

Notice of Application for a Review of Premises Licence under the Licensing Act 2003

Notice is given this day 18th July 2008 that *Mr.R. Gardiner, Environment & Neighbourhood Group, Epping Forest District Council, Civic Offices, High Street, Epping, Essex CM16 4BZ* has applied to the Licensing Office of Epping Forest District Council for a review of the Premises Licence in respect of *The Players Lounge (formerly Aurora), 63 Queens Road, Buckhurst Hill, Essex IG9 5BU*

The application to review relates to the following Licensing Objectives:

- 1.) The Prevention of Public Nuisance

The register of licensed premises is maintained at the Licensing Office of Epping Forest District Council, Civic Offices, High Street, Epping, Essex, CM16 4BZ. Applications for reviews of premises licences may be inspected at this office during office hours. Anyone wishing to add representations to this application must give written notice to the Licensing Office within 28 days of this notice.

It is an offence knowingly or recklessly to make a false statement in connection with an application which could lead to a fine on summary conviction (maximum £5000)

Application for the review of a premises licence or club
premises certificate 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 RICHARD GARDINER

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
AURORA (THE PLAYERS LOUNGE) 63 QUEENS ROAD	
Post town BUCKHURST HILL	Post code (if known) IG9 5BU

Name of premises licence holder or club holding club premises certificate (if known) PUNCH TAVERNS PLC
--

Number of premises licence or club premises certificate (if known) LN/210001719

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address EPPING FOREST DISTRICT COUNCIL ENVIRONMENT & STREET SCENE DIRECTORATE ENVIRONMENT & NEIGHBOURHOODS GROUP CIVIC OFFICES HIGH STREET EPPING ESSEX CM16 4BZ CONTACT: MR. R. GARDINER
Telephone number (if any) 01992 564089
E-mail address (optional) rgardiner@eppingforestdc.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

THE PREVENTION OF PUBLIC NUISANCE

Please provide as much information as possible to support the application
(please read guidance note 2)

PLEASE SEE ATTACHED - "SUMMARY OF MAIN EVENTS AS OF 15/7/08 TO SUPPORT REVIEW OF PREMISES LICENCE".

APPLICATION FOR REVIEW MADE IN LIGHT OF ONGOING COMPLAINTS FROM RESIDENTS AND INCIDENTS WITNESSED BY ENVIRONMENT & NEIGHBOURHOODS OFFICERS ON 12 APRIL 2008 AND 26 JUNE 2008. (DETAILS IN ATTACHED STATEMENTS).

TO ASK THE LICENSING PANEL TO CONSIDER THE STEPS DETAILED IN LETTER TO PUNCH TAVERNS PLC DATED 12 NOVEMBER 2007, ATTACHED MARKED RG7 AND ANY OTHER STEPS THAT THE PANEL JUDGE TO BE APPROPRIATE, IN ORDER TO PREVENT FURTHER PUBLIC NUISANCE.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

REPRESENTATION MADE ON 7 NOVEMBER 2006

PLEASE SEE ATTACHED - "SUMMARY OF MAIN EVENTS AS OF 15/7/08 TO SUPPORT REVIEW OF PREMISES LICENCE" - EXHBIT MARKED RG1

Please tick yes

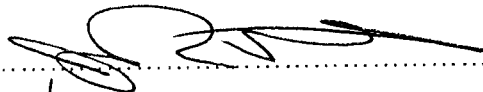
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

16/7/08

Capacity

ASSISTANT DIRECTOR ETSS

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Players Lounge, Queens Road, Buckhurst Hill
Summary of main events as of 15/7/08 to support review of premises licence.

2006

In 2006 Pauline Ann Farthing became the Designated Premises Supervisor (DPS) and leaseholder (at that time operating the property with John Holland). The premises licence holder was Punch Taverns PLC and that remains the case. The Council received complaints regarding loud music and drunken behaviour, but officers did not substantiate these complaints.

In October 2006, the Council received an application for a variation of the premises licence. The Environmental Protection Team (Pollution Control) acting as the responsible authority for the prevention of public nuisance made a representation against part of the variation regarding the extension in operating hours for sale of alcohol, live and recorded music until 01:00 hours and use of the garden. I have attached a copy of the letter explaining the details of the representation dated 7 November 2006, marked as **RG1**. The Licensing panel, with some additional conditions, agreed the variation. Attached is a copy of the current premises licence LN210001719 (that includes the conditions and variations agreed in 2006) marked **RG2**.

2007

January 2007 - complaints started again, regarding loud music and drunken behaviour in the street. Some noise was witnessed for a short period, but there was insufficient evidence to pursue any formal action.

March, April, and May 2007 - further complaints were received regarding, fights, customers racing cars on the highway, music, screaming and shouting. Officers did not substantiate these complaints.

July 2007 - complaints started again and an officer witnessed a nuisance from loud music. An **Environmental Protection Act 1990 (EPA 1990) notice was served on Pauline Ann Farthing** (copy attached marked **RG3** and accompanying letter marked **RG4**) and Mr Holland. Possibility of review raised with Punch Tavern PLC (premises licence holder) in letter dated 26 July 2007 (copy attached marked **RG5**).

August 2007 – It was reported that the premises was mostly closed throughout August other than for the occasional private event.

