



### ***Licensing Sub-Committee Tuesday, 18th December, 2018***

You are invited to attend the next meeting of **Licensing Sub-Committee**, which will be held at:

**Council Chamber - Civic Offices**  
on **Tuesday, 18th December, 2018**  
at **10.00 am** .

**Derek Macnab**  
**Acting Chief Executive**

**Democratic Services  
Officer**

J Leither (Direct Line 01992 564756)  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors M Sartin (Chairman), S Heather, P Keska and C P Pond

<p><b>PLEASE NOTE THE START TIME OF THE MEETING</b></p>
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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

- 3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 8)**
- 4. NEW PREMISES LICENCE APPLICATION FOR FRED AND DOUG'S, 4 STATION ROAD, EPPING, ESSEX, CM16 4HA (Pages 9 - 46)**

To consider the attached report.

- 5. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

**Background Papers:** Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **Licensing Committee - Terms of Reference**

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- (2) For the functions set out in Appendix 1, and the legislation listed in Appendix 2, a Subcommittee consisting of no more than any three Councillors drawn from the members of the full Committee shall be formed. Any such Subcommittee shall include, by rota, one of the six Licensing Subcommittee Chairmen appointed at each Annual Council meeting.
- (3) The Quorum for the Committee is set out in the Rules set out in Part 4 of this Constitution save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Subcommittees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Subcommittees shall be further empowered to determine appeals made against the decisions of the Director of Neighbourhoods taken under delegated authority on licensing applications. (See Council delegation schedule for more details)
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Appendix 3 (Conduct of Business by Licensing Committee and Subcommittees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Appendix 2 to this Article.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

**LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Subcommittee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

## **LIST OF STATUTORY POWERS**

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963  
Breeding & Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Caravan Sites & Control of Development Act 1960  
Caravan Sites Act 1968  
Dangerous Wild Animals Act 1976  
Gambling Act 2005  
Guard Dogs Act 1975  
House to House Collections Act 1939  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Pet Animals Act 1951  
Pet Animals Act 1951 (Amendment) Act 1983  
Riding Establishments Acts 1964 & 1970  
Scrap Metal Dealers Act 1964  
Scrap Metal Dealers Act 2013  
The Game Act 1831  
Town Police Clauses Act 1847  
Town Police Clauses Act 1889  
Zoo Licensing Act 1981

**PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUBCOMMITTEES**

All references to committee in this annex shall be taken to infer a reference to the associated subcommittees.

**1. General Conduct**

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

**2. Declarations of Interest**

- 2.1 Members of the Committee are subject to the Council's Code of Conduct.

**3. Participation in the Hearing**

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.
- 3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Subcommittee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

#### **4. Attendance of the Public**

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

#### **5. Natural Justice**

- 5.1 There are two elements to natural justice:

##### **(a) Fairness**

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

##### **(b) Prevention of Bias**

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

#### **6. General Procedures for Hearings**

- 6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:

- (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
- (ii) The Chairman will outline the procedure to be followed.
- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.



## **Report to the Licensing Sub Committee**

**Date of meeting: Tuesday 18<sup>th</sup> December 2018**

**Subject: New Premises Licence application for Fred and Dougs, 4 Station Road, Epping, Essex, CM16 4HA**

**Responsible Officer: Debbie Houghton, Licensing Officer**

**Democratic Services: Jackie Leither**

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**Epping Forest  
District Council**

### **Decisions Required:**

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

### **Report:**

#### **Application**

An application has been made by George Douglas Properties Ltd, for a new premises licence at 4 Station Road, Epping, Essex, CM16 4HA.

The application is for the following licensing activities,

#### **1. The Supply of Alcohol**

Monday to Sunday 09.00 – 23.00 hrs.  
(non standard timings Halloween and Christmas Eve to 0.00am, New Years Eve to 00.30am)

##### **Live Music**

Thursday to Saturday only 17.00 – 22.00

##### **Recorded Music**

Monday to Friday 07.00 – 23.00  
Saturday 08.00 – 23.00  
Sunday 09.00 – 23.00

##### **Opening times of the Premises**

Monday to Sunday 07.00 – 23.00 hrs.

