

Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Thursday, 11th January, 2007

Place: Civic Offices, High Street, Epping

Time: 10.00 am

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

Members:

Councillors Mrs R Gadsby, P House, R Morgan and K Wright

PLEASE NOTE THE START TIME OF THE MEETING

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

Exclusion: 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 following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Paragraph Number	Information
6	Hackney Carriage Driver's	1	

	Licence – Mr P Smith	
7	Hackney Carriage Driver's Licence – Mr R Bernstein	1
8	Hackney Carriage Driver's Licence – Mr M Deacon	1

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: 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 and 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 -
APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR P SMITH
(Pages 11 - 16)**

Decision Required:

To consider an application for a Hackney Carriage Drivers' Licence from Mr P Smith.

The above-mentioned application for a Hackney Carriage Drivers Licence has been received. The application cannot be determined under delegated authority rules because the applicant's CRB check has revealed offences that do not allow officers to grant this licence under delegated authority. Further details will be given at the meeting.

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR R BERNSTEIN (Pages 17 - 20)

Decision Required:

To consider an application for a Hackney Carriage Drivers' Licence from Mr R Bernstein.

The above-mentioned application for a Hackney Carriage Driver's Licence has been received. The application cannot be determined under delegated authority rules because the applicant's DVLA licence has revealed offences that do not allow officers to grant this licence under delegated authority. Further details will be given at the meeting.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR M DEACON (Pages 21 - 22)

Decision Required:

To consider an application for a Hackney Carriage Drivers' Licence from Mr M Deacon.

The above-mentioned application for a Hackney Carriage Drivers Licence has been received. The application cannot be determined under delegated authority rules because the applicant's DVLA licence has revealed offences that do not allow officers to grant this licence under delegated authority. Further details will be given at the meeting.

9. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - ROCKYS, QUEENS ROAD, BUCKHURST HILL (Pages 23 - 38)

Decision Required:

To consider an application to vary a premises licence for Rockys (formerly Blue Mondays) Queens Road, Buckhurst Hill.

An application to vary a Premises Licence for the above premises has been received. Representations concerning the variation have been received from the responsible authorities for Environmental Protection, Planning and the Police.

10. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE BLACK DEER, POUNDFIELD ROAD, LOUGHTON (Pages 39 - 62)

Decision Required:

To consider an application to vary a premises licence for The Black Deer, Poundfield Road, Loughton.

An application to vary a Premises Licence for the above premises has been received. Representations concerning the variation have been received from the responsible authorities for Environmental Protection and Planning. Representations concerning the variation have also been received from 9 interested parties.

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) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I/We **Punch Taverns Plc**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/210001719
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Rockys 63 Queens Road			
Post town	Buckhurst Hill	Post code	IG9 5BU

Telephone number at premises (if any)	0208 502 9955
Non-domestic rateable value of premises	£19000

Part 2 – Applicant details

Daytime contact telephone number	01283 501 600		
E-mail address (optional)	n/a		
Current postal address if different from premises address	Jubilee House Second Avenue Burton Upon Trent Staffordshire DE14 2WF		
Post Town	Burton Upon Trent	Postcode	DE14 2WF

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To extend the terminal hour for the sale of alcohol, live music and recorded music by two hours every Thursday (until 01:00 the morning following) and by one hour every Friday and Saturday (until 01:00 the morning following).

To commence recorded music at 8:00 Monday to Saturday and 10:00 on Sundays.

To open at 8:00 Monday to Saturday and 10:00 on Sundays for non-licensable activities and to remain open until 30 minutes after the last permitted sale of alcohol.

To permit late night refreshment:
Thursday to Saturday 23:00 - 01:00.

On the 31st December to remain continuously open for the sale of alcohol and licensable activities through to permitted opening hours on the 1st January.

To remove the condition that "The garden is to be closed to patrons from 23:00 and that all doors and windows to be closed from 19:00". To replace with "The garden will not be used for licensable activities or the consumption of alcohol after 23:00; the garden to be closed to patrons from 00:00 and all doors and windows to be closed from 19:00".

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10:00	23:00			
Tue	10:00	23:00			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed	10:00	23:00			
Thur	10:00				
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri		01:00			
	10:00		On the 31st December to remain continuously open for the sale of alcohol and licensable activities through to permitted opening hours on the 1st January.		
Sat		01:00			
	10:00				
Sun		01:00			
	12:00	22:30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	08:00	23:00	Please give further details here (please read guidance note 3)		
Tue	08:00	23:00			
Wed	08:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	08:00				
Fri		01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
	08:00				
Sat		01:00	On the 31st December to remain continuously open for the sale of alcohol and licensable activities through to permitted opening hours on the 1st January.		
	08:00				
Sun		01:00			
	10:00	22:30			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur	23:00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) On the 31st December to remain continuously open for the sale of alcohol and licensable activities through to permitted opening hours on the 1st January.		
Fri		01:00			
	23:00				
Sat		01:00			
	23:00				
Sun		01:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00				
Fri		01:00			
	10:00				
Sat		01:00			
	10:00				
Sun		01:00			
	12:00	22:30			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) On the 31st December to remain continuously open for the sale of alcohol and licensable activities through to permitted opening hours on the 1st January.		

