

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 22 September 2005

Place: Civic Offices, High Street, Epping **Time:** 10.15 am - 2.05 pm

Members Present: M Cohen, F Maclaine and K Wright

Other Councillors: Mrs M Sartin

Apologies: Mrs J Davis

Officers Present: S Moran (Licensing Officer), J Nolan (Environmental Services), K Tuckey (Environmental Services), L Cole (Legal Services Officer), G Courtney (Planning Officer), E Cox (Licensing Officer) and G J Woodhall (Democratic Services Officer)

69. ELECTION OF CHAIRMAN

RESOLVED:

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

70. DECLARATIONS OF INTEREST

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

71. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

72. EXCLUSION OF PUBLIC AND PRESS

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

73. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE GARNON BUSHES, COOPERSALE COMMON

The Environmental Health Manager reported that the representation that had previously been made by the responsible authority for Planning had been withdrawn. Thus, Officers in accordance with delegated powers had subsequently dealt with the application and the item had been withdrawn from the agenda.

74. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE HALF MOON, EPPING

The three Councillors that presided over this item were Councillors Cohen, Maclaine and Wright. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee and Officers. In attendance on behalf of the application were: Mr S Head, Area Manager for Punch Taverns; Mr M Sharp, designated Premises Supervisor; and his wife Mrs S Sharp. 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 the 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 Half Moon in the High Street, Epping, along with representations from interested parties. The application had requested permission to serve alcohol until 12.00am on Monday to Wednesday, 1.00am on Thursday to Saturday, and 11.30am on Sunday. The application had requested that the premises be open to the public from 10.00am Monday to Saturday and 12.00pm on Sunday until 30 minutes after the sale of alcohol had ended. In addition, permission was sought to allow Live Music on the premises until the sale of alcohol had ended, and Recorded Music until 30 minutes after the sale of alcohol had ended. The application had also requested that an extra hour be permitted for licensable activities on the Sunday and Monday of all Bank Holiday weekends, including Easter, and until 1.00am on Christmas Eve and Boxing Day.

(b) Presentation of the Applicant's Case

Mr Head informed the Sub-Committee that the Sharps had taken over at the Half Moon on 17 May 2005, and hence had no knowledge of any previous problems associated with the premises. There had been only one complaint received since the Sharps assumed control, and a written response had been provided to the complainant within two days. As a result, the level of music emanating from the premises was now being investigated in order to avoid causing any public nuisance. Mr Head further added that the representation from the responsible authority for Environmental Health had been withdrawn as the necessary measures had been agreed with the Noise Control Team. Finally, the Patio area at the premises would be cleared by 11.30pm each evening, and signage would be displayed requesting patrons to leave the premises quietly so as to not disturb local residents.

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

In response to questions from the Sub-Committee, Mr Head explained that parking was limited at the premises with only eight to ten spaces at the front. Mr Sharp added that the Patio area was also in the Car Park to the front of the premises, and that there were no problems envisaged in clearing that area of patrons by 11.30pm each evening and it would also continue to be monitored to ensure that it stayed clear of patrons. The installation of closed circuit television to monitor the area was under consideration, but was expensive to purchase.

Mr Head also clarified the hours that were being requested for Sunday with regards to the sale of alcohol, opening hours, live and recorded music, as the entry on the form was not entirely clear to the Sub-Committee. The Sub-Committee also requested clarification over whether the applicant wanted background or recorded music to continue until 30 minutes after the sale of alcohol. Mr Head clarified that the premises wanted permission to play background music until this time rather than

recorded music from discos, and requested that the hours for the recorded music schedule be amended to the sale of alcohol hours. Mr Head also clarified that the application was not seeking an additional two hours for the Easter weekend, only one additional hour as per the other bank holiday weekends.

With respect to noise control, Mr Sharp explained that double-glazing had not been fitted but was under consideration, but that the windows of the premises were locked shut with air conditioning provided by internal fans. There was only a single door for entry and exit to the premises. Mr Sharp also added that the volume of any music was reduced at 10.30pm during the week and 11.00pm at weekends, and that he would also walk around the boundary of the premises at 10.30pm to check the noise emanating from the premises. Automatic noise control devices were expensive, and as there had been only one complaint upto now, which had been promptly dealt with, it would be a measure disproportionate to the recent history of the premises.