As a result of deregulatory changes from 6<sup>th</sup> April 2015, no licence is required for the following activities,

Live Music between the hours of 08.00 – 23.00  
Recorded Music between the hours of 08.00 – 23.00

#### **2 The application was received on the 4<sup>th</sup> November 2018.**

The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

- 3 When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote of the licensing objectives. These are:
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 4 It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

### **Consultation**

- 5 The Responsible Authorities have all received a copy of the application, it was also advertised at the premises and in a local newspaper. The Blue notice and the newspaper advert are attached to the report.
- 6 All residences and businesses within 150 meters radius of the premises were individually consulted.
- 7 The authority has received 2 representations from residents, see copies of letters attached.
- 8 There was a response from Essex police with no representation to make but has agreed conditions with the applicant, copy of email is attached.
- 9 The Objections relate to the Prevention of Crime and Disorder, Prevention of Public Nuisance, and Public Safety and The Protection of Children from Harm.

### **Guidance Issued by the Secretary of State**

- 10 The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
- 11 Sections 2.15 to 2.21 of the Guidance are relevant to this application

### **Options**

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

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

- (c) refuse to specify a person as the premises supervisor, or
- (d) reject the application

### **Determination**

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

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

### **Appeal**

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

### **Background Papers Used In Preparing This Report:**

- The Licensing Act 2003  
<http://www.legislation.gov.uk/ukpga/2003/17/contents?view=plain>
- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003
- Epping Forest District Council's statement of licensing policy.  
<http://www.eppingforestdc.gov.uk>

### **Attached documents**

- Application for Premises Licence.
- Plan of the premises
- Newspaper advert and Public Blue Notice
- 2 letters of representations from residents.
- Response from Essex Police with agreed conditions

This page is intentionally left blank

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted  
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.

We James Berndes

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description  
4 Station Road, Epping, Essex, CM164HA

Post town	Epping	Postcode	CM16 4HA
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£
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**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |   |
|---|---|
| a) an individual or individuals *               | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐

I am making the application pursuant to a  
statutory function or ☐  
a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Berndes			First names James		
I am 18 years old or over				Yes <input type="checkbox"/>	Please tick yes
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]			Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Yes <input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name George Douglas Properties Ltd
Address 148 High Street Epping, Essex, CM164AG
Registered number (where applicable) [REDACTED]
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	02	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Fred and Doug's will be relocating from 148 High Street Epping to 4 Station Road, (previously trading as Eydees). The premises is currently undergoing refurbishment. Once finished the shop will offer food and beverages to customers as Fred & Dougs currently does. The focus of the business is currently on breakfast and lunch in a family friendly environment we would look to continue this service into the evenings.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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



**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat			
Sun			

# D

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

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	Yes
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)  Live music will only be played a maximum of once a week		
Thur	17:00	22:00			
Fri	17:00	22:00			
Sat	17:00	22:00	<b>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</b> (please read guidance note 5)		
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	Yes
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) Background music		
Mon	7:00	23:00			
Tue	7:00	23:00			
Wed	7:00	23:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	7:00	23:00			
Fri	7:00	23:00	<b>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</b> (please read guidance note 5)		
Sat	8:00	23:00			
Sun	9:00	23:00			

# G

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

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					






# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue						
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)			
Thur						
Fri			<b><u>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</u></b> (please read guidance note 5)			
Sat						
Sun						

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)	On the premises	Yes
				Off the premises	Yes
				Both	Yes
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)  Seasonal variations- halloween 24:00 and Christmas Eve to 24:00. Off the premises alcohol may be sold seasonally via hampers for example at Christmas and Valentines.		
Mon	9:00	23:00			
Tue	9:00	23:00			
Wed	9:00	23:00	<b><u>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</u></b> (please read guidance note 5)  variations- halloween 24:00 Christmas Eve to 24:00 New years Eve to 24:30		
Thur	9:00	23:00			
Fri	9:00	23:00			
Sat	9:00	23:00			
Sun	9:00	23:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name: James Berndes	
Address: 	
Postcode	
Personal licence number (if known) 	
Issuing licensing authority (if known) Epping Forest District council	

K

**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).**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon	7:00	23:00	<b><u>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</u></b> (please read guidance note 5)
Tue	7:00	23:00	
Wed	7:00	23:00	
Thur	7:00	23:00	
Fri	7:00	23:00	
Sat	7:00	23:00	
Sun	7:00	23:00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

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

Fred and Doug's business model is to provide food and drink in a family friendly environment to its customers. The business in order to promote a family friendly environment naturally takes seriously and promotes the four licensing objectives, prevention of crime and disorder, public safety, the prevention of public nuisance and prevention of children from harm, as detailed in the sections below naturally falls into its business objectives and will evolve and adjust where possible to improve on all objectives.