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p>
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O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00		Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) On the 31st December to remain continuously open for the sale of alcohol and licensable activities through to permitted opening hours on the 1st January.
Fri		01:30	
	08:00		
Sat		01:30	
	08:00		
Sun		01:30	
	10:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 To remove the condition that "The garden is to be closed to patrons from 23:00 and that all doors and windows to be closed from 19:00".

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

As per current licence save for condition to be removed as detailed above.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

The garden will not be used for licensable activities or the consumption of alcohol after 23:00; the garden to be closed to patrons from 00:00 and all doors and windows to be closed from 19.00.

e) The protection of children from harm

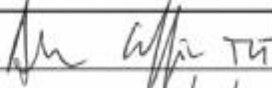
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	26/10/06
Capacity	Solicitor to Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

TLT Solicitors - Anna Child
One Redcliff Street

Post town Bristol Post code BS1 6TP

Telephone number (if any) 0117 917 8036

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
achild@tltsolicitors.com



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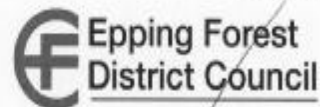
Environmental Services	
Rockys (Formerly Blue Mondays)	
Scale	1:1250
Time	12:40:58 PM
Date	23 Nov 2006

Date: 7 November 2006

Our Ref: WK/200362779

Your Ref:

TLT Solicitors
One Redcliff Street
Bristol
BS1 6TP



Environmental Services

Civic Offices High Street
Epping Essex CM16 4BZ

Telephone: 01992 564000

Facsimile: 01992 561016

DX: 40409 Epping

Head of Service:

John Gilbert

Enquiries to:

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

Dear Sir or Madam:

Licensing Act 2003

Rockys, 63 Queens Road, Buckhurst Hill Essex, IG9 5BU

On behalf of the Council's Environmental Protection Team (Pollution Control), I confirm receipt of a copy of your application dated 26 October 2006 that I received on 30th October 2006 regarding the above mentioned property.

I have made the following representation to the Council's Licensing Section with regard to the Licensing objective – Prevention of Public nuisance:

A. Extending the sale of alcohol, live music and recorded music by two hours every Thursday (until 01-00 hours) and by one hour every Friday and Saturday (Until 01-00 hours)

Summary:

Due to the limitations of the building to contain noise, and potential public nuisance, I believe the extended hours for these activities should not be permitted.

1. Although the property is in a street that is predominantly made up of commercial premises, there are a number of flats and other residential properties in the near vicinity of the property that have the potential to be affected by any noise from the property. The existing background noise level late at night is relatively low.
2. For a number of years the property has been a cause for noise complaints in relation to licensed activities, predominately loud music. On several occasions in the past, noise from music has been witnessed causing a statutory nuisance and noise abatement notices have been served on a number of previous occupiers/owners under section 80 of the Environmental Protection Act 1990. Breaches of noise abatement notices have also been witnessed and prosecuted.
3. The last noise abatement notice was served in July 2005. However, due to changes in ownership and personnel, there is currently **no** noise abatement notices in force controlling amplified music.



