

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
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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 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	10:00	23:00			
Tue	10:00	23:00			
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10:00	23:00			
Thur	10:00				
			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)		
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	Please give further details here (please read guidance note 3)		
Mon	08:00	23:00			
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			
	08:00		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) 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			
	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			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00				
Fri		01:00	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.		
		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		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.		
Fri		01:00			
	10:00				
Sat		01:00			
	10:00				
Sun		01:00			
	12:00	22:30			

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	08:00	23:30	
Tue	08:00	23:30	<p>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)</p> <p>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.</p>
Wed	08:00	23:30	
Thur	08:00		
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

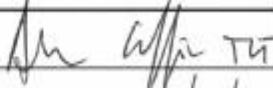
Please tick yes

- 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.



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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

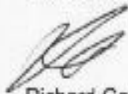
Summary: Due to the potential increase in customer noise late at night I believe the variation should not be permitted.

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



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



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A196 (rev 11/05)