September 2007 - Further complaint re noise and customers in near vicinity. Punch Taverns explained that the leaseholders were looking to sell the lease. A letter was sent to Punch Taverns explaining that a review of their license was being considered. Copy attached marked **RG6** dated 10 September 2007.

On 17 Sept 2007 an officer witnessed a breach of the EPA 1990 notices (Later prosecution resulted in guilty plea and fines – see December 2007). The property was then closed for refurbishment.

October 2007 – It was decided to put any **potential review on hold**, to assess the impact of the refurbishment and proposed new direction i.e. no more parties, lounge style, new door staff, age restriction, and new doors. A site meeting was held with Pauline Ann Farthing (DPS), John Holland, Punch Taverns and Richard Gardiner (RG) (Technical Team Coordinator). RG confirmed that any review had been put on hold pending the result of the refurbishment. The property reopened on 24 October 2007 now called Aurora.

November 2007 - further complaints were received that were unsubstantiated. A letter was sent to Punch Taverns regarding a possible review of the licence. Copy attached marked **RG7**. (dated 12 November 2007).

December 2007 – Prosecution for earlier breach heard in court – guilty pleas that resulted in £2000 fine for Mrs Farthing and £500 for Mr Holland. Mrs Farthing explained she was in the process of selling lease. Further unsubstantiated complaints were received.

2008

January 2008 - Punch Taverns confirmed Mr Holland had now left and Ms Farthing was working hard to ensure licence conditions were being complied with, but also trying to sell lease. I attach a copy of an email from TLT Solicitors on behalf of Punch Taverns marked **RG8**, dated 22 January 2008. A potential new owner, Daniel Allen, telephoned asking to meet. A site meeting was held with Daniel Allen. Advice was given on noise control and the previous history of the property. The possibility of a review of the licence was explained.

February 2008 - Further unsubstantiated complaints. An officer telephoned Daniel Allen, and discussed the complaint. Mr Allen said that he regularly monitors the noise level. Daniel Allen now appeared to be at least partly in control of the property, but Ms Farthing was still the leaseholder and DPS.

March 2008 - similar noise complaints were received and telephone conversations held with Mr Allen.

April 2008 - further complaint regarding customers in the near vicinity of the property, loud music and noise in the garden. There were further telephone conversations with Mr Allen who now appeared to be running the business.

On 12 April a **breach of the EPA 1990 notice served on Mrs Farthing was witnessed by RG and possible contravention of a licence condition** regarding the use of garden after 23.30 hours. Attached is a copy of RG's statement dated 28 May 2008, marked **RG9**, detailing the events witnessed. In RG's opinion a number of properties in the vicinity would have been affected by the noise, causing a public nuisance. **Prosecution pending against Mrs Farthing and an EPA 1990 notice was served on Mr Daniel Allen.** RG had a site meeting with Mr Allen and Mrs Farthing. Further unsubstantiated complaints were received regarding loud music.

May 2008 - Further unsubstantiated complaint received regarding loud music from the property. A further letter was sent to Punch Taverns regarding a potential review of the licence. Attached copy marked **RG10** dated 28 May 2008 and reply by email from Punch Taverns PLC dated 30 May 2008 (marked **RG11**). Diary sheets sent to residents who have complained to be returned by 28 June, if they want to provide evidence for review.

June 2008 - further allegations received regarding noise, customers spilling onto pavement, ongoing problems with noise from garden till 1am. On 26 June 2008 the duty noise officer (Neil Kirsopp) **witnessed an alleged breach of EPA 1990 notice served on Mrs Farthing.** **Prosecution of Mrs Farthing (DPS) for breach of notice pending.** The Officer confirmed a number of residential premises would have been affected by the noise i.e. the noise caused a public nuisance. Attached copy of Neil Kirsopp's statement, dated 7 July 2008, marked RG12.

July 2008 - Pauline Ann Farthing confirmed she is still the DPS but property in process of changing hands to Daniel Allen. RG phoned Daniel Allen and notified of alleged breach of notice. He asked for email confirming. Email sent, awaiting reply. No diary sheets have been received from residents in support of a review, but taking into account the further breach of the notice and public nuisance witnessed, **approval was requested from The Director of Environment and Street Scene, Mr J Gilbert to instigate a review of licence**, primarily on basis of evidence witnessed by RG (14 April 2008) and NK (26 June 2008) and hearsay evidence (weight and number of complaints) from residents. Approval to proceed with review received. No residents have come forward at this stage to provide evidence directly in support of a review, however many resident have made complaints and expressed concerns about continued nuisance caused by the use of the property for licensable activities, particularly late into the evening/early hours of the morning.



Mr R Gardiner
Environment & Neighbourhoods Manager

Exhibits – Richard Gardiner

Case ref:	Players Lounge, Queens Road, Buckhurst Hill, Exhibits to support review of premises licence
Ref.	Description
RG1	Letter dated 07/11/06 detailing representation against an application for a variation
RG2	Premises Licence LN210001719
RG3	EPA 1990 notice served on Pauline Ann Farthing
RG4	Letter that accompanied above mentioned notice.
RG5	Letter to Punch Taverns dated 26/07/07
RG6	Letter to Punch Taverns dated 10/09/07
RG7	Letter to Punch Taverns dated 12/11/07
RG8	Email from TLT solicitors dated 22/01/08
RG9	RG statement dated 28/05/08
RG10	Letter to Punch Taverns dated 28/05/08
RG11	Email from Punch Taverns 30/05/08
RG12	NK statement dated 07/07/08

Date: 7 November 2006

Our Ref: WK/200362779

Your Ref:

TLT Solicitors
One Redcliff Street
Bristol
BS1 6TP



File RG1
**Epping Forest
District Council**

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.