INVESTOR IN PEOPLE

4. With reference to the current occupiers of the property, Environmental Services received an allegation of noise nuisance due to amplified music in June 2006. At that time, it appears that the property was still called the Blue Monday Cafe and was in the process of changing hands to the current owners John Holland and Pauline Ann Farthing the Designated Premises Supervisor (DPS). Environmental Services wrote to Mr J Holland and Ms P Farthing on 14 June 2006 to notify them that an allegation of noise nuisance had been received. The complaint was unsubstantiated.
5. I have recently received two further complaints from members of the public. One complaint was made anonymously on 27 October 2006 alleging that loud music from the property has been causing problem, especially when the front doors are opened to allow customers entry and exit. A second complaint was received on 28 October 2006 alleging that loud music and drunken behaviour in the street has regularly been a problem.
6. On 31 October 2006, I met with Mr J Holland and Ms P Farthing to discuss these allegations and provide advice on noise control.
7. The front of the property has sliding doors that allow the whole front of the property to be opened up. The entrance has no lobby. The sliding doors do not necessarily pose a problem for noise control because it is clear that the volume of any music must be kept to an absolute minimum or turned off completely if the sliding front is open. Therefore, the sliding front is really only suitable for opening in the daytime.
8. Problems appear to be caused when the volume of music is simply played at an excessive volume, when the sliding doors are closed. The problem is exacerbated when the front door of the property is opened to allow customers access, in effect allowing the noise to escape for a brief period, before the door closes again. At neighbouring noise sensitive premises, this can sound like the volume is being turned up for short blast of loud music. The level of disturbance is then governed by how often the door is opened. This problem could be overcome to a large extent by installing a lobby at the entrance with a double set of doors, in effect allowing one set of doors always to remain closed when customers enter the property. However, there appears to be very little scope for installing a lobby due to limited space available and this has not been included as part of the variation.
9. The application aims to extend the sale of alcohol, live music and recorded music by two hours every Thursday (until 01-00 hours) and by one hour every Friday and Saturday (until 01-00 hours). Due to the limitations of the building to contain noise and the close proximity of neighbouring noise sensitive premises, I believe the extended hours for these activities should not be permitted.
10. However, if the licensing panel are minded to permit the application I recommended that the following condition should be imposed to ensure that the volume of any music including the bass content is adjusted accordingly to a level that the structure of the building can adequately contain. This could be achieved by amending the operating schedule, or a suitable condition e.g.
11. *The Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Premises Supervisor (or representative) can ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise. Reason: To ensure that any music and amplified sound from the licensed premises does not cause a public nuisance.*

12. Adjusting the volume of music to a level that is inaudible at any properties where the occupiers are likely to be sensitive to noise is a tighter restriction than required to prevent public nuisance. However, any music that is audible at this point has the potential to cause annoyance and lead to public nuisance, especially late at night at the operational times proposed, even at a very low volume.
13. The advice on inaudibility at the boundary of neighbouring noise sensitive premises has been provided to try and reduce any ambiguity in the condition, and provides the Premises Supervisor with a clear benchmark for compliance. In practical terms, it is possible that the music can be audible beyond this point and this condition still complied with, however the Premises Supervisor would be at risk of causing a public nuisance depending on the circumstances at that time.

B. Removal of the garden condition

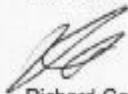
Summary: Due to the potential increase in customer noise late at night I believe the variation should not be permitted.

14. I believe that the aim of the original condition "The garden is to be closed to patrons from 23.00 and that all doors and windows to be closed from 19.00" was to restrict any noise disturbance from customers in the garden as far as possible. The variation seeks to extend the use of the garden by patrons to midnight (00:00 hours) i.e. an additional hour but not for any licensable activities. The variation would allow patrons to remain in the garden until midnight rather than 23.00, albeit with no music, dancing or, drinking i.e. licensable activities.
15. The garden of the premises extends towards neighbouring residential properties. Any further use of the garden in this area later at night has the potential to cause a noise nuisance due to the close proximity of the neighbouring residential premises. Although variation is for non-licensable activities there is still the potential for additional customer noise (talking, laughing, shouting) to cause nuisance. I believe the variation should not be permitted.

I have no objection to the other proposed variations.

If you would like to discuss the matter or have any written comments, please do not hesitate to contact me.

Yours faithfully



Richard Gardiner
Technical Team Co-ordinator

c.c. Mrs K Tuckey – Licensing Section

To: Consumer Protection Team- FAO Kim Tuckey/
Jim Nolan
From: Planning Services- John Evans
Date: 17/11/2006
Your ref:
Our ref: PL/10086/JE



**Epping Forest
District Council**

RE: Rockies, 63 Queens Road, Buckhurst Hill

I refer to the above application which Planning Services received on 27/10/2006 as a 'Responsible Authority'.

This application seeks to alter the existing premises license, to extend opening hours until 01:00 Thursday to Saturday. In addition, the conditions of use attached to the outside areas are proposed to be altered, allowing use up until 12:00 (without the consumption of alcohol).

This premises is located on the northern side of Queens Road, Buckhurst Hill within the key town centre frontage.

Conclusion: Whilst the premises is situated in an identified town centre, Buckhurst Hill does not have an extensive late night economy. In addition, there are some residential properties in the vicinity likely to experience disturbance related to in particular, the late night use of outside areas.

In light of the above, Planning Services make representations on 2 grounds:

- The use of outside areas (the garden) after 23:30.
- Opening hours on Thursdays. (I would suggest that the serving of alcohol until 00:00 would be more appropriate).

Please contact me on x4112 if you have any queries on the above,


John Evans
Planning Assistant

m e m o



PO Box 2, Headquarters, Springfield,
Chelmsford, Essex CM2 8DA

Telephone 01245 491481
Website: www.essex.police.uk
Facsimile: 01245 452259

Miss Anna Child
TLT Solicitors
One Radcliff Street
Bristol
BS1 6TP

Simon Fisher
Licensing Unit
Epping Police Station
230 Epping High Street
Epping
Essex
CM16 4AP

01279 625405

22/11/2006

Dear Miss Child

Thank you for your application concerning what was Blue Monday now known as "ROCKY'S" where there are a number of variations requested. With regard to our telephone conversation of 21/11/2006 I have consulted our Legal Branch and we could be in agreement on the following grounds.