**b) The prevention of crime and disorder**

To prevent crime and disorder, measures have been identified and will be implemented and maintained to reduce/ prevent and stop underage drinking, drunkenness on the premises, public drunkenness, drugs, violence and anti-social behaviour.

Fred and Doug's will only promote customers to consume alcohol in conjunction with food to prevent drunkenness. Staff will also report any out of the ordinary activities to the designated premises supervisor "DPS" or most senior member of staff (by title) who will be experienced to manage the issue accordingly. If a situation occurred which the DPS felt illegal activities took place on the premises police would be called accordingly. The DPS will be designated and have day to day responsibility for running the premises by the premises licence holder.

Service staff will also be responsible for challenging members of the public requesting alcohol, for example customers will be challenged if they look under the age of 25. If a customer is challenged they will have to provide evidence they are the legal age by providing accredited 'proof of age' cards and/or photocard driving licences with photographs.

Staff will have their individual responsibilities but it will be the senior management within the company to ensure staff are abiding to the rules and that the staff have had the necessary training before conducting such tasks.

**c) Public safety**

Fred and Doug's will work in conjunction with fire services and other relevant health and safety parties to implement all the necessary measures to improve public safety at the premises. These measures included introducing a new fire exit to the rear of the property, in the case of an emergency the premises will allow people to evacuate not only from the front but to rear of the premises. The exits doors will be appropriately signed and have the relevant fire door safety certificates, it is the responsibility of the manager to ensure all exits are kept clear in accordance with the guidance. The premises will also have fire extinguishers/ blankets as appropriate.

As the premises focus is not to become a bar, we do not foresee large numbers of people standing at one Fred and Doug's will allocate a internal fire officer who will undergo the relevant training and advise members of staff accordingly of the procedures in case of emergency. The premises will be fitted with the relevant fire detection and warning systems.

d) The prevention of public nuisance

Fred and Doug's new premises, 4 Station Road, has no residential apartments above the premises. The surrounding the premises consist mainly of commercial on the ground floor and residential apartments above the commercial units, due to its location just off on the high street. To my knowledge no hospitals or hospices are in close proximity of the premises.

All activities provided in the premises are of a permanent nature which is providing food/ drink and potential small retail to the general public.

Fred and Doug's will also take preventive measures to reduce and control noise on the premises to prevent local surrounding businesses and residence being disturbed. Preventive measures include closing the front doors and back doors during busy evening periods and having the majority of the seating located to front of the premises with music only being played as background music, the focus of the premises is to provided a family friendly environment. If a complaint was to arise, preventive measures to reduce the risk of occurrence will be implemented.

The premises being based just off Epping high street offers a wide range of easy accessible public transport available. Two bus stops are within roughly 50 yards from the shop and the train station is only 5 minute walk. The shop is also convinitely located next to alternative to public transport with a taxi services, Elite Cars, located next door or an alternative local taxi company Lawlor Taxis located at the train station.

e) The protection of children from harm

As mentioned in the previous sections Fred and Doug's business model is to promote a family friendly environment, therefore allowing persons under the age of 18 onto the premises. Alcohol is not the primary focus of the premises (food and drinks will be promoted together) and any such person looking under the age of 25 will be challenged to provide evidence of their age by providing accredited 'proof of age' cards and/or photo card driving licences with photographs.

Due to the nature of the business we do not expect children to be exposed to foul language, if a customer was to use such language they will be approached by a senior member of staff and provided with a warning, failing this they will be asked to leave the premises.

No gambling, drugs or activates of a sexual nature will be tolerated on the premises and police will be contacted immediately in this instance.

No events will be aimed specifically at children.

The premises will provide internet facilities. These facilities will have adequate control settings put in place so web sites that are not suitable for use by children are permanently blocked.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures** (please read guidance note 10)

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

Signature	[REDACTED]
Date	02/11/18
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	Director

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

James Berndes

[REDACTED]

Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

#### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## Epping Forest District Council

### Consent of individual to being specified as premises supervisor

I James Bendes.....(insert name of prospective premises supervisor)

Of .....

.....  
(home address of prospective premises supervisor)

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for variation of designated premises supervisor

by .....James Berndes.....(name of applicant)

relating to premises licence .....(number of existing licence if any)

for ...4 Station Road, Epping, Essex, CM164HA

.....  
.....  
.....  
(name and address of premises to which application relates)

and any premises licence to be granted or varied in respect of this application made by the above applicant concerning the supply of alcohol at the above named premises.