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

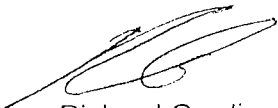
Summary: Due to the potential increase in customer noise late at night, I believe the variation should not be permitted.

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

R62

PREMISES LICENCE

Part A



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: 0208 502 9955

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

- Live Music
- Recorded Music
- Sale of Alcohol
- Late night refreshments

The times the licence authorises the carrying out of licensable activities:

Sale of Alcohol

Monday-Wednesday: 10.00-23.00, Thursday 10.00-00.00

Friday-Saturday: 10.00-01.00

Sunday 12.00-22.30

Recorded Music

Monday – Wednesday: 8.00-23.00, Thursday 8.00-00:30

Friday – Saturday: 8.00-01.00

Sunday: 10.00-22.30

Live Music

Monday-Wednesday 10.00-23.00, Thursday 10.00-00.00

Friday-Saturday: 10.00-00.00

Sunday: 12.00-22.30

Late night refreshments

Thursday 23.00-00.00

Friday-Saturday: 23.00-01.00

Non Standard Timings

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.

The opening hours of the premises

Monday – Wednesday: 8.00-23.30, Thursday 8.00-00.30

Friday – Saturday: 8.00-01.30

Sunday: 10.00-23.00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies: On & Off.

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Punch Taverns PLC
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

01283 501 600

Registered number of holder, for example company number, charity number (where applicable):
03752645

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Pauline Ann Farthing
Strathearn
Tysea Hill
Stapleford Abbots
Romford
Essex RM4 1SP

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol: LN/210002177 Epping Forest District Council.

Annex 1 – Mandatory conditions:

1. No supply of alcohol may be made under the premises licence:-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or when the designated supervisor has a licence suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence (see section 19 Licensing Act 2003)
3. Each individual at the premises who carry out a security activity, must be licensed by the Security Industry Authority (see section 21 Licensing Act 2003)
4. Where a premises licence authorises the exhibition of films, the admission of children to the exhibition of any film is to be restricted in accordance with section 20 Licensing Act 2003.

Annex 2 – Conditions consistent with the Operating Schedule:

The Prevention of Crime and Disorder.

- Lighting will be provided to the exterior area of the pub.
- Staff will monitor customer behaviour, especially during busy periods.
- There will be CCTV in operation.

Public Safety

- All Fire equipment will be regularly checked and maintained as per the manufacturers recommendations.
- All fire exits will be cleared of obstruction.

Prevention of Public nuisance

- The Designated Premises Supervisor will check the levels of sound emanating from the premises.
- The DPS and Staff will encourage the staff to leave quietly and disperse in an orderly manner.
- 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 23.30, and all doors and windows to be closed from 19.00
- No New Entries or Re-Entries to be allowed after 23.00hrs.
- SIA registered door staff to be present at the front of premises on Thursday, Friday, Saturday from 21.00 hours, and back door from 23.00hrs until 30 minutes after closure of premises.

The Protection of children from harm

- Children will not be permitted on the premises unless they are accompanied by a parent / guardian.
- Children are not permitted on the premises after 18.00pm

Annexe 3 – Conditions attached after a hearing by the licensing authority: (11/01/2007)

- 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 23.30, and all doors and windows to be closed from 19.00
- SIA registered door staff to be present at the front of premises on Thursday, Friday and Saturday from 21.00 hours, and back door from 23.00hrs until 30 minutes after closure of premises.

Annexe 4 – Plans:

Plans held at Epping Forest District Council

R63

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE

To Pauline Ann Farthing

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

TAKE NOTICE that under the provision of the Environmental Protection Act 1990 the Epping Forest District Council ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under Section 79(1)(g) of that Act from the premises known as **Rockys, 63 Queens Road, Buckhurst Hill Essex, IG9 5BU**

[within the district of the said Council] arising from **the production of music and amplified sound**

HEREBY REQUIRE YOU as the occupier of the premises from which the noise is or would be emitted forthwith from the service of this notice, **HEREBY PROHIBIT** the occurrence of the same and for that purpose require you to: **maintain the volume of music and amplified sound at a level that will not cause a statutory nuisance to the occupiers of noise sensitive premises.**

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies, and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 25 July 2007

(Signed) *R Gardiner*.....

Richard Gardiner
Technical Team Co-ordinator
(The officer appointed for this purpose)

Address for all communications:
Head of Environmental Services
Epping Forest District Council
Civic Offices, High Street,
Epping, Essex. CM16 4BZ

N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes on the reverse of this form.

**Currently £5,000.00, subject to alteration by Order.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case.

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exceeding its powers under paragraph (6) above the court -

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3.(1) Where -

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
- (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

- (a) the nuisance applies where -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

RG4

Date: 25 July 2007

Our Ref: WK/200702170

Your Ref:

Ms Pauline Ann Farthing
Rockys
63 Queens Road
Buckhurst Hill Essex
IG9 5BU

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

Dear Ms Pauline Ann Farthing

**Environmental Protection Act 1990
Rockys, 63 Queens Road, Buckhurst Hill Essex, IG9 5BU
Noise nuisance from music and amplified sound**

I refer to my previous correspondence regarding noise from the above mentioned property.

