

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Wednesday, 16th May, 2018

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 10.00 am

Democratic Services: V Messenger (Direct Line 01992 564265)
Email: democraticservices@eppingforestdc.gov.uk

- 7. APPLICATION FOR A TEMPORARY EVENT NOTICE - THE SUN INN, COMMON ROAD, NAZEING EN9 2DE (Pages 3 - 28)**

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Report to the Licensing Sub Committee

Date of meeting: 16th May 2018

Subject: Application for a Temporary Event Notice – The Sun Inn, Common Road, Nazeing EN9 2DE



**Epping Forest
District Council**

Responsible Officer: H Ibrahim, Licensing Compliance Officer (01992) 564153

Democratic Services: V Messenger, Democratic Services Officer
(01992) 564265

Decisions Required:

To determine the application for a new Temporary Event Notice under the Licensing Act 2003.

Report:

Application

1. An application has been made by Mr Karl Crunkhurn for a new Temporary Event Notice at The Sun Inn, Common Road, Nazeing, EN9 2DE. The application is for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The application was received on the 18th April 2018.

Licensing Act 2003

2. 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.
3. It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

Consultation

4. The Responsible Authorities for the police and the Environment and Neighbourhood team were consulted.
5. The authority has received a representation from the Environment and Neighbourhood officer Michael Richardson, via email and letter which are attached.

Guidance Issued by the Secretary of State

6. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.

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:

- approve the Licence applied for
- add conditions to the Licence or
- 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
- Letters/email of objections from Environment and Neighbourhood officer Michael Richardson
- Counter Notice



• required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

Yes No

Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

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Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Premises licence number

Location Details

Provide further details about the location of the event

Mods and rockers festival located in the garden of the premises.

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

FENCED BEER GARDEN

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

PUB BEER GARDEN , NOT CLOSE TO ANY RESIDENTIAL AREA

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

THEME NIGHT WITH LIVE MUSIC , TICKETED EVENT

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises [\(see also guidance on completing the form, note 6\)](#):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 7\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 8\)](#)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

14:00-22:00

[\(see also guidance on completing the form, note 9\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

400

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
 Off the premises only
 Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

MUSIC BETWEEN 2PM-10PM

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Continued from previous page... Any further relevant details

INDEFINATE LICENCE

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 14\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices you have given for events in that same calendar year

1

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 15\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

State the total number of temporary event notices your associate(s) have given for events in the same calendar year

2

Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

State the total number of temporary event notices your business colleague(s) have given for events in the same calendar year

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Yes No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 17\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 18\)](#)

* The information contained in this form is correct to the best of my knowledge and belief

Continued from previous page...

- * I understand that it is an offence:
- * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- *

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name	<input type="text" value="KARL CRUNKHURN"/>
Capacity	<input type="text" value="MANAGER"/>
Date	<input type="text" value="18"/> / <input type="text" value="04"/> / <input type="text" value="2018"/> dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/epping-forest/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="SUN INN NAZEING"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 Next >

Handan Ibrahim

From: Michael Richardson
Sent: 20 April 2018 13:09
To: [REDACTED]
Cc: Handan Ibrahim
Subject: TEN Sun Inn, Nazeing Common - WK201858855

Date: 20 April 2018

Subject: Licensing Act 2003
Sun Inn, Nazeing Common, Nazeing, Waltham Abbey, Essex, EN9 2DE

Dear Mr Crunkhurn

On behalf of the Council's Neighbourhoods Directorate, I confirm receipt of copies of your applications dated 18 April 2018 that I received the same day regarding the above mentioned property, in relation to a proposed event on 2 June 2018 (Mods and Rockers Festival) between 14:00-22:00hrs. I understand from our conversation you also submitted an application for an event on 7 July (which I have not seen as yet) and also an event on 5 May (which The Environment & Neighbourhoods team did not comment on, for reasons unknown).