Mr Head further explained that although the establishment was in a residential area, there were no attached properties. The Sub-Committee were also reminded that the conditions requested by the Council's Noise Control Team had been agreed and that noise from music would not be a nuisance to neighbours, even if it continued after 11.00pm. Mr Head felt that the nuisance clause of the legislation, with its heavy penalties, would protect local residents and that the Sub-Committee could review the application at a later date if the premises did not comply with the conditions imposed upon the licence. However, Mr Head reassured the Sub-Committee that music would not always continue until 1.00am.

(d) Questions for the Applicant from the Officers

There were no questions from the officers for the applicant.

(e) Applicant's Closing Statement

Mr Head contended that the current licensees were responsible operators, illustrated by the fact that there had been only one complaint since they had assumed control of the premises, which had been dealt with promptly. They had also been pro-active in collaborating with the Noise Control Team and agreeing to the requested conditions. Mr Head reminded the Sub-Committee that the legislation contained within it heavy penalties if the conditions of the licence were breached and requested that the Sub-Committee accept the government guidance to increase trading time for licensed premises.

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

The Environmental Health Manager advised the Sub-Committee that as the Noise Control Team had withdrawn their representation, the applicant had accepted the noise control condition contained in the letter dated 3 August 2005. The Sub-Committee felt that the hours requested for the sale of alcohol were reasonable considering the premises' high street location and that other outlets in the vicinity were open till late. However, the Sub-Committee agreed that the Patio Area to the front of the premises should be closed and cleared by 11.30pm each evening.

The Environmental Health Manager further advised the Sub-Committee that a jukebox was permitted as background music under the Licensing Act 2003, provided that the noise levels were not excessive. Thus, the Sub-Committee agreed that the hours permitted for live and recorded Music should match the sale of alcohol hours to protect residents and as it would also allow for incidental music to be played until the premises closed.

The Sub-Committee agreed that signs should be displayed requesting patrons to leave the premises quietly so as not to disturb local residents, and that the legislation gave local residents sufficient protection should the conditions of the licence be breached. The Chairman informed the applicant of the Sub-Committee's decision.

RESOLVED:

That the application to vary a Premises licence at the Half Moon public house in High Street, Epping be granted subject to the conditions contained within the application, and the additional conditions agreed at the meeting in relation to:

- (a) that the premises be permitted to play recorded music between the following times:
 - (i) 10.00am to 12.00am Monday to Wednesday;
 - (ii) 10.00am to 1.00am Thursday to Saturday; and
 - (iii) 12.00am to 11.30pm Sunday;
- (b) that the outside Patio Area be cleared of patrons by 11.30pm each evening;
- (c) that the volume of music emanating from the premises be monitored by the Premises Supervisor (or representative) and the volume be adjusted in order to ensure that any amplified sound or other music does not cause a public nuisance; and
- (d) that signs be prominently displayed requesting patrons to leave the premises quietly so as not to disturb local residents.

75. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE SIXTEEN STRING JACK, THEYDON BOIS

The three Councillors that presided over this item were Councillors Cohen, Maclaine and Wright. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee and Officers. In attendance on behalf of the application were: Mr G Rollings, Regional Manager for McMullins; and Mr A Compton, the designated Premises Supervisor. 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 the 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 Sixteen String Jack in Theydon Bois, along with representations from interested parties. The application had requested permission to:

- serve alcohol until 12.00am on Sunday to Thursday, and 1.00am on Friday and Saturday as well as Christmas Eve and New Year's Eve;

- be open to the public from 10.00am each day to 12.30am on Sunday to Thursday and 1.30am on Friday to Saturday, as well as Christmas Eve and New Year's Eve;
- provide late night refreshment between 11.00pm and the close of business each day;
- perform live and recorded music until 11.00pm each evening;
- show video entertainment on TV screens and amusement machines whilst the premises were open; and
- allow indoor sporting events whilst the premises were open.

(b) Presentation of the Applicant's Case

Mr Rollings informed the Sub-Committee that the Sixteen String Jack had always been a traditional family public house, serving lunchtime and evening food and providing popular indoor games. There had been no anti-social behaviour in the area from customers of the establishment, and notices had been erected requesting the patrons to respect the neighbours and leave the premises quickly and quietly. Mr Rollings reaffirmed that the premises did not wish music or entertainment to continue after 11.00pm, except Christmas Eve and New Year's Eve when permission was sought for the entertainment to continue until 12.30am. The maximum number of performers would be restricted to just two, as the premises did not wish to host large bands. Finally, Mr Rollings stated that the access to the premises was a Highways issue and reminded the Sub-Committee that there had been no representation from the resident that lived in the lane.