I also confirm that I am applying for, intend to apply or currently hold a personal licence, details of which I set out below.

Personal Licence Number. ....(insert personal licence number, if any)

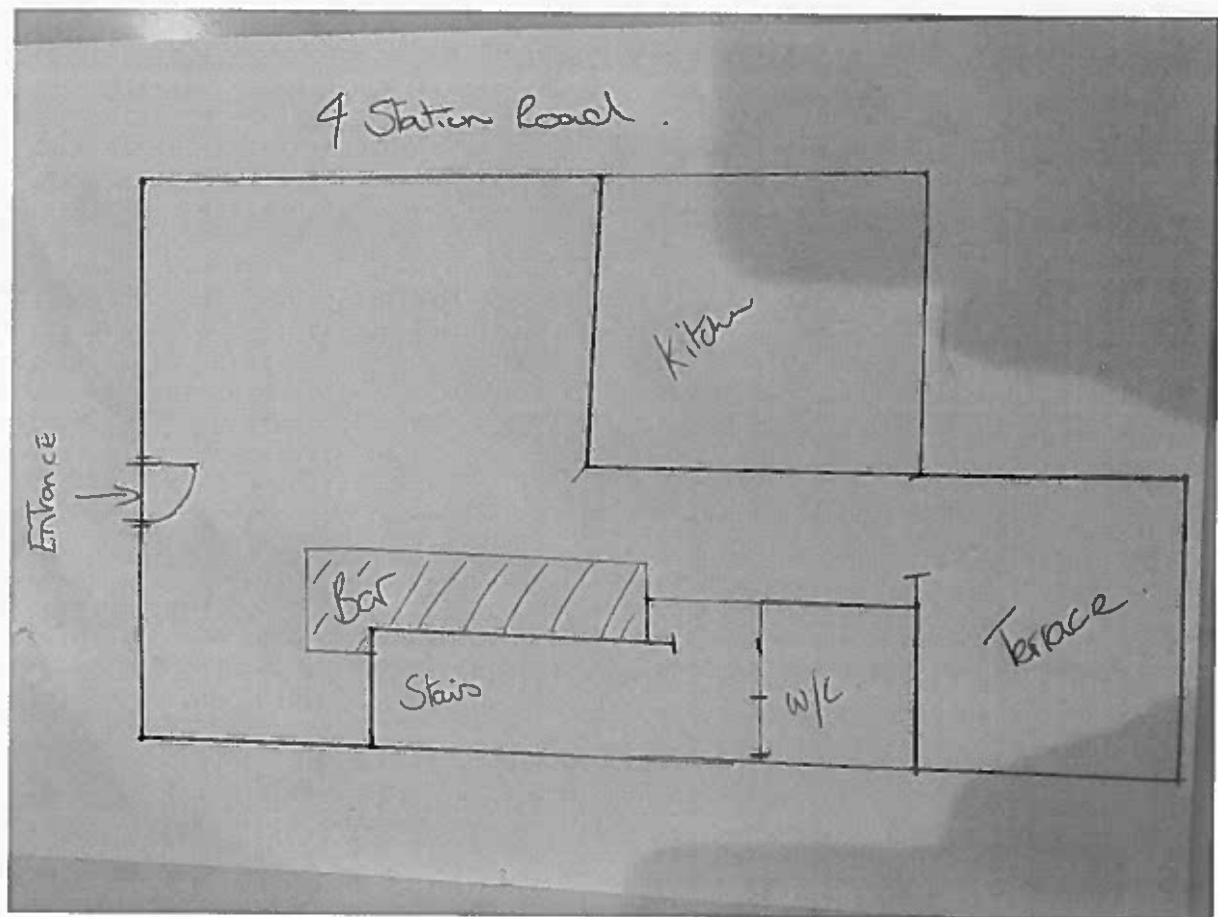
Personal licence issuing authority ...Epping Forest District Council  
..... (insert name, address and telephone number of issuing authority, if any)

Signed.....

Print Name...JAMES BERNDES.....

Dated.....31/10/2018.....