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

1. The events are both proposed for outside between 14:00 and 22.00 hours i.e. potentially 8 hours of music. No noise controls have been suggested. It has been noted that there are two properties that border the outside area that may be disturbed by music from the events for a significant duration at an unknown level. At least one of these event is proposed to be limited to 400 people. An event of this size is likely to require a volume of music that will be audible at neighbouring noise sensitive premises and potentially cause a public nuisance.
2. As you are aware, noise abatement notices were served in September 2017 on the DPS, Paul Gould and the manager at the time, Robbie Burns. I am concerned that licencing these events may open Mr Gould up to prosecution should complaints be received, and a breach of the noise abatement notice be witnessed. I therefore do not wish to jeopardise Mr Gould's finances, and criminal record, by recommending such an event goes ahead.

If you would like to discuss the matter or have any written comments, please do not hesitate to contact me. I should be happy to meet you and Mr Gould at the premises to discuss in more detail the proposed events.

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

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

Yours sincerely

Michael Richardson
Environment & Neighbourhood Officer
Neighbourhoods Directorate
Epping Forest District Council
High Street
Epping
Essex
CM16 4BZ

(01992) 564422

mrichardson@eppingforestdc.gov.uk



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For more information on the Environment & Neighbourhood Team, click on the following link:
www.eppingforestdc.gov.uk/environment-and-neighbourhoods-team

From: Paul Gould [REDACTED]
Sent: 27 April 2018 13:21
To: Michael Richardson
Subject: Re: WK201858869 - TEN at Sun Inn, Nazeing Common

Thanks for your time this week Michael. This all sounds good to me. I will be touch on the 8th May as outlined in your email. In the mean time I will ensure all your points are actioned for the 5th May.

Many Thanks, Paul Gould

Sent from my iPhone

On 27 Apr 2018, at 13:17, Michael Richardson <MRichardson@eppingforestdc.gov.uk> wrote:

Dear Paul

Thanks for meeting me on Wednesday to discuss the proposed events to be held at the Sun Inn over the next 3 months. As you are aware, I am concerned that the events have the potential to cause a public nuisance, and also for you to breach your noise abatement notice. However, I'm willing to work with you, to ensure that you can have a viable event and not cause significant disturbance to your neighbours.

As agreed during our meeting, the following action will be taken for the event on 5 May 2018, to see if any complaints are received, and to ensure that future events can proceed without the likelihood of causing a significant problem:

- 1) Stage to be moved to the middle of the field, so it is equidistant from neighbouring properties.
- 2) Increase speaker distribution around the site... with speakers up on the patio, and around the area to improve the sound for customers. Ensure that any speakers are not pointing towards the neighbours, nor are they close to the boundary of the site.
- 3) Look at more directional speakers from the stage, to concentrate the sound in the desired areas, and reduce the "spill" of the sound beyond the boundary of the pub.
- 4) Keep an eye on the bass levels. These may need to be reduced, as the bass is the issue which will travel the furthest.
- 5) Keep a log of all complaints received, and the action taken to resolve the issue.
- 6) Carry out regular monitoring of noise on the boundary with residents, and turn the music down if it is clearly audible at these boundaries.
- 7) You to contact all neighbours, and inform them of the upcoming events. Ensure they have your contact number, should they be disturbed on the evening of the events, and also see if there is any arrangement that can be made between them to reduce the disturbance they experience.
- 8) Review the first event, to be held on 5 May 2018 after 8 May

Regards

Mike

Michael Richardson
Environment & Neighbourhood Officer
Neighbourhoods Directorate
Epping Forest District Council
High Street
Epping
Essex
CM16 4BZ

(01992) 564422

Handan Ibrahim

From: Michael Richardson
Sent: 01 May 2018 15:32
To: Handan Ibrahim
Subject: FW: WK201858869 - TEN at Sun Inn, Nazeing Common

Hi Handan

This is what was agreed so far

I'll let you know what the outcome is over the weekend.