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

In response to questions from the Sub-Committee, Mr Rollings explained that there was a small beer garden to the left and rear of the premises. There was no entertainment planned for the beer garden, and there would be no objection if the Sub-Committee requested that the Beer Garden be closed by 11.00pm each evening. Mr Rollings clarified that the timings requested for Schedule B on the application form was not necessarily for the showing of films, but to cover the next generation of gaming machines when they were installed, although Mr Rollings stated that there would be no objection if the actual showing of films was not permitted after 11.00pm. Mr Rollings reassured the Sub-Committee that it was only occasionally that darts and crib matches and other indoor sporting events finished after 11.00pm. The Sub-Committee were reminded that the public could challenge the licence granted if the conditions were not complied with.

The designated Premises Supervisor, Mr Compton, added that the premises was not equipped with CCTV, although there were plans to install CCTV once it had been decided which areas it should cover. The hours requested for late night refreshment were simply to be able to offer customers tea and coffee during the wind-down period until closing time. Finally, Mr Compton stated that the premises had not joined the local pubwatch scheme but would sign up in the near future.

(d) Questions for the Applicant from the Officers

In response to questions from the officers, Mr Rollings opined that the anonymity of one of the representations had lessened its impact, and reminded the Sub-Committee that there had been no recorded problems with the establishment.

(e) Applicant's Closing Statement

Mr Rollings stated that the application before the Sub-Committee had achieved a balance between the needs of the business, the requirements of the customers and the Licensing Act 2003. Mr Rollings highlighted that there had been no representations from the police and that none of the objectors was in attendance.

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

The Environmental Health Manager advised the Sub-Committee that the anonymous representation carried less weight than the other representations, as there was no guarantee that the author was a local resident. It could simply be vexatious correspondence. The Sub-Committee were generally satisfied with the application and felt that it was not excessive; a 1.00am finish for sale of alcohol on a Friday and Saturday night was not considered unreasonable, although it was agreed to limit the times that films could be exhibited and indoor sporting events held.

There was an anomaly on the application as the premises had requested to close at 12.30am on a Sunday, but still serve late night refreshment until 1.30am. The Sub-Committee agreed that this was probably an error and that late night refreshment on a Sunday should be restricted to the hours that the premises were open to the public. The Sub-Committee endorsed the conditions that had been listed by the applicant in order to promote the four objectives under the Licensing Act 2003. The Chairman informed the applicant of the Sub-Committee's decision and the Sub-Committee was adjourned at 12.05pm.

RESOLVED:

That the application to vary a Premises licence at the Sixteen String Jack public house in Coppice Row, Theydon Bois be granted subject to the conditions contained within the application, and the additional conditions agreed at the meeting in relation to:

- (a) that the premises be permitted to exhibit films between 10.00am and 11.00pm each day;
- (b) that the premises be permitted to hold indoor sporting events between 10.00am and 12.00am each day; and
- (c) that late night refreshment be permitted until 12.30am on a Sunday.

76. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE RAILWAY ARMS, THEYDON BOIS

The Sub-Committee was reconvened at 12.30pm. The Environmental Health Manager reported that the representation that had previously been made by the responsible authority for Planning had been withdrawn. Thus, Officers in accordance with delegated powers had subsequently dealt with the application and the item had been withdrawn from the agenda.

77. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE BAKERS ARMS, SEWARDSTONE ROAD

The Environmental Health Manager reported that the representation that had previously been made by the responsible authority for Planning had been withdrawn. Thus, Officers in accordance with delegated powers had subsequently dealt with the application and the item had been withdrawn from the agenda.

78. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE WHITE HART, HIGH STREET, ROYDON

The three Councillors that presided over this item were Councillors Cohen, Maclaine and Wright. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee and Officers. In attendance on behalf of the application were: Mrs K Makepease, the designated Premises Supervisor; and her legal representation Ms B Razaq. Mr G Courtney represented the responsible authority for planning. In attendance on behalf of the objectors were: Mr D Richardson; Mrs L Richardson; Mrs A Burgess; and the local District Council ward Member, Councillor Mrs M Sartin. The Chairman then introduced the Officers and Members present, and explained the procedure that would be followed for the determination of the 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 from the White Hart public house in The High Street, Roydon, along with representations from interested parties. The application had requested permission for the premises to:

- serve alcohol until 2.00am every day;
- be open from 8.00am until 3.00am every day;
- perform live music until 1.30am every day; and
- play recorded music until 1.30am every day.