In response to a complaint about noise coming from the property on Friday 20 July 2007, the duty noise officer visited the area between 22.20 hours and 23.00 hours and witnessed loud music emanating from your property causing a statutory noise nuisance.

It was noted that the noise level increased when the front doors of the property were opened, however the music was at such a volume that even with the doors closed, the music was clearly audible and intrusive inside a neighbouring residential property.

The Council is obliged to serve a noise abatement notice when satisfied that a statutory nuisance exists, or is likely to occur or recur. I have therefore enclosed a notice under Section 80 of the Environmental Protection Act 1990, which you should adhere to within the specified time period.

The notice requires you to maintain the volume of music and amplified sound at a level that will not cause a statutory nuisance to the occupiers of noise sensitive premises.

If you are unsure on the steps required to comply with the notice, please do not hesitate to contact me for further advice. If you are unsure as to what level of noise may constitute a statutory nuisance you should consider stopping any activities, or restricting the use of any equipment that may cause a noise nuisance until you can obtain further advice. I should be happy to visit your property to provide further advice.

Failure to comply with this notice may result in the matter being passed to the Council's Solicitor for the instigation of legal proceedings to be considered.

If a notice is breached, the Council will consider using powers available to seize any noise making equipment capable of breaching the notice. You would be charged for any work that it is carried out by the Council to remedy a breach of the notice.

The Council aims to resolve complaints without the need for formal action. However, if the notice is breached, the Council will consider taking further steps to control the situation (including the option of asking for a review of the premises licence).

For your information:

You can guarantee that music and other sound emanating from your premises is not causing a nuisance by ensuring that the music is inaudible at the boundary of your property, or at the boundary of any neighbouring noise sensitive premises. Special attention should be given to the bass beat of any music.

If you have adjoining premises that may be affected by noise transmitted through the building structure, it would be advisable to contact the occupiers of these premises and ensure that any noise is not causing a nuisance.

If music emanating from your premises is audible within any complainant's premises, it has the potential to cause a statutory nuisance. The definition of premises also includes land and therefore includes the gardens of any neighbouring residential premises.

You may like to consider the following in order to ensure that music coming from your property does not cause statutory nuisance:

1. Simply reduce the volume to levels that would not be audible in neighbouring premises. Monitor the noise level and adjust the volume to the right level. You need take into account that opening the front doors allows noise to escape and adjust the volume accordingly to avoid causing a noise nuisance.
2. Close windows and doors to prevent sound escaping.
3. Increase the number of speakers to improve the distribution of the sound and therefore enable you to reduce the overall volume.
4. Use an acoustic consultant to obtain advice on noise control and improving the sound insulation of the building.
5. Introduce an automatic noise-limiting device, set to cut off the music or reduce the volume, if the noise level becomes high enough to be audible in neighbouring premises. A number of different noise limiting devices are available.

If you intend to play music with windows and doors open, you should adjust the sound level accordingly, so as not to cause a nuisance to your neighbours. You should bear in mind that it is not unreasonable to expect the occupiers of neighbouring residential premises to have the windows of their premises open, and still expect not to be significantly disturbed by music from your property.

Monitoring will be carried out in response to any further complaints. The investigation may involve making programmed or reactive visits to the area and the use of recording equipment.

In addition, I am receiving complaints that customers from Rockys are causing a public nuisance in the near vicinity of the property, predominately at closing time. It has been alleged there is very little control exercised over customers leaving the property and remaining outside in Queens Road. It has been alleged that there have been several fights over recent months and general rowdy behaviour in the street, in the near vicinity of Rockys.

I am currently collating evidence provided by local residents and any evidence obtained directly by Pollution Control Officers, to assess if there should be a review of the premises licence with reference to the licensing objective "the prevention of public nuisance". I understand that the police have also recently met with the area manager from Punch Taverns and Ms Pauline Ann Farthing with regard to Crime and Disorder allegedly associated with the property.

An interested party or responsible authority can, at any time, apply to the licensing authority (Epping Forest District Council) for a review of a premises licence on a ground relating to one or more of the licensing objectives.

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

Yours sincerely

Richard Gardiner
Technical Team Co-ordinator

c.c. Punch Taverns PLC

Date: 26 July 2007

RGS

Our Ref: WK/200702170

Your Ref:

Mr A Smith
Punch Taverns PLC
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

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

Dear Mr Smith

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

Please see enclosed letters and noise abatement notices addressed to your tenants, John Holland and Pauline Ann Farthing, dated 25 July 2007. I trust that the letter and notice are self-explanatory.

As the premises licence holder for the property, I would like to draw your attention to the possibility of a review of the premises licence if the noise abatement notice is not complied with, or if there is sufficient evidence of public nuisance.

I should be grateful if you would confirm the details of your tenancy agreement with Mr Holland and Ms Farthing? What level of control does Punch Taverns PLC exercise over the running of the property? I note that any review of the premises licence due to public nuisance would involve Punch Taverns PLC as the premises licence holder. This indicates that Punch Taverns PLC are able to control the level of disturbance emanating from the property to some extent, through the opening hours, permitted licensable activities and operating schedule. On this basis it appears that Punch Taverns PLC can be held partly responsible for any noise nuisance from the premises.