Mike

Michael Richardson
Environment & Neighbourhood Officer
Neighbourhoods Directorate
Epping Forest District Council
High Street
Epping
Essex
CM16 4BZ

(01992) 564422
mrichardson@eppingforestdc.gov.uk



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mrichardson@eppingforestdc.gov.uk

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Epping Forest District Council
Postmaster@Eppingforestdc.gov.uk

Handan Ibrahim

From: Michael Richardson
Sent: 09 May 2018 12:34
To: 'Paul Gould'
Cc: Handan Ibrahim
Subject: RE: WK201858869 - TEN at Sun Inn, Nazeing Common
Attachments: 20170926 Gould notice and letter.pdf

Dear Paul

Further to our meeting the other week, I thought I would update you on the situation regarding the event held on 5 May 2018. This email also serves as a further clarification for my representation to the Temporary Event Notice application for the event to be held on 2 June 2018, and also supports my original email of 20 April 2018.

As you are aware, a noise abatement notice was served on you last September after the event held on 2 September 2017. (Please see attached copy and letter). This was for an event for which you were granted a Temporary Event Notice, but which the Council's Environment & Neighbourhood's team objected to it, due to our concerns regarding the event creating a public nuisance. The event was granted at the hearing on 17 July 2018, with restrictions to the time, however when Richard Gardiner visited the area in response to complaints on 2 September 2017, he was of the opinion that the level of music was unreasonable, and causing a statutory noise nuisance. When the Council is satisfied that a statutory noise nuisance exists, or is likely to occur, it is required to serve a noise abatement notice. The event held on 5 May 2018 was also subject to a granted Temporary Event Notice.

We have (to date) received 9 complaints from different properties regarding the event held on 5 May 2018. Most of these have been in the Back Lane area (west and south west to the pub), but also closer. All have complained that the level of music was excessive. The furthest property who complained was about 700m away from the pub.

The duty noise officer visited the area at between about 18.07 – 19.35 hours, and carried out some noise monitoring at a property which was about 450m away from your premises. She could hear what appeared to be recorded music (which would have been played between acts), a compare shouting "are you ready", and live music. The live music appeared louder than the "background" music, but was clearly audible. This included covers of tracks by Prince, Madonna, White Snake, Guns 'n' Roses and The Bangles. The bass beat was not the only part of the music that was audible, but the lyrics and instrumentation were identifiable. She was of the opinion that the noise was excessive, causing a public nuisance and breaching the noise abatement notice. We are currently reviewing the evidence to see if there is enough evidence to prosecute you for breaching the noise abatement notice, and may be inviting you in for an interview to discuss the matter.

We currently have an issue with our software to download and analyse the recordings taken, but hope to have this resolved sometime this week, to provide you with some more data.

My concerns in my email, dated 20 April 2018, regarding the proposed event on 2 June 2018 still stand, as it is clear that these "festival" events held in the field to the rear the Sun Inn will cause a public nuisance, even if you carried out the steps outlined in my email below. In our view it is not possible for you to have the music volume you require for a large event, and avoid public/statutory nuisance, bearing in mind the close position of a number of neighbouring noise sensitive premises to the Sun Inn. We note for example that the façade of Sun Cottage is estimated to be 80m from the stage, where we envisage the music level will need to be in the region of 95dBA for a viable event.

I am happy to meet you again on site to discuss the matter, and would welcome your written comments concerning the suggestions outlined below, and what was/was not actioned. If you have any photographic or documentary evidence regarding these proposals, please can you also provide them.

Regards

Mike

Michael Richardson
Environment & Neighbourhood Officer
Neighbourhoods Directorate
Epping Forest District Council
High Street
Epping
Essex
CM16 4BZ

(01992) 564422

mrichardson@eppingforestdc.gov.uk



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To: Michael Richardson
Subject: Re: WK201858869 - TEN at Sun Inn, Nazeing Common

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Many Thanks, Paul Gould

Sent from my iPhone

On 27 Apr 2018, at 13:17, Michael Richardson <MRichardson@eppingforestdc.gov.uk> wrote:

Dear Paul

Thanks for meeting me on Wednesday to discuss the proposed events to be held at the Sun Inn over the next 3 months. As you are aware, I am concerned that the events have the potential to cause a public nuisance, and also for you to breach your noise abatement notice. However, I'm willing to work with you, to ensure that you can have a viable event and not cause significant disturbance to your neighbours.