(b) Presentation of the Applicant's Case

Ms Razaq informed the Sub-Committee that the White Hart public house was a listed building dating from the 15th Century. It had a capacity of approximately 120 in the bar, 26 covers in the restaurant, four tables on the patio area to the front, and the car park could accommodate 20 vehicles. Ms Razaq stated that Mrs Makepease was a very responsible landlady, and that there were no problems with drugs or underage drinking at the premises. The clientele were mainly local people between the ages of 30 and 50 years old, although there was some passing trade at weekends. A refurbishment had been planned, estimated to cost in the region of £500,000, and Mrs Makepease had intended to live on the premises when the works had been completed.

Ms Razaq stated that Mrs Makepease was willing to work with the responsible authorities, and following the representations made to her original application, had offered the following variations in the hours requested:

- Sale of alcohol to be permitted until 12.00am from Sunday to Thursday;
- Sale of alcohol to remain until 2.00am from Friday to Saturday as per the original application;
- Premises to be open until 12.30am from Sunday to Thursday;
- Premises to be open until 2.30am from Friday to Saturday;
- Live Music to finish by 11.30pm from Sunday to Thursday;
- Live Music to finish by 12.00am from Friday to Saturday;
- Recorded Music to be permitted until 11.30pm from Sunday to Thursday; and
- Recorded Music to be permitted until 12.00am from Friday to Saturday.

Ms Razaq stated that the original hours that had been applied were simply intended to give the premises maximum flexibility; it was never intended to open until 3.00am every night. Ms Razaq added that even with the revised hours requested, the

premises would not serve alcohol until 2.00am every Friday and Saturday, as this had been requested to provide flexibility for functions such as birthdays and weddings. Mrs Makepease had only applied twice in the previous 18 months for such a licence extension, and even with the revised hours, it was not intended that the nature of the premises would change and that it would continue as a family establishment.

Ms Razaq informed the Sub-Committee that the premises did not currently have a Television or Jukebox, hence the Police or the responsible authority for Environmental Health had not made any representations, and it was agreed that the doors and windows would remain closed whilst any live music was playing. Mrs Makepease was happy to install signage requesting customers to leave the premises quietly, which the staff would also encourage. Mrs Makepease had had nearly ten years experience of running licensed premises, and Ms Razaq reminded the Sub-Committee of their powers of review of the Licence should any disturbances occur to local residents.

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

In response to questions from the Sub-Committee, Mrs Makepease confirmed that she was aware that under the revised hours presented to the Sub-Committee for Live and Recorded Music, only background music would be permitted for functions after 12.00am. Mrs Makepease also confirmed that she would be happy if the 2.00am licence for the Sale of Alcohol was restricted to six functions per year. Ms Razaq added that Mrs Makepease was referring to functions, not sporting events such as football or rugby matches held overseas, as the premises would apply for a Temporary Event Notice for these events. Mrs Makepease confirmed that an 8.00am start for the sale of alcohol would give the premises the flexibility to cater for sporting events held in the Far East, as well as the occasional day-trip to France. During the refurbishment, Mrs Makepease confirmed that it was intended to move the beer cellar to the adjacent barn, but there were no plans to convert the Barn into licensed premises.

Ms Razaq confirmed that all doors and windows were currently shut by 9.00pm, and that any new windows installed, as part of the refurbishment, would also have locks fitted. It was also planned to install air conditioning within the premises. Mrs Makepease agreed to close and lock the windows by 9.00pm each evening, and that the patio area would be cleared by 11.00pm each evening. Mrs Makepease added that CCTV would be installed in the Car Park after the refurbishment, and that signs would be erected in the car park both stating that it was for patrons only and to leave the premises quietly without disturbing residents. Ms Razaq added that signage would be installed and the staff trained to encourage patrons to leave the premises quietly, and that the premises would be happy to join pubwatch but there was no such scheme currently running in Roydon.

(d) Questions for the Applicant from the Objectors

In response to questions from the objectors, Mrs Makepease stated that the Live Music would normally be either a disco or a band, and that the recorded music would normally come from either a radio or compact disc. Mrs Makepease stated that the premises were not large enough to cater for regular weekly or fortnightly bands or discos. There were currently no plans to install Television within the premises, the establishment opposite the premises showed televised sports events, however the applicant wanted the flexibility to install television for sporting events in the future. Mrs Makepease confirmed that she was not prepared to withdraw this aspect of the application. Mrs Makepease stated that the premises did not own the pavement

outside the establishment, and that any food provided for functions would be buffets, which would be cleared away before 2.00am.

(e) Questions for the Applicant from the Officers

There were no questions for the applicant from the officers.

(f) Presentation of the Officer's Case

Mr Courtney, representing the responsible authority for planning, stated that concerns had been raised over the proposed 2.00am close on Friday and Saturday for the Sale of Alcohol, but concurred with the restriction to just six functions per year.