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

Notice is given this day 2<sup>nd</sup> November 2018 that George Douglas Properties Ltd (Trading as Fred and Doug's) has applied to the Licensing office of Epping Forest District Council for a Premises Licence in respect of 4 Station Road, Epping, Essex CM16 4HA

The proposed licence is for  
The Sale of Alcohol  
Monday to Sunday 09.00 – 23.00pm  
Opening times of the premises  
Monday to Sunday 07.00 – 23.00pm

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 premises licences may be inspected at this office during office hours. Anyone wishing to oppose 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)



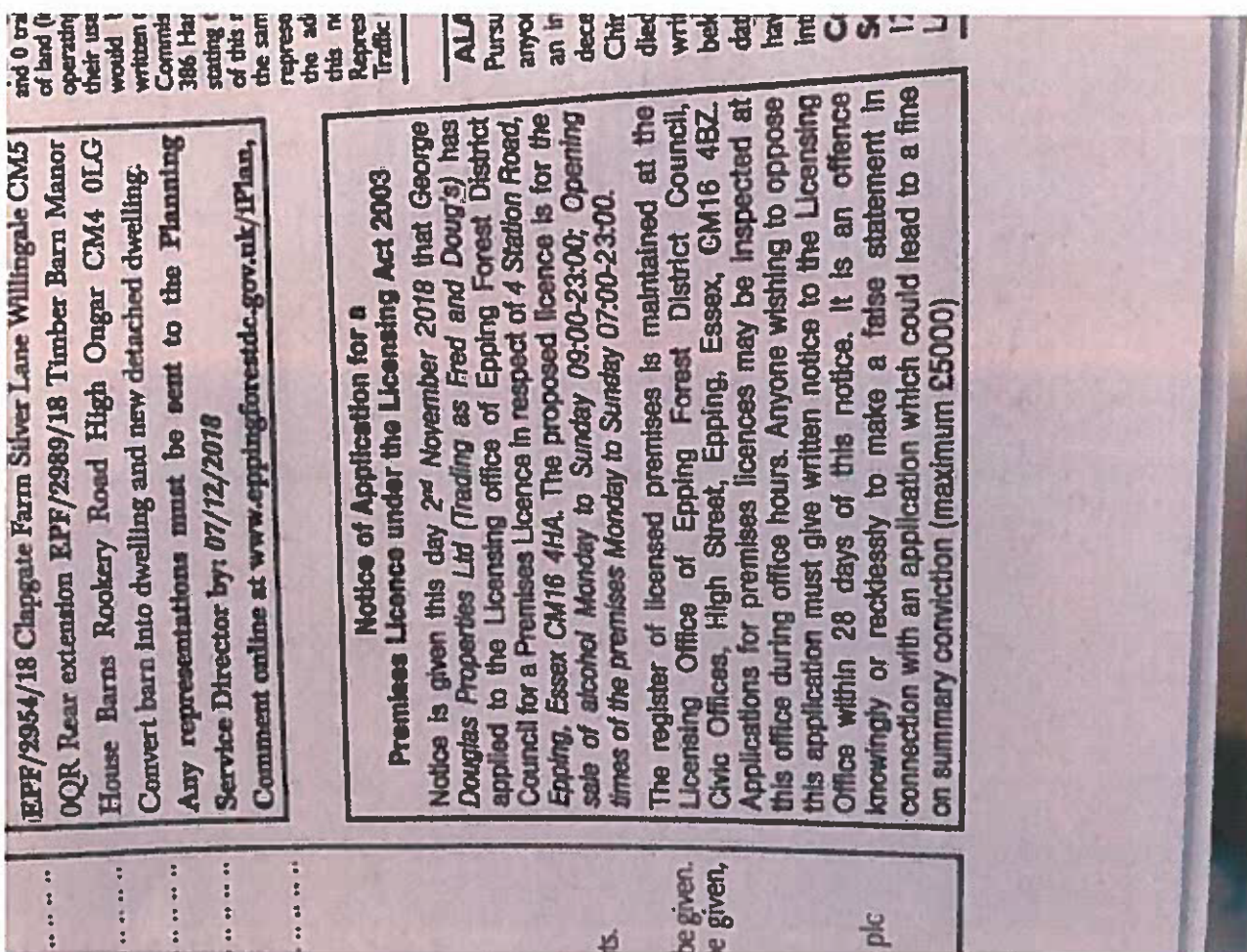
Debbie Houghton

From: James Berndes [REDACTED]  
Sent: 27 November 2018 09:36  
To: Debbie Houghton  
Subject: Re: Notice of application