I should be grateful if you would provide me with your written comments. Please do not hesitate to contact me on 01992 564089 if you would like to discuss the matter.

Yours sincerely



Richard Gardiner
Technical Team Co-ordinator

Date: 10 September 2007

Our Ref: WK/200702170

Your Ref:

Mr A Smith
Punch Taverns PLC
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

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

Dear Mr Smith

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

I refer to my letter dated 26 July 2007 regarding the above mentioned premises.

Environmental Services are continuing to receive complaints about the premises and have received diary sheets from two residents detailing a number of incidents of alleged public nuisance. In addition, a noise officer has also witnessed some incidents of anti-social behaviour from customers of the property, in the near vicinity. It has been alleged that licensable activities at the premises are leading to noise nuisance from the premises and customers in the nearby vicinity, such as:

- Nuisance from amplified music
- Vomiting and urinating in the street
- Shouting, swearing and fighting in the street
- General rowdy/drunken behaviour

It has been alleged that the premises is being run as a night club/party venue that is inappropriate for the area and the capacity of the premises to contain any nuisance.

I understand that the current leaseholders (and DPS) are in the process of selling the lease. I should be grateful if you would confirm if this correct.

In the meantime, I am considering asking for a review of the licence in order to control the alleged public nuisance with the recommendation that the licensing panel considers the following steps:

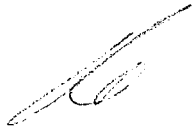
1. Reduce the opening hours to 23:00 hours Monday to Saturday, including the sale of alcohol and late night refreshments.
2. Exclude the consent to have Recorded and Live Music (other than background music that is incidental to the operation).

3. A minimum of two door supervisors registered with Security Industry Authority (SIA) will remain outside the premises until at least 30 minutes after the last customer has left the premises, and 15 minutes before closing time on any night. The door supervisors will monitor the level of noise and disturbance in the near vicinity of the premises, and ask customers of Rockys to disperse in an orderly manner. The door supervisors will report any persistent anti-social or disorderly behaviour to the police and make a written note of the incident (including the date, time, description and registration of any vehicles involved). The written record of any incidents will be made available to the Police and Licensing Authority and kept for 1 year).
4. To contain any noise inside the premises as far as possible, install a lobby at the entrance to the property, within a reasonable time period (to be specified), with a double set of doors, allowing one set of doors to always remain closed when customer enter and leave the property.

I should be grateful if you would provide me with your written comments on these suggestions.

Please do not hesitate to contact me on 01992 564089 if you would like to discuss the matter.

Yours sincerely



Richard Gardiner
Technical Team Co-ordinator

c.c.

Mr J Holland and Ms P A Farthing, Rockys, 63 Queens Road, Buckhurst Hill, Essex

Mr S Fisher, Divisional Licensing Officer, Epping Police Station

Date: 12 November 2007

Our Ref: WK/200702170

Your Ref:

Mr K Milligan
Punch Taverns PLC
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

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

Dear Mr Milligan

**Environmental Protection Act 1990
Aorura (Rockys), 63 Queens Road, Buckhurst Hill Essex, IG9 5BU
Noise nuisance from music and amplified sound**

I refer to my letter dated 31 October 2007 addressed to Ms P. Farthing and Mr J Holland regarding our meeting at the above mentioned property. I have subsequently received a further complaint of alleged noise nuisance since the property reopened on 24 October 2007.

I have received a diary sheet detailing problems on 24, 25, 26 and 27 October that refers to the "dull thud of music", noise from customers dispersing from the property and a "real blast" of music as the doors are held open. I have asked the complainant to continue maintain a diary sheet to record any further alleged disturbance. Noise monitoring may also be carried out. If the complainants' comments are correct, it appears that the proposed changes in operating style have not had the desired effect.

In September 2007, I wrote to Punch Taverns PLC, stating "I am considering asking for a review of the license in order to control the alleged public nuisance with the recommendation that the licensing panel considers the following steps:

1. Reduce the opening hours to 23:00 hours Monday to Saturday, including the sale of alcohol and late night refreshments.
2. Exclude the consent to have Recorded and Live Music (other than background music that is incidental to the operation).
3. A minimum of two door supervisors registered with Security Industry Authority (SIA) will remain outside the premises until at least 30 minutes after the last customer has left the premises, and 15 minutes before closing time on any night. The door supervisors will monitor the level of noise and disturbance in the near vicinity of the premises, and ask customers of Rockys to disperse in an orderly manner.

The door supervisors will report any persistent anti-social or disorderly behaviour to the police and make a written note of the incident (including the date, time, description and registration of any vehicles involved). The written record of any incidents will be made available to the Police and Licensing Authority and kept for 1 year).

4. To contain any noise inside the premises as far as possible, install a lobby at the entrance to the property, within a reasonable time period (to be specified), with a double set of doors, allowing one set of doors to always remain closed when customer enter and leave the property.”

I should be grateful if you would provide me with your written comments on these suggestions.

Yours sincerely

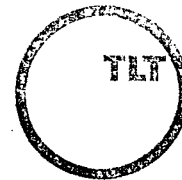


Richard Gardiner
Technical Team Co-ordinator

c.c.