Firstly the extension of Thursday Friday and Saturday trading hours we will agree to being extended. Also recorded music from 0800 Monday to Saturday and 1000 on Sundays, and to open at 0800 Monday to Saturday and 1000 on Sundays for non- licensable activities and to remain open until 30 minutes after the last permitted sale of alcohol. Late night refreshment Thursday to Saturday 2300 to 0100.

There are no objections to remaining continuously open on 31st December for the sale of alcohol and licensable activities through to permitted opening hours on 1st January, as I imagine closure time will be reached by common sense.

The condition "That the garden/patio is closed to patrons from 2300 and that all windows and doors to be closed from 1900". We feel this condition should remain because the premises are surrounded by flats maisonettes and houses and that prior to that condition being in place numerous complaints of noise/pollution were received from nearby residents.

If our above proposals are agreed I have been instructed to formally withdraw our representations. I am aware that representations are still to be heard from Environmental Health Dept and The Planning Dept.

Should your application be successful then those that you instruct will need to seek the removal of the third condition as set out on annex 3 of Part A of the premises license.

If I can be of any assistance please contact me on the above telephone number.

Yours Faithfully

Simon Fisher Div Lic Officer



INVESTOR IN PEOPLE

taking a lead in making Essex safer

A196 (rev 11/05)

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Epping Forest District Council



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We ^{John Witchell} ~~Tracy Lyn Witchell~~ being the premises licence holder, apply to vary a
(Insert name(s) of applicant)
premises licence under section 34 of the Licensing Act 2003 for the premises
described in Part 1 below

Premises licence number

LN/210001210

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
The Black Deer Pound Field Rd Loughton	
Post town	Post code
Essex	IG10 3JN

Telephone number at premises (if any)

0208 508 2731

Non-domestic rateable value of premises

£ 4,346.60

Part 2 – Applicant details

Daytime contact telephone number

0208 508 2731

E-mail address
(optional)

Theblackdeer@hotmail.co.uk

Current postal
address if
different from
premises address

The Black Deer
Poundfield Rd
Loughton

Post Town

ESSEX

Postcode

IG10 3JN

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick Yes



If not 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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Change of hours to :-

11.00 - 00.30 Sunday - Thursday

11.00 - 01.30 Friday + Saturday

(This includes 30min drinking up time).

To extend these functions:-

Live music

Recorded music etc.

and to include:-

xmas eve 11.00 - 02.30

Good Friday 11.00 - 01.30

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities for:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

C

Indoor sporting events			Please give further details (please read guidance note 3)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			<p>Sporting Events which attract an audience either spontaneously, or by advertisement This includes 30 mins drinking up time)</p> <p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Mon	11.00	00.30	
Tue	11.00	00.30	
Wed	11.00	00.30	
Thur	11.00	00.30	
Fri	11.00	01.30	
Sat	11.00	01.30	
Sun	11.00	00.30	

D

Boxing or wrestling entertainments			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	Outdoors
Day	Start	Finish		Both	
Standard days and timings (please read guidance note 6)			<p>Please give further details here (please read guidance note 3)</p> <p>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

Sun			
-----	--	--	--

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2) <i>To include the use of amplified voice. (includes 30 mins drinking up time)</i>	Indoors <input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Mon	11.00	00.30	Please give further details here (please read guidance note 3)	
Tue	11.00	00.30		
Wed	11.00	00.30	State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	11.00	00.30		
Fri	11.00	01.30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	11.00	01.30		
Sun	11.00	00.30		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2) <i>This includes 30 mins drinking up time</i>	Indoors <input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Mon	11.00	00.30	Please give further details here (please read guidance note 3)	
Tue	11.00	00.30		
Wed	11.00	00.30	State any seasonal variations for playing recorded music (please read guidance note 4)	
Thur	11.00	00.30		

Fri	11.00	01.30	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	11.00	01.30	
Sun	11.00	00.30	

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	Outdoors	
Day	Start	Finish		Both		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Comperes using Amplified Voice, Disco, DJ's etc. (includes 30 mins drinking up time)		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	Outdoor
Mon	11.00	00.30		Both	<input checked="" type="checkbox"/>

Tue	11.00	00.20	Please give further details here (please read guidance note 3)
Wed	11.00	00.30	
Thur	11.00	00.30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri	11.00	00.30	
Sat	11.00	00.30	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun	11.00	00.30	

