

Report to the Licensing Sub Committee

Date of meeting: 2nd August 2022

Subject: Crooked Billet, Middle Street, Nazeing, EN9 2LD

Responsible Officer: Hannah Gould, Licensing Compliance Officer

Democratic Services: J Leither 01992 564243



**Epping Forest
District Council**

Decisions Required:

To determine the application for a new Premises Licence under the Licensing Act 2003

Report:

Application

White Bear Tavern Limited have applied to the Licensing office at Epping Forest District Council for a Premises Licence in respect of **Crooked Billet, Middle Street, Nazeing, Essex, EN9 2LD**. The previous licence had lapsed owing to the death of the licence holder and an application to transfer the licence was not utilised in time, hence the new application.

The application received on the 16th June 2022 sought to include:

- The performance of **live music** to take place indoors & outdoors:
Friday to Saturday 23:00 to 23:59
- The playing of **recorded music** to take place indoors & outdoors:
Monday to Thursday 23:00 to 23:59
Friday to Saturday 23:00 to 00:30
Sunday 23:00 to 23:30
- The provision of **late-night refreshment** to take place indoors & outdoors:
Monday to Thursday 23:00 to 23:59
Friday to Saturday 23:00 to 1:00
Sunday 23:00 to 23:59
- The **supply of alcohol** for consumption both on and off the premises:
Monday to Thursday 11:00 to 23:59
Friday to Saturday 11:00 to 01:00
Sunday 12:00 to 23:59
- The **opening hours** being:
Monday to Thursday 11:00 to 00:30
Friday to Saturday 11:00 to 01:30
Sunday 12:00 to 00:30
- An additional hour Friday, Saturday, Sunday and Monday of every bank holiday, Christmas eve and boxing day.

During the consultation period Essex Police proposed some additional conditions (see exhibit) and the following operational changes which were agreed by the applicant:

- Outside area to close by 23:30
- Licensable activities will cease at 23:00 on Sundays
- The pub will close at 00:00 on Sundays
- Outside music (live/recorded) will cease at 23:00

- Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut at all times when music is being played.

Anonymised versions of representations received from residents were shared with the applicant. In response to the concerns raised within those representations, the applicant informed us of his willingness to work with residents to address those concerns.

In the hope to achieve an amicable resolution, the applicant subsequently offered the following changes, in addition to those agreed with Essex Police:

- The pub will close at 00:30 on Fridays and Saturdays

Whilst some representations were withdrawn following the changes, some remained.

The applicant has not yet confirmed whether he will still honour the Saturday & Sunday closing times. If they do, the application that includes *all* proposed amendments, is outlined below:

- The performance of **live music** to take place indoors
Friday to Saturday 23:00 to 00:00
- The performance of **live music** to take place outdoors
Friday to Saturday 23:00 to 23:30
- The playing of **recorded music** to take place indoors
Monday to Saturday 23:00 to 00:00
- The playing of **recorded music** to take place outdoors
Monday to Saturday 23:00 to 23:30
- The provision of **late-night refreshment** to take place indoors
Monday to Saturday 23:00 to 00:00
- The provision of **late-night refreshment** to take place outdoors
Monday to Saturday 23:00 to 23:30
- The **supply of alcohol** for consumption both on and off the premises
Monday to Saturday 11:00 to 00:00
Sunday 12:00 to 23:00
- The **opening hours** being:
Monday to Saturday 11:00 to 00:30
Sunday 12:00 to 00:00
- An additional hour Friday, Saturday, Sunday and Monday of every bank holiday, Christmas eve and boxing day.

Licensing Act 2003

- 1 When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote of the licensing objectives.
These are—
the prevention of crime and disorder;
public safety;
the prevention of public nuisance; and
the protection of children from harm.
- 2 It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.
- 3 The Operating Schedule sets out conditions which will be attached to the licence, if this application is granted.

Consultation

- 4 The consultation period ran from the 17th June 2022 to the 14th July 2022.
- 5 The Responsible Authorities have received a copy of the application.
- 6 It was advertised at the premises and in the local newspaper. All residents and businesses within 150 metre radius were also informed by letter.
- 7 The authority has received:
9 objections from local residents
1 objection from the Council's Safer Communities Department
140 emails of support

All details are attached.

Guidance Issued by the Secretary of State

- 8 The Licensing Act 2003 provides that the licensing authority must 'have regard to guidance issued by the Secretary of State under section 182.
- 9 Sections 2.1 to 2.31 of the Guidance are relevant to this application.

Options

In determining this application, the Sub-Committee may take any of the following steps as it considers necessary for the promotion of the licensing objectives, namely:

- (a) to grant the licence as applied for subject to
 - the conditions mentioned in the Operating Schedule modified as the Sub-committee considers necessary for the promotion of the licensing objectives, and
 - the mandatory conditions specified in the Licensing Act 2003, or
- (b) to exclude from the scope of the licence any licensable activities to which the application relates, or
- (c) refuse to specify a person as the premise's supervisor, or
- (d) reject the application

Determination

The Sub-committee is asked to determine the application having regard to

- (a) the content of this report and representations
- (b) any additional information obtained from the hearing
- (c) the Council's statement of licensing policy
- (d) Guidance issued by the Secretary of State, and
- (e) the steps appropriate to promote the licensing objectives.

Appeal

If any party is aggrieved with the decision, they can appeal to Magistrates court. The appeal period is 21 days from notification of the decision.

Background Papers Used In Preparing This Report:

- The Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/contents?view=plain>

- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- Application for the premises licence
- DPS consent
- Plan of the premises
- Blue Notice
- Newspaper advert
- Conditions agreed with Essex Police
- Objections from residents
- Objector video links
- Objection from Safer Communities
- Emails of support
- Map of the area