(g) Presentation of the Objector's Case

Mr Richardson was concerned about noise, as the premises and neighbouring houses were all listed buildings and could not be sound proofed. Mr Richardson contended that experience with a previous landlord suggested that amplified noise would greatly affect the surrounding houses, and that neighbours would experience difficulty sleeping before 2.00am on the night of any function. Mr Richardson added that the folk singer did not amplify his sound so his performances did not disturb neighbours, and that the noise of departing patrons was not normally disruptive.

Mrs Burgess contended that a larger number of residents were affected by the application than was indicated by the number of representatives at the meeting. Mrs Burgess also had concerns over possible noise disturbance as the premises was a listed building that could not be sound-proofed, and the next landlord might not be as considerate as the current landlady. Mrs Burgess expressed scepticism about the refurbishment plans that had been announced at the meeting, and also added that Green King had not consulted with residents over their concerns. Mrs Burgess added that she would not be in favour of the premises being able to open until 2.00am on six occasions throughout the year.

Councillor Mrs Sartin, the local ward member for Roydon, announced that she had had no conversations with any of the members of the Sub-Committee in respect of this particular application. Councillor Mrs Sartin drew the Sub-Committee's attention to the letter that she had written on 24 August 2005 regarding the application, and in particular highlighted the close proximity of elderly persons' bungalows and other residential properties to the premises. Councillor Mrs Sartin requested that the Sub-Committee consider the application very carefully and that hours more in keeping with the premises' village setting be granted.

(h) Applicant's Closing Statement

Ms Razaq remarked that the residents appeared unaware of the powers to review the licence under the Licensing Act 2003; if residents objected to the Council about the premises then the Council could review the licence. The premises itself was a listed building, which limited the steps that could be taken to sound proof the building, however Environmental Health Officers had withdrawn their representation and there had been no representation made by the Police.

Ms Razaq contended that the application, as revised at the meeting, was both balanced and fair, and gave Mrs Makepeace the maximum flexibility to run the premises for the benefit of patrons. Ms Razaq also stated that Mrs Makepeace did not intend to alter the nature of the establishment; it would not be open until 2.00am

every Friday and Saturday as it was intended to only remain open until 1.00am most weekends.

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

The Sub-Committee agreed that the hours requested within the application were excessive for an establishment in a quiet village with residential neighbours in close proximity, even taking into consideration the variations that had been submitted at the meeting for consideration. The Sub-Committee accepted that the listed building status of the premises prevented any further sound proofing of the structure, thus the Sub-Committee felt that it had to impose restrictions upon the premises in order to prevent public nuisance and noise pollution to local residents. The Environmental Health Manager advised the Sub-Committee that the premises could still apply for a maximum of twelve Temporary Event Notices per year for special events such as sports matches and private functions, which would permit the hours granted by the Sub-Committee to be extended for that event. The Chairman informed the participants of the Sub-Committee's decision.

RESOLVED:

That the application to vary a Premises Licence at the White Hart public house in High Street, Roydon be granted subject to the conditions contained within the application, and the additional conditions agreed at the meeting in relation to:

- (a) that the windows of the premises be closed and locked by 9.00pm each evening;
- (b) that the patio area be cleared by 11.00pm each evening;
- (c) that signage be clearly displayed both internally and externally requesting patrons to leave the premises quietly;
- (d) that the premises be permitted to host live music until:
 - (i) 11.00pm from Sunday until Saturday; and
 - (ii) 12.00am on not more than six occasions per year, provided fourteen days written prior notice had been given to Essex Police and Epping Forest District Council;
- (e) that the premises be permitted to play recorded music until:
 - (i) 11.00pm from Sunday until Saturday;
 - (ii) 12.00am on not more than six occasions per year, provided fourteen days written prior notice had been given to Essex Police and Epping Forest District Council;
- (f) that the premises be permitted to sell alcohol until:
 - (i) 11.30pm from Sunday to Thursday;
 - (ii) 12.00am from Friday to Saturday; and

- (ii) 12.30am on not more than six occasions per year, provided fourteen days written prior notice had been given to Essex Police and Epping Forest District Council; and
- (g) that the premises be permitted to remain open until:
 - (i) 12.00am from Sunday to Thursday;
 - (ii) 12.30am from Friday to Saturday; and
 - (ii) 1.00am on not more than six occasions per year, provided fourteen days written prior notice had been given to Essex Police and Epping Forest District Council.

CHAIRMAN