Mr S Fisher (Essex Police Divisional Licensing Officer)

email



Solicitors

Email

One Redcliff Street
 Bristol BS1 6TP
 TEL +44 (0)117 917 7777
 DX 7815 Bristol
 WEB www.TLTsolicitors.com

TO	Mr R Gardiner	FROM	Paul Merrien
EMAIL	rgardiner@eppingforestdc.gov.uk	EMAIL	pmerrien@tltsolicitors.com
YOUR REF		OUR REF	30REG03/PM2/077345/000610
CC	Hannah Williams; Matthew Phipps	DIRECT TEL	0117 917 7622
		DIRECT FAX	0117 917 7566
		DATE	22 January 2008
SUBJECT	Our Client: Punch Taverns Plc Aurora 63 Queens Road Buckhurst Hill Essex IG9 5BU		

Dear Mr Gardiner

Thank you for your email dated 17 December 2007.

I can confirm that our Client has now held a meeting with Ms Farthing at the premises to discuss the issues raised in your letter of 12 November 2007.

I can confirm that Mr Holland has now left the premises and that Ms Farthing is working hard to ensure that all conditions on the Premises Licence are met and no further disturbances are occurring.

Kevin Milligan, our Client's Business Relationship Manager for the premises, is also looking to assist Ms Farthing in selling the lease, and already has a prospective purchaser.

I would be grateful if you could confirm to me that since your letter of 12 November 2007 the situation at the premises has improved and that you can see that our Client is actively seeking to remedy the issues at the premises.

I look forward to hearing from you.

Regards.

Yours sincerely
 for TLT LLP

Paul Merrien
Legal Assistant

This message from TLT Solicitors is confidential and may also be privileged or otherwise protected from disclosure; if forwarded, that privilege may be lost. This message may be read, copied and used only by the intended recipient. If you have received this email in error please advise by return email and delete the original message from your server. We do not accept service of legal process by email. We may monitor any communication entering or leaving our systems for quality control or compliance purposes and use spam filters. We believe, but do not warrant, that this message and any attachments are virus free. We recommend that you carry out your own virus checks. 'TLT Solicitors', 'TLT' and Constant & Constant are trading names of TLT LLP, a limited liability partnership registered in England & Wales number OC 308658. A list of members (all of whom are solicitors or registered foreign lawyers) is on our website at www.TLTsolicitors.com and at our registered office at One Redcliff Street, Bristol BS1 6TP: +44 (0)117 917 7777. TLT LLP has offices in Bristol, London and Piraeus and is regulated by the Solicitors Regulation Authority.

Witness Statement

CJ ACT 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: Richard Gardiner (Page 1 of 2)

Age if under 18...Over 18.....(if over 18 insert "over 18")

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything, which I know to be false or do not believe to be true.

Dated : 28 May 2008

Signed: R Gardiner

I am employed by Epping Forest District Council (EFDC) as the Environment and Neighbourhoods Manager within the Council's Environment & Street Scene Directorate, as of 14 April 2008. Immediately prior to 14 April 2008, I was employed by EFDC as an Environmental Health Technical Officer with the title of Technical Team Coordinator within the Pollution Control Section of the Council's Environment & Street Scene Directorate. Part of my duties in both roles include participating in the Councils' emergency callout service for noise complaints, as the duty noise officer.

I have an Honours degree in Science and the Environment, a post graduate diploma in Environmental Protection Control and Monitoring and the Institute of Acoustics Diploma in Acoustics and Noise Control. I have been working at Epping Forest District Council since May 1993, involved in the investigation of complaints of noise nuisance. I have considerable experience in noise control issues.

On the 12 April 2008 at 23:10 (hours) as the duty noise officer, I received a complaint from a resident of Kings Avenue, Buckhurst Hill, alleging that noise from the Players Lounge, 63 Queens Road, Buckhurst Hill, Essex, was causing a noise nuisance due to amplified music and noise from customers in the rear garden of the property.

From previous involvement with this property (formerly known as Rockys and Aurora), and as the current case officer for this property, I was aware that a noise abatement notice had been served on the Designated Premises Supervisor, (DPS), Pauline Ann Farthing, and that the Council had recently received a number of complaints about noise from the property. I now produce a copy of the abatement notice marked EFDC/RG1 dated 25 July 2007.

The notice requires Pauline Ann Farthing to maintain the volume of music and amplified sound from the property (formerly known as Rockys), at a level that will not cause a statutory nuisance to the occupiers of noise sensitive premises. Although the operating name of the property has now changed and there is evidence that other people are also involved in the control of the property, the noise abatement notice served on Pauline Ann Farthing is still in force.

Pauline Ann Farthing is the current DPS for the property as shown on the premises licence (ref. LN210001719). I now produce a copy of the premises licence ref. LN210001719 marked EFDC/RG2. The licence shows that Pauline Ann Farthing is the DPS.

In response to the complaint on 12 April 2008, I arranged to visit the area as soon as possible to assess the situation. I arrived in the area at approximately 00:11 on 13 April 2008. I drove past the rear of the Players Lounge with a view of the garden to the rear of the property. I noted that there was an estimated minimum of 10 patrons in the garden area. I parked in Queens Road and walked to the complainant's property arriving at 00:20.