Hi Debbie,

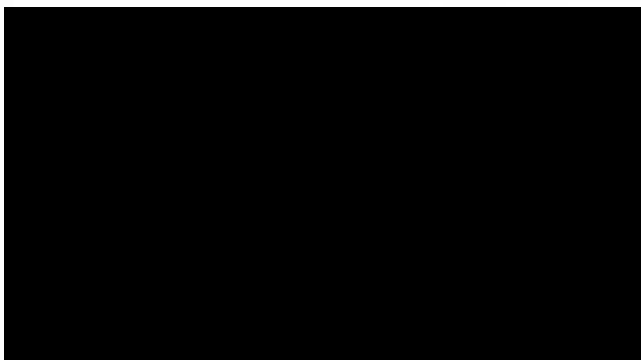
The paper has turned up please see picture attached.

Thank you  
James



Sent from my iPhone

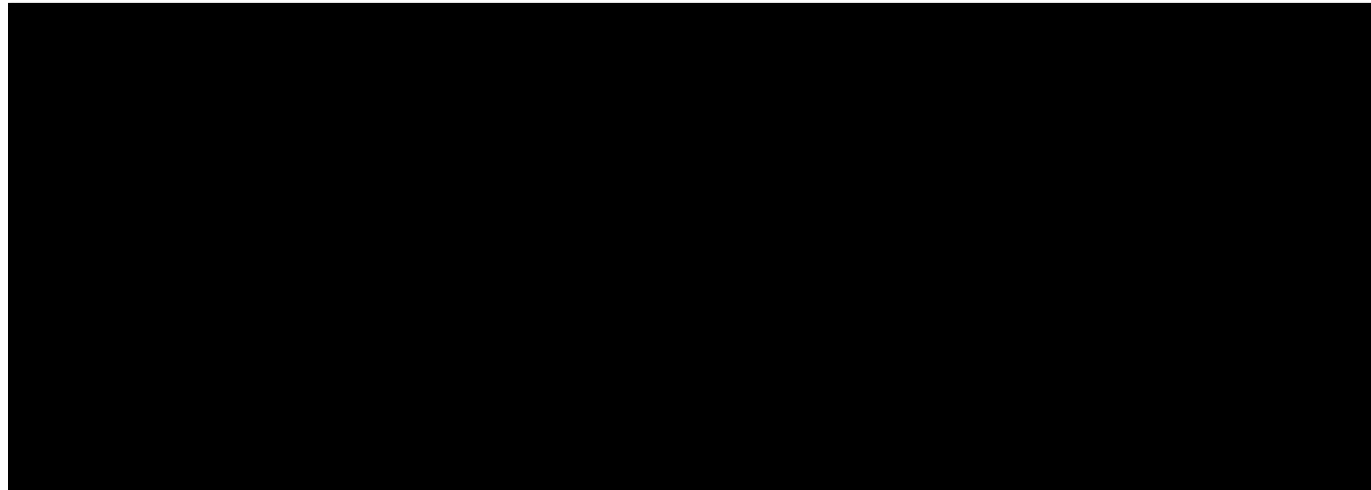
On 2 Nov 2018, at 15:03, Debbie Houghton <[dhoughton@eppingforestdc.gov.uk](mailto:dhoughton@eppingforestdc.gov.uk)> wrote:



**Licensing Officer**  
**Neighbourhoods Directorate**  
**Tel: 01992 564336**  
**E-mail: [dhoughton@eppingforestdc.gov.uk](mailto:dhoughton@eppingforestdc.gov.uk)**

---

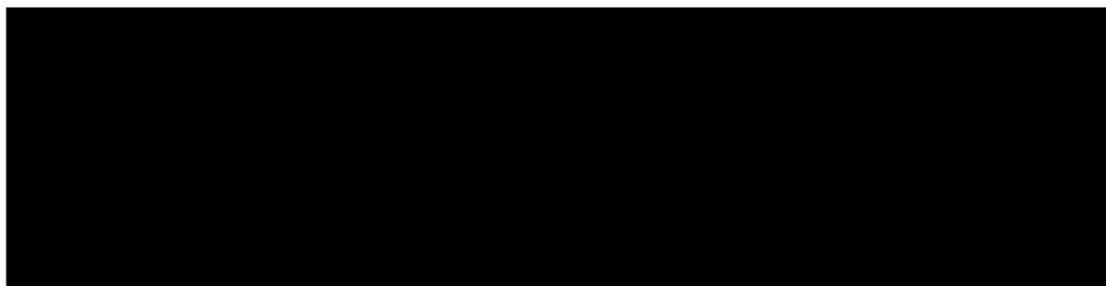
**From:** James Berndes [REDACTED]  
**Sent:** 02 November 2018 14:09  
**To:** Debbie Houghton  
**Subject:** Re: Notice of application