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing <p style="text-align: center;">Speakers / DJ's</p>		
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>	Outdoors <input type="checkbox"/>
			Both <input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11.00	00.30			
Tue	11.00	00.30			
Wed	11.00	00.30	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur	11.00	00.30			
Fri	11.00	00.30			
Sat	11.00	00.30	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	11.00	00.30			

Provision of facilities for dancing			Will the facilities for dancing be indoors or outdoors or both – please tick [X] (see guidance note 2)	Indoors
Standard days and timings (please read guidance note 6)				Outdoors
			To provide space for dancing for parties and similar events (includes terraces drinking water)	Both
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
Mon	11.00	00.30	Please give further details here (please read guidance note 3)	
Tue	11.00	00.30		
Wed	11.00	00.30	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	11.00	00.30		
Fri	11.00	01.30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	11.00	01.30		
Sun	11.00	00.30		

K

Provision of facilities for entertainment of a similar description to that falling within I or J			Please give a description of the type of entertainment facility you will be providing	
Standard days and timings (please read guidance note 6)				
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [X] (please read guidance note 2)	Indoor
				Outdoor
Mon				Both

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box 'Y') (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	00.00			
			CHRISTMAS EVE 11.00 - 02.00 CLOSE OF NEW YEARS EVE TO OPENING NEW YEARS DAY - AS CURRENT LICENCE.		
			CHRISTMAS DAY - AS CURRENT LICENCE GOOD FRIDAY - 01.00		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	00.30	GOOD FRIDAY 11.00 - 01.30 XMAS EVE 11.00 - 02.30 NEW YEARS, AS CURRENT LICENCE END OF HOURS NEW YEARS EVE - OPENING NEW YEARS DAY.
Tue	11.00	00.30	

Wed	11.00	00.30	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	11.00	00.30	
Fri	11.00	01.30	
Sat	11.00	01.30	
Sun	11.00	00.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

- I have enclosed the premises licence Please tick ✓ yes
- I have enclosed the relevant part of the premises licence If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

~~we have not received our licence~~

we have not received our Premise Licence.
It must have got lost in the post.

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

- CCTV on premises (internal only)
- member of Pub watch.

c) Public safety

- 1st Aid box on site
- Self Closing doors to avoid disturbance to neighbours.

d) The prevention of public nuisance

- Signs to Ask Customers to leave quietly.
- Window + Door Policy to be closed at 10pm unless there is music, then this is from 8pm.

e) The protection of children from harm

- A Policy to remove children from premise from 8pm
- no children to play Amusement m/c's (gambling machines)
- Amusement machines in site of bar staff + CCTV

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature *John Mitchell*

Date 7 Nov 2006

Capacity Licence

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature *T. Cooper*

Date 5/11/06

Capacity Licence

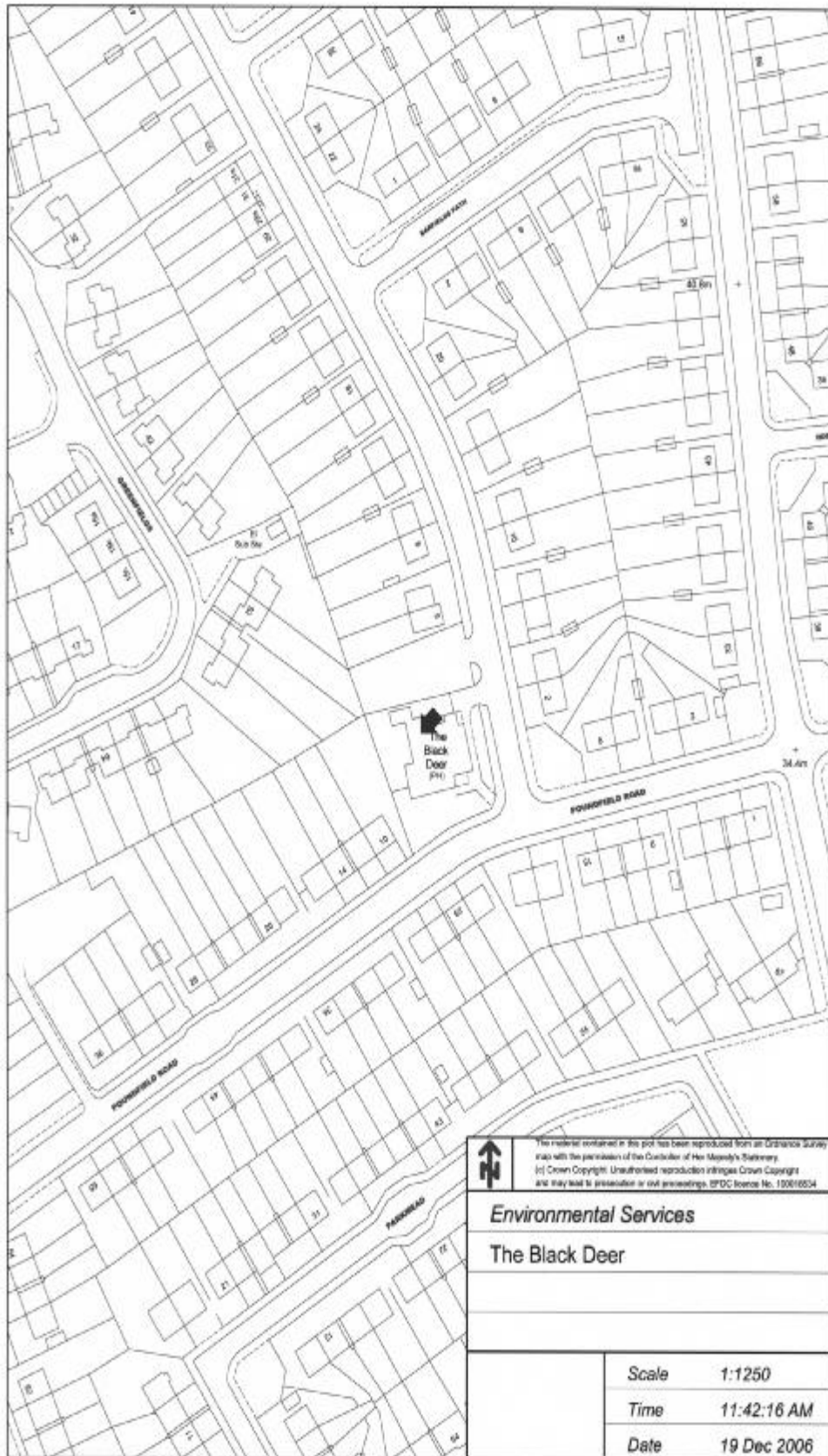
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