Signature: R Gardiner

Signature witnessed by: A Gardiner

Witness Statement

CJ ACT 1967, s 9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Continuation of Statement of: Richard Gardiner (Page 2 of 2)

In the living room of the property, with one window ajar, noise from customers and the bass rhythm of music from the property was clearly audible. At 00:26 I noted that there were at least seven people in the pub garden. I noted that the bass beat from the property was clearly audible and intrusive.

At 00:30, I asked for the television in the living room to be turned on at a normal volume. The television was turned on and I asked for it to be adjusted to a level that I judged to be acceptable for normal listening in the living room. At this volume the bass beat of music from the Players Lounge was still audible. The customer noise now appeared less audible, but the thumping bass beat was still audible and intrusive. At 00:33 the television was turned off.

At 00:37, I left the complainant's property and approached the rear of the Player Lounge. I confirmed that Players Lounge was the source of the music noise. A rear door of the property appeared to be open, allowing noise to escape.

At 00:40, I went back into the complainant's property. In the living room of the property the bass rhythm of the music was still audible and general customer noise. At 00:45 I noted that there were at least five patrons in the pub garden. The bass rhythm was continuing. I noted that the noise was very clearly audible and intrusive. At 00:55 the music appeared to reduce in volume and there was nobody visible in the garden. At 00:58 hours two patrons could be seen in the garden. At this time the music was slightly audible, but general customer noise was clearly audible (indicating that customer noise from inside the property was escaping from the property and becoming audible at neighbouring premises).

At 01:08, I left the complainant's property, any music was now hardly audible, although the general babble of customer noise was still audible. At 01:10 hours I went to the rear of the garden. The garden was empty of patrons, but I could see that a door at the rear of the property was open, allowing noise to escape. I left the area at 01:20 hours.

In my opinion music emanating from the property caused a statutory nuisance, significantly reducing the enjoyment of the complainant's property. It is likely that a number of neighbouring noise sensitive premises experienced a similar noise level, although they may have been unoccupied.

Signature:  Signature witnessed by: 

Date: 28 May 2008

REG 10

Our Ref: WK/200804623

Your Ref:

Punch Taverns PLC
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WF

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

Dear Sir or Madam:

Licensing Act 2003 Licence ref: LN210001719
The Players Lounge, 63 Queens Road, Buckhurst Hill Essex, IG9 5BU

Please see attached copy of letters to Mrs Pauline Ann-Farthing DPS for the above mentioned property and Mr D Allen, who currently appears to be involved in the management of the property, dated 17 April 2008.

I am concerned that there has been a recurrence of previous problems that I raised in a letter to you dated 12 November 2007 (please see attached copy).

I am currently collating evidence from residents to assess if the Council's Environment & Street Scene Directorate should ask for review of the licence in relation to the Licensing objective the Prevention of Public nuisance, with a view to asking the licensing panel to consider the steps detailed in my letter dated 12 November 2007.

I should be grateful if you would take steps to ensure that the existing licence conditions are complied with and ensure that activities at the property do not cause a nuisance to local residents.

I should be happy to receive any written comments that you may wish to make.

Yours faithfully



Richard Gardiner
Environment and Neighbourhoods Manager

RG11

From: "Joanna Lake" <Joanna.Lake@punchtaverns.com>
To: <rgardiner@eppingforestdc.gov.uk>
Date: 30/05/2008 13:27:33
Subject: Outlet: Players lounge: Our Ref 513011

Dear Mr Gardiner

Thank you very much for your recent correspondence in respect of the above premises, I acknowledge safe receipt.

Thank you for drawing the matter to our attention.

This matter will now be raised with our customer at the premises by the Business Relationship Manager (BRM) responsible for the premises, namely Mr Kevin Milligan.

Although it is our customers, under our agreement, who have control of the day to day matters on site, we have a stringent procedure to ensure and enforce our responsibilities as Premises Licence Holder. This involves direct contact with the business through our operations team and it involves regular attendance at the premises and the completion of a significant licensing due diligence exercise no less than twice a year.

We aim to ensure that all conditions are both fully understood by our customer, when operating the outlet and also met and realised by them.

Our BRM will revert to you shortly, but if you have any further queries or concerns then please do not hesitate to contact him on 07970 998205 or at kevin.milligan <mailto:kevin.milligan@punchtaverns.com> @punchtaverns.com.

If I can be of any further assistance then, obviously, please do not hesitate to contact me.

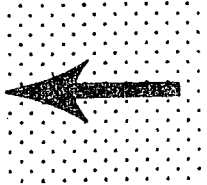
Yours sincerely

Joanna Lake
Compliance
Punch Taverns PLC
01283 523521

P Consider the environment. Please don't print this e-mail unless you really need to.

The company sending this e-mail is a member of the Punch Taverns group of companies, the ultimate parent of which is Punch Taverns plc (company number 3752645). Punch Taverns plc, along with the group's principal subsidiaries listed below, is registered in England and Wales and has its registered office at Jubilee House, Second Avenue, Burton-upon-Trent, Staffordshire DE14 2WF
Punch Taverns (PTL) Limited (3512363), Punch Taverns (PML) Limited (3321199), Punch Taverns (Barton) Limited (5432394), Punch Taverns (Branston) Limited (5596581), Punch Taverns (PGRP) Limited (3988664), Punch Taverns (Pubs) Limited (5699544), Spirit Managed Pubs Limited (5269240), Spirit Managed (Trent) Limited (5746068)
Spirit Group Limited (5266811) is registered in England and Wales and has its registered office at 107 Station Street, Burton-upon-Trent, Staffordshire DE14 1BZ.