<image001.jpg>

<image002.jpg>  
Sent from my iPhone

On 2 Nov 2018, at 14:09, Debbie Houghton <[dhoughton@eppingforestdc.gov.uk](mailto:dhoughton@eppingforestdc.gov.uk)> wrote:



**Miss Debbie Houghton**  
**Licensing Officer**  
**Neighbourhoods Directorate**  
**Tel: 01992 564336**  
**E-mail: [dhoughton@eppingforestdc.gov.uk](mailto:dhoughton@eppingforestdc.gov.uk)**

---

**From:** James Berndes [REDACTED]  
**Sent:** 02 November 2018 14:09  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Notice of application



MICHAEL ISAACS  
Chartered Accountant  
[REDACTED] NICHOLL ROAD  
EPPING ESSEX [REDACTED]  
Telephone [REDACTED]

The Licensing Team,  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
CM16 4BZ

17th November 2018

Dear Sir.,

Application in respect of Premises Licences re 4 Station Road CM16 4HA  
Ref. WK/201883545

I have received E.F.D.C.'s letter of 6th November explaining how a representation may be made.

I wish to make such a representation because, in my opinion, the grant of the Licence will entail a substantial public nuisance. The premises are not in the High Street but in an area which is primarily residential. The combination of alcohol, music and seven day opening, with long and late hours, will create considerable noise and disturbance for residents

Also, from those homeward bound on foot via the Station and beyond, or by car or taxi, there will be further disturbance late at night to this residential area.

Yours faithfully,

[REDACTED]

 Hartland Road

Epping

Essex

CM16 4PH

November 15<sup>th</sup> 2018

**Your ref: WK/201883545**

Dear Sir or Madam

Thank you for your notice of consultation regarding “Fred and Doug’s” application to open a music bar at 4, Station Road, Epping, Essex. CM16 4HA.

As you are aware these premises are close by a residential area and for this reason, we believe that this will inevitably lead to problems for the residents.

You have listed the four grounds under which we can express our objections and we believe that the proposed use of these premises is likely to be relevant to all of them.

### **The prevention of crime and disorder**

The application suggests that the sale of alcohol will be available to patrons for 14 hours a day. We are all familiar with the news that crime is rising (we experienced a burglary in August of this year when 2 cars and a wallet were stolen from our house by two men who I am relieved to say are now in custody, awaiting trial) and we also know that alcohol can fuel unsociable activities like theft or in worst cases aggressive acts like knife-crime. It was not long ago that we had a horrific stabbing in the High Street. The culprits had been drinking heavily in a local bar.

## **Public safety**

There is no car-parking availability for these premises, except in nearby residential streets. This is likely to lead to cars dropping off or picking up patrons of the bar which in turn could lead to accidents among pedestrians, whose view of traffic would be reduced, as they attempt to cross Station Road.

## **The prevention of public nuisance**

This is probably the most compelling ground for objection to this plan. The Bar will be open until 11pm. As patrons leave the Bar, there will inevitably be noise, as they bid farewell to other patrons. We remember the years when these premises were used as restaurant facilities and the dreadful noise that we had to put up with as patrons made their way down Station Road, for the Underground or into Hartland Road where their cars were parked (often across the entrance to our house, preventing us from using our car). It was particularly unpleasant at weekends, less so during the week, but this Bar will be open until 11pm **EVERY EVENING**.

The proposal for “Live Music” Thursday to Saturday and “recorded music” every evening is also likely to exacerbate the noise, especially in the summer months, when doors and windows are open.

## **The protection of children from harm**

Over many years, we have heard “drunks”, both male and female, making their noisy way down Station Road to the Underground and their language and behaviour was not what you would want children to witness. In the holiday periods families often walk up Station Road, late at night, after a theatre trip to London, so there is the potential that they might come across patrons of the proposed bar who have “over imbibed.”

We have been residents of this house for 42 years and over recent months, we have enjoyed relative peace and quiet, since the closure of "EYDEES."

Our objective is not to be "kill-joys." We have no objection to bars and such places where people can socialise. There is such a bar already in the High Street, near St John's Church which we believe is an appropriate place as it is not close to residents, as would be the case if these plans are accepted by the Council.

