, Mr A Williams and Mr S Hilliard on behalf of Essex Police.

The Chairman introduced the Sub – Committee and officers present welcomed the participants and requested that they introduced themselves to the meeting. He also explained the procedure that would be followed for the determination of this application.

It was reported that Councillor Mrs Stavrou, (the ward member for the area in question) had approached the Head of Environmental Services with documents questioning whether the variation had been made in accordance with the procedures regarding the advertisement of applications.

Councillor Mrs Stavrou circulated information detailing the distribution area for the newspaper 'the Epping Forest Independent' in which the advertisement for the premises had been placed. She also circulated an extract from the electoral register and an e-mail sent by the newspaper company illustrating that the newspaper, which was delivered to households, had not been delivered to the households in the immediate vicinity of the public house. She concluded that this indicated that the proposed variation had not been properly advertised therefore could not be considered.

The Sub – Committee retired to consider this application in private. During the deliberations, members noted the guidance on the advertising of applications which suggested that a variation must be placed in a publication/newspaper operating in the vicinity of the premises. The Sub – Committee determined that the proposals had fulfilled this guidance as an advertisement had been placed in a newspaper operating in the vicinity. The Sub – Committee returned to the meeting to report their decision and continue with their consideration of the variation.

The Sub – Committee then considered a further application made by the residents of the immediate area which referred to the concerns raised over the advertisement of the application. Mr Smith, a resident of the locality reported that those affected by the identified shortcoming were not made aware of the proposals until it was too late to prepare and submit representations. Residents had also reported that, when visiting the site, they had not observed notices on the premises itself. Given these circumstances he asked the Sub – Committee to take into account the late representations submitted after the requisite deadline.

The Sub – Committee retired to consider the case in private. Having considered that the application had been properly advertised, they determined that any representations made after the requisite deadline could not be taken in account and returned to the meeting to report this decision and consider the case.

(a) Presentation of the application

The applicant advised the Sub – Committee that the applications sought permission to open the bar area from 10.30am to 12.00am Monday to Sunday , the function suite until 12.00am Monday to Thursday, 1.00am Friday, Saturday and 12.00am Sunday. It also sought to remain open for an additional hour at the end of each day for the sale of light refreshments.

The applicant reported that these hour were shorter than those initially sought to reflect the views of residents concerns. The application also offered a series of conditions designed to minimise public nuisance, prevent crime and disorder, ensure public safety and protect children. Mr Fisher who attended on behalf of Essex Police reported that these conditions addressed the concerns raised in the representation which they had made. He therefore reported that the Authority had decided to withdraw their representation.

It was reported that the Responsible Authorities for Planning and Environmental Services had objected to the application on the grounds that it was likely to cause noise nuisance to the nearby neighbours.

The applicant reported the capacity of the bar, restaurant, function room and beer garden. The external area would be closed at 10.30pm. The additional hour sought at the end of each day was for the sale of light refreshments only. The hours proposed should ensure that the out flux from the premises was spread over a longer period of time and avoid a sudden out flux which often occurred when the closing time was fixed at an earlier time. The disco system had been checked and approved by the Responsible Authority for Environmental Services and automatically tuned off when volume passed the legal maximum. The function room was for pre – booked private events only. No functions would be hosted by external promoters. The Police might be called to deal with any persons attending these events without permission. There were noise restriction facilities for entertainment in the function room.

Mr Bunce expressed concern about the proposed frequency of functions especially in view of the level of noise that was likely to be generated by the activities. Mr Bunce reminded the Sub – Committee that early last year, approval had been given for an application at the premises. A condition was placed on that application to state that no noise should emanate from the premises which gave rise to noise nuisance and that steps be taken to ensure this. He proposed that this be added as a further condition.

Consideration of the application by the Sub – Committee

The Sub – Committee were satisfied that the conditions offered by the applicant would control noise both inside and outside the premises. They agreed the applications with the revised hours reported at the onset of the meeting subject to the inclusion of the conditions reported and circulated at the meeting.

RESOLVED:

That the application for the Kings Oak Public House, High Beech Loughton be granted subject to the conditions contained in the application and the following conditions:

Hours of Sale for Alcohol:

Bar areas: 10:30 a.m to 12 a.m Monday to Sunday

Function Suite: 10:30 to 12 a.m Monday to Thursday, to 1.00a.m Friday and Saturday, 12 a.m Sunday

Opening hours of premises and late night refreshment hours: 10.30 – 1.00a.m Monday to Thursday, to 2.00a.m Friday and Saturday to 1.00a.m Sunday.

In addition that:

1. Prior notification will be given to the local authority and local residents of events.
2. Not more than 12 events between November and February.
3. Not more than 16 events between March and October.

4. No fireworks shall be used at any time except at one celebration associated with Guy Fawks night and one occasion for New years Eve.
5. That a mobile phone number of a Designated Premises Supervisor shall be made available to local residents at their request.
6. Any door supervisors employed by the licensee shall be SIA accredited, and shall be present at the premises for 1 hour following the end of any function
7. That all outside areas are cleared by 10.30 p.m
8. There shall be no external speakers used
9. No more than 200 persons shall be allowed to be present in the function room whilst licensed activities are taking place
10. The licensee shall ensure that no noise shall emanate from the licensed premises or vibration is transmitted through the structure of the licensed premises, which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises. The licensee shall ensure that any form of amplified sound is so controlled as to prevent any such nuisance,
11. There shall be no under 18 discos.
12. All 18th or 21st Birthday parties to be under parental supervision.
13. There shall be no music in the garden at any time.
14. Only background music shall be played in the main bar and dining area.
15. There shall only be pre-booked events in the function room and they shall be organised by outside promoters.

137. LICENSING ACT 2003 - 'PERFECT CHOICE PIZZA AND FRY CHICKEN TAKEAWAY' 60 BORDERS LANE, LOUGHTON

In view of the unavailability of applicant, the Sub – Committee agreed that this item should be deferred to the next meeting.

CHAIRMAN