The statements and opinions expressed in this message are those of the author and therefore do not necessarily reflect those of any member of the Punch Taverns group of companies. The Punch Taverns group of companies does not take any responsibility or liability whatsoever for the views of the



Witness Statement

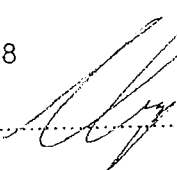
(CJ ACT 1967; S9; MC ACT 1980, SS5A(3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

Statement of: Mr Neil Kirsopp

Age of Witness: Over 18

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 7 July 2008

Signed: 

I am employed by Epping Forest District Council as an Environmental and Neighbourhoods Officer. I have an Honours degree in Geographical and Environmental Science. I also hold the Institute of Acoustics' Diploma in Acoustics and Noise Control, and I am an Associate Member of the Institute of Acoustics. I have been working at Epping Forest District Council for over 5 years. My duties include carrying out monitoring in response to complaints made to the Council in order to assess if a statutory nuisance exists.

On 25 July 2007 a noise abatement notice under section 80 of the Environmental Protection Act 1990 was served on Pauline Ann Farthing, of Rockys, 63 Queens Road, Buckhurst Hill, Essex.

Since the service of the Notice the premises was re-branded as Aurora and is now known as The Players Lounge, 63 Queens Road, Buckhurst Hill, Essex.

The notice remains in force and requires Ms Farthing, who is the designated premises supervisor (DPS) of the property, to maintain the volume of music and amplified sound at a level that will not cause a statutory nuisance to the occupiers of nearby noise sensitive premises.

I produce a copy of the notice marked EFDC/NK1. I also produce a copy of the premises licence (ref LN210001719) marked EFDC/NK2 which shows that Pauline Ann Farthing is the DPS.

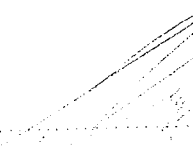
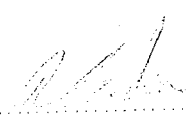
On 26 June 2008 at about 22.25 hours, I received a complaint from the occupier of a property neighbouring The Players Lounge, alleging that loud music was emanating from the property causing a noise nuisance.

I arranged to visit the complainant to assess if the noise abatement notice was being complied with.

I arrived at the complainant's property at about 22.33 hours. I entered the complainants property and went straight to the bedroom located on the first floor and at the front of the property. Music was immediately audible within the complainant's bedroom. "You can't hurry love" by Phil Collins was being played in The Players Lounge at a level that would delay sleep in the complainant's bedroom.

At about 22.39 hours a new song started and a male voice was audible over a microphone. "Can't Help Myself (Sugar Pie Honey Bunch)" by the Four Tops was clearly audible and intrusive in the bedroom and likely to stop the complainant from enjoying their property and would easily prevent sleep. All the elements of the music were clear including the bass beat, the melody and the lyrics.

At about 22.43 hours a new song started - "Baby Love" by The Supremes. Again all the elements of the music were clearly audible and intrusive within the bedroom. I noted that the window of the bedroom was slightly open for ventilation, it was a warm night.

Signature  Signature witnessed by 

Witness Statement

(CJ ACT 1967; S9; MC ACT 1980, SS5A(3)(a) and 5B, MC Rules 1981, r70)

Continuation of Statement of: Mr Neil Kirsopp

At about 22.46 hours a new song started – "I Want You Back" by The Jackson Five. Again all the elements of the music were clearly audible and intrusive within the bedroom and at a level that would delay sleep.

At about 22.49 hours a new song started and seemed at a slightly lower level than previously.

At about 22.52 hours a new song started – "Please don't stop the music" by Rhianna. Again the music was clearly audible and intrusive within the bedroom. The thumping bass was particularly disturbing and likely to prevent sleep.

At about 22.57 a male voice was again audible over a microphone but what was said was not clear.

At about 22.58 hours the bass beat paused for approximately 30 seconds and then a new song started. The bass beat continued to be audible and intrusive, however the melody was less audible. The music continued to be intrusive and was likely to prevent sleep.

At about 23.02 hours a new song appeared to start. The bass beat continued to be clearly audible and intrusive and the bass line was also audible within the bedroom.

At about 23.05 hours I left the complainant's property being satisfied that in my opinion the music that I had detected in the complainant's property constituted statutory nuisance as it was of an intrusive nature, and prevented the complainant from enjoying their property and would have disturbed or prevented sleep.

At about 23.08 I confirmed that the source of the loud music was The Players Lounge, 63 Queens Road, Buckhurst Hill, Essex.

I stood in various locations around the premises (see locations marked 'X' on the attached map) and found the music emanating from The Players Lounge to be at a similar level to that I had witnessed in the complainants property. It is therefore likely that other residents in close proximity to these locations would have experienced similar levels of loud music at their properties.

I believe the loud music was therefore a breach of the noise abatement notice served on Pauline Ann Farthing on 25 July 2007.

Signature witnessed by