Please take our concerns into consideration as you make your decision on this matter.

Yours truly

**Susan and David Seward**



## Debbie Houghton

---

**From:** Licensing Epping and Brentwood  
<licensing.epping.and.brentwood@essex.pnn.police.uk>  
**Sent:** 03 December 2018 13:21  
**To:** Licensing  
**Subject:** Applications  
**Attachments:** ATT00001.txt

Hi,

In respect of the following applications, Essex Police have **no representations** to make.

NEW PREMISES LICENCE – 4 Station Road, Epping

If you have any other applications that have not been responded to please advise, and I will look in to them.

Many Thanks

**Peter Jones (7706) MIOL, MBII**  
Essex Police Licensing Officer  
Epping Forest | Brentwood | Harlow

[REDACTED]

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**Debbie Houghton**

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**From:** James Berndes [REDACTED]  
**Sent:** 30 November 2018 14:27  
**To:** Licensing Epping and Brentwood  
**Cc:** Licensing  
**Subject:** Re: 4 Station Road - Premises Licence Application

Dear Peter,

Thank you for following up on your email. In the evening's we will be selling tapas styled food and small plates, I'm presuming this qualifies as a meal? The business as discussed is food focused with the wine accompanying the food. Not a bar! I'm happy to agree to all points mentioned in your email proving this concept is ok. Please not people will be eating and drinking at the tables as mentioned in your points? Thank you

Kind Regards,  
James

On 15 Nov 2018, at 15:18, Licensing Epping and Brentwood

[REDACTED]:  
Dear Mr Berndes,

In respect of your application for a premises licence at 4 Station Road, Epping I write with a view to agree conditions with you to promote the licensing objectives.

I would firstly like to understand the level of 'off sales' you will be making as your current premises restricts this to hampers. If this is the case then I would ask for this to be clearly stipulate on the licence. If however; you are offering take away food with alcohol; then an alternative condition may be more appropriate.

Please see the attached schedule of conditions; which I hope to agree with you.

I look forward to hearing from you either way.

Peter  
**Peter Jones (7706) MIOL, MBII**  
Essex Police Licensing Officer

[REDACTED]

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[notice/](https://www.essex.police.uk/copyright-privacy/) or <https://www.essex.police.uk/copyright-privacy/> <4 Station Road - Conditions.pdf> This email and any other accompanying document(s) contain information from Kent Police and/or Essex Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. The content, including any subsequent replies, could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning Kent Police on 01622 690690 or Essex Police on 01245 491491, as appropriate.

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**Debbie Houghton**

---

**From:** Licensing Epping and Brentwood  
**Sent:** 03 December 2018 08:59  
**To:** James Berndes  
**Cc:** Licensing  
**Subject:** RE: 4 Station Road - Premises Licence Application

Hi James, TI would accept tapas as a table meal, as it is a style of meal. Not a 'bag of crisps' affair.

Licensing – please note the comments and acceptance of conditions.

Peter

---

**From:** James Berndes <[REDACTED]>  
**Sent:** 30 November 2018 14:27  
**To:** Licensing Epping and Brentwood <[REDACTED]>  
**Cc:** EFDC Licensing <licensing@epping.brentwood.gov.uk>  
**Subject:** Re: 4 Station Road - Premises Licence Application

Dear Peter,

Thank you for following up on your email. In the evening's we will be selling tapas styled food and small plates, I'm presuming this qualifies as a meal? The business as discussed is food focused with the wine accompanying the food. Not a bar! I'm happy to agree to all points mentioned in your email proving this concept is ok. Please not people will be eating and drinking at the tables as mentioned in your points? Thank you

Kind Regards,  
James

---

On 15 Nov 2018, at 15:18, Licensing Epping and Brentwood <[REDACTED]> wrote:

Dear Mr Berndes,

In respect of your application for a premises licence at 4 Station Road, Epping I write with a view to agree conditions with you to promote the licensing objectives.

I would firstly like to understand the level of 'off sales' you will be making as your current premises restricts this to hampers. If this is the case then I would ask for this to be clearly

stipulate on the licence. If however; you are offering take away food with alcohol; then an alternative condition may be more appropriate.

Please see the attached schedule of conditions; which I hope to agree with you.

I look forward to hearing from you either way.

Peter

**Peter Jones (7706) MIOL, MBII**

Essex Police Licensing Officer

Epping Forest | Brentwood | Harlow

[REDACTED]

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