*Mr John Mitchell
The Black Deer,
Roundfield Rd,
Loughton*

Post town Essex Post code IG10 3JN

Telephone number (if any) 0208 508 2731

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



Date: 14 December 2006

Our Ref: WK/200364029

Your Ref:

Mr Witchell
The Black Deer
Poundfield Road
Loughton Essex
IG10 3JN

Edward Davis (01992) 564082
email:edavis@eppingforestdc.gov.uk

Dear Mr Witchell,

Licensing Act 2003

The Black Deer, Poundfield Road, Loughton, Essex, IG10 3JN

On behalf of the Council's Environmental Protection Team (Pollution Control), I confirm receipt of a copy of your application dated 7th November 2006 that I received on 22nd November 2006 regarding the above mentioned property.

I am currently dealing with two separate alleged noise complaints regarding problems with late night loud amplified music. In light of this and reading through the licensing schedule, I have made the following representation to the Council's Licensing Section with regard to the Licensing objective – Prevention of Public nuisance:

1. The Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Premises Supervisor (or representative) can ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

Reason: To ensure that any music and amplified sound from the licensed premises does not cause a public nuisance.

I should be happy to withdraw the representation(s) if the operating schedule is amended accordingly or if you agree to a suitable condition(s) being imposed as part of the licence, or if you provide sufficient evidence to confirm that the representation can be withdrawn.

Please confirm your comments in writing (by letter or email). I will inform the Council's Licensing Section if satisfied that the representation(s) can be withdrawn.

Yours faithfully

Edward Davis
Environmental Health Technical Officer

c.c. Mrs K Tuckey – Licensing Section

To: Consumer Protection Team –
attention: Kim Tuckey

From: Planning Services –
Ann E. Wood

Date: 20 December 2006

Your ref: LN/210001210

Our ref: PL/15763/AEW



**Epping Forest
District Council**

Re: The Black Deer, Poundfield Road, Loughton

I refer to the above application that Planning Services received on 22 November 2006, and additional minor amendments received on 30 November 2006, as a Responsible Authority.

The additional application seeks to extend hours of serving alcohol to 00.30 on Sundays to Thursdays and 01.30 for Friday and Saturday; plus a further 30 minute drinking-up time.

Conclusion: The pub is located in a purely residential area, very close to houses. Although there is the potential for some noise and disturbance to be caused by people leaving the pub, the reduced hours of opening are now considered acceptable.

However, the pub has outside drinking areas at the front and rear. Planning Services wishes to object to this section of the application because of likely noise and nuisance from customers drinking outside the premises late at night. Planning Services requires that these outside areas are closed down to public use at 11.30pm.

Please contact me on extension 4584, or David Baker on extension 4514, if you have any queries.

Ann E. Wood
Planning Support Officer

m e m o

Mark Redgrave
8 Barfields
Loughton
Essex
IG10 3JQ

05/12/2006

REF: Black Deer Public House

I am writing to oppose the application for extended hours at the Black Deer Public house which is situated in the middle of a residential estate with no shops/ businesses near by, my house being about 50 metres away from the Public House.

Last Christmas I spoke to the Landlord regarding the increase in noise from music and he agreed to turn it down thanking me for bringing it to his attention.

The music stayed at a low level and whilst not being excessively loud, the bass low level vibrations, could be heard through the summer in the front and rear bedrooms of my house.

Approximately a year to 18 months ago the Public house was taken over by new owners and we have tolerated the noise at the Weekends in the summer as this finished around 11 to 11.30pm, before this there was never any noise from the Pub.

The situation of the Black Deer does not lend its self to what will in effect become a night club or late night drinking magnet for the area, with noise of customers arriving and leaving in the middle of a housing area.

I really don't think it's fair to the surrounding residents to extend the hours any further than they are already licensed for in a residential area, the music is loud enough during these hours.

Regards

Mark Redgrave

9 POUNDFIELD ROAD
LOUGHTON
ESSEX IG10 3JL

3.12.2006.

LICENCING UNIT
Epping Forest District Council
Civic Offices
High Street
EPPING
Essex CB16 4BZ



Dear Licencing Unit

Re - **BLACK DEER - POUNDFIELD ROAD.**

I have today received a letter regarding longer opening hours for the above pub.

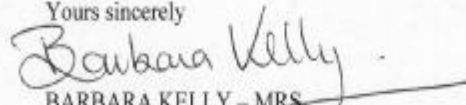
As a resident of Poundfield Road I wish to object in the strongest possible terms, as I hope will be the case with my neighbours, about the proposed increase in opening hours for the Black Deer.

This is for lots of reasons, primarily as a resident I do not wish to be subjected to increased noise levels for increasingly longer hours, the coming and going of people who will probably be decidedly the worse for wear, at all hours of the night after closing, and the increased parking in an already overparked area.

Poundfield Road is a wholly residential area with lots of families with young children and a school at one end of the road, and to allow even further levels of noise and disruption for all the residents is definitely not on.

I hope the Council will take all the above factors into account when considering this application and I wish to be kept fully informed of progress on this matter.

Many thanks
Yours sincerely


BARBARA KELLY - MRS.
0208 925 4863
(I do not have an e-mail)

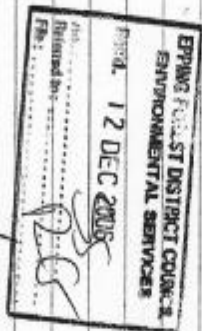
9.12.06

13, POUNDFIELD ROAD
LONDON
E9 6JL

RE. THE RACK OFFER

I object to late night music
being played in the Black Bay
we had this in the Sixties
and the street was like a
fair ground

At 10.15



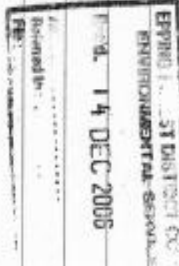
MR.

14 DEC 2006

10.19.06

1910 35L

10.19.06



Dear Sir

We live on the
opposite corner to the Black
Deer & strongly object
to them getting longer &
noisier opening hours.

It can get very noisy
now, we need to think
what it will be like with
longer hours. Not only in
the noise of their
customers its car doors
staying & coming down the
road. We hope common sense
will prevail.

Yours Sincerely
Mrs S Killigrew
me



Mr M Crookbaine
7 Barfields
Loughton
Essex IG10 3JQ
9-12-06

Dear Sir/Madam.

I am writing to inform you of my Objection to the application for longer hours and late night live and recorded music put forward by the licensee of The Black Deer Public House, Pansfield Rd, Loughton.

As close neighbours of the Pub we already endure noise from the bass of the Sound System and also Patrons as they leave by car and on foot. Late night closing I feel will only make this noise more intrusive.

Another factor I am concerned about is whether this application, if approved, would bring people from other establishments, eg. The Golden Lion, which close at an earlier time, causing more noise and disturbance enroute.

As a residential area with no other businesses in the immediate area the priority should be put on the well being of those who live here and not on the monetary gains to be made by a few.

Yours Sincerely

A handwritten signature in black ink, appearing to be "M. Crookbaine".

Mr. M. Crookbaine

Loughton Residents Association



20 Eleven Acre

Loughton
Essex IG10 1AN
17/12/06

Rise

Licensing Officer
Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

Dear Sir/Madam
Black Deer, Poundfield Road, Loughton

We are writing to object to the proposed extension to the opening hours, with live & recorded music, to: Sunday-Thursday 11.00-00.30, Friday-Saturday 11.00-01.30; to include: Good Friday 11.00-01.30, Christmas Eve 11.00-02.30, Christmas Day 11.00-17.00, New Years Eve 11.00-02.30. (This includes 30 minutes drinking up time).

Poundfield Road is not a location suitable for late night music and drinking. It lies in the middle of a residential area. The Black Deer is a major asset to the area, but a careful balance needs to be maintained between the interests of residents and those using the pub. Three aspects are of concern –

- the noise from the music while the pub is open,
- the noise from customers arriving at the pub late at night, and
- the noise from customers leaving the pub at closing time.

There are residential properties on all the roads which Black Deer customers would have to use when arriving at or leaving the premises in the early hours of the morning, on foot or in vehicles. There is therefore a considerable likelihood of disturbance, even if those concerned leave without undue noise. Any rowdiness on the part of departing customers would of course have a much worse effect. Furthermore, what is acceptable up to say 11 pm may not be acceptable later in the night.

The proposed extensions in opening hours would breach the proper balance between the interests of residents and those using the pub, and we urge the Licensing Panel to reject the application.

Yours faithfully

David Linnell
For Loughton Residents Association Plans Group

From: <mariak143@ntlworld.com>
To: <ktuckey@eppingforestdc.gov.uk>
Date: 18/12/2006 14:42:08
Subject: [Fwd: The Black Deer Public House, Poundfield Road, Loughton.]

Dear Ms Tuckey

Please accept this email as written confirmation that I wish to contest the application for a licence to provide late night live and recorded music at The Black Deer Public House, Poundfield Road, Loughton.

I live next door to The Black Deer Public House and I am extremely concerned with the effect the noise and disturbance will have on my house 5 Barfields, Loughton, IG10 3JQ. The car park backs onto my house and the late night openings would cause more noise and disturbance with cars arriving and departing later. I am also concerned the implications of such a license would have on the resale value of my home and put people off purchasing it in the future should I wish to sell.

I look forward to hearing from you and the possible steps I can take to protect my interests. I am happy for this email to be used in a hearing.

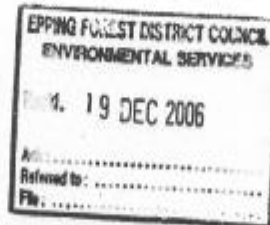
Yours sincerely,

Maria Kelly
Owner: 5 Barfields, Loughton, Essex, IG10 3JQ

Email sent from www.ntlworld.com
Virus-checked using McAfee(R) Software
Visit www.ntlworld.com/security for more information

CC: <id.linnell@loughtonresidents.com>

Mr Mrs Longman
10 Barfields
Loughton
Essex
IG10 3JQ
10/12/06



Dear Sir

We are writing to say we do not want the Black Deer to extend its opening hours or music licence, any further than they are allowed to at present.

We are in a quite residential road not suitable for a late night drinking Venue. We don't want minicabs pulling up late at night engines running and car doors shutting.

At 12.30am most working people are in bed and certainly don't want to be kept up weekends with noise from the Pub and people leaving.

The Music is loud some weekends and can be heard in our house with the windows and doors shut.

Thank you for registering our objection

Yours Sincerely

Mr & Mrs Longman

23 Poundfield Road
Loughton
Essex

12th December 2006

Epping Forest District Council
Licensing Unit
Civic Offices
High Street
Epping
Essex CM16 4BZ



Dear Sirs

**RE: THE BLACK DEER PUBLIC HOUSE, POUNDFIELD ROAD,
LOUGHTON**

With regard to your letter dated 25th November 2006, I would like to express extreme objection to the proposal put forward.

I am 94 years old and do not wish to be kept awake by loud music and cars doors banging by customers leaving in the early hours of the morning. Also I do not think younger residents will appreciate being disturbed when they have to go to work in the mornings.

Over and above this, there is already a parking problem at night for residents and this will certainly exacerbate the situation.

I hope my views are taken into consideration.

Yours faithfully


Mrs E Jones

20 DEC 2006

11. Poundfield Rd
Loughton
Essex IG10 3JN

Dear Sir or Madam

My Husband and myself Completely object to the extended opening applied for by The Black Deer Public House: Poundfield Rd Loughton.

As my family and myself live directly opposite the Pub and US front door, the noise from customers + loud music will and does keep my children and myself awake as it has done over the last couple of years. We have loud shouting, screaming + fighting most Friday + Saturday nights.

The landlord has been serving after hours drinking until the early hours since he has taken over.

2

This happens most Weekends until 2/3am.

During the Summer Months we are unable to open any windows due to the shouting + music. There beer garden is directly opposite my house + front garden customers were allowed to sit out until 11:30pm, so keeping my children awake.

My 10 yrs old son is unable to play in the front garden as he has been abused + threatened by teenagers + underaged drinkers using the beer garden so we have no privacy.

I also have been assaulted + abused by these customers.

As this Pub is in a quiet residential road with an Infant + Primary School less than 100yds away with children walking back

3

and forth to school.

I feel this is totally unsuitable.

Yours faithfully

Mrs S. Hutson