As agreed during our meeting, the following action will be taken for the event on 5 May 2018, to see if any complaints are received, and to ensure that future events can proceed without the likelihood of causing a significant problem:

- 1) Stage to be moved to the middle of the field, so it is equidistant from neighbouring properties.
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- 8) Review the first event, to be held on 5 May 2018 after 8 May

Regards

Mike

Michael Richardson
Environment & Neighbourhood Officer
Neighbourhoods Directorate
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Epping Forest District Council
Postmaster@Eppingforestdc.gov.uk

Date: 26 September 2017

Mr Paul Frank Gould
Sun Inn,
Nazeing Common,
Nazeing,
EN9 2DE

Civic Offices
High Street
Epping
Essex
CM16 4BZ

Our Ref: WK/201733190
Your Ref:

Dear Mr Gould

**Environmental Protection Act 1990
Sun Inn, Nazeing Common, Nazeing, EN9 2DE
Nuisance from loud music**

In response to complaints about music emanating from the above mentioned property on 2 September 2017, the duty noise officer visited the area and witnessed loud music emanating from your premises, between 7.30pm and 8.40pm. The music and an amplified voice from a D.J. were audible inside a neighbouring noise sensitive property and very clearly audible in the garden of that property. Two complaints were received from different noise sensitive properties when the event was occurring. It was allegedly even louder earlier in the day when live music was being played. The event was witnessed from a neighbouring noise sensitive property, although not the closest residential property.

Although the event was authorised under a Temporary Event Notice, and was restricted in duration by that authorisation, the volume was excessive. The amplified voice of the D.J and the bass beat of the music were particularly intrusive.

I apologise for the delay in writing to you (due to a high volume of work and other commitments). The Council is obliged to serve a noise abatement notice when satisfied that a statutory nuisance exists, or is likely to occur or recur. We are satisfied that a statutory nuisance is likely to occur in the future. 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 course of action you should take to ensure that you 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 advice.

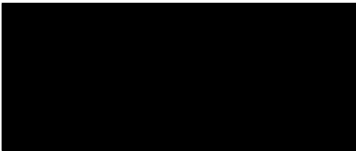
Failure to comply with this notice may result in the matter being passed to the Council's Solicitor for the instigation of legal proceedings to be considered. If a notice is breached, the Council will consider using powers available to seize any noise making equipment capable of breaching the notice. 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.

Monitoring may 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.

For your information, two abatement notices have been served; on Paul Frank Gould and Robbie Burgess. We believe that both of these individuals have responsibility/control over events.

Yours sincerely



Richard Gardiner
Environment & Neighbourhood Manager
Tel No: (01992) 564089
Email: rgardiner@eppingforestdc.gov.uk

c.c.

McMullen and Sons Ltd, 26 Old Cross, Hertford, Hertfordshire, SG14 1RD

Epping Forest District Council



Environmental Protection Act 1990 Section 80 Notice

Notice Reference: WK201734190

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE

To Paul Frank Gould

of Sun Inn, Nazeing Common, Nazeing, EN9 2DE.

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 Sun Inn, Nazeing Common, Nazeing, EN9 2DE.

[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 an unlimited fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of a nuisance.

DATED: 26 September 2017

(Signed) [Redacted Signature]

Richard Gardiner
Environment & Neighbourhood Manager
(The officer appointed for this purpose)

Address for all communications:

Director of Neighbourhoods
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.

I certify that this is a true copy of the notice I had delivered to the Sun Inn, Nazeing Common, Nazeing on 26/09/17 at 14-29 hrs [Redacted] (Richard Gardiner) witness: [Redacted] (Richard Gardiner) 26/09/17 at 16:02 hrs.

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 87 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 exercising 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.

COUNTER NOTICE

The prescribed form for a counter notice is as follows:

Counter Notice – Permitted Temporary Activities

On 18th April 2018 the licensing authority received from you, Karl Crunkhurn, a temporary event notice, in respect of a proposed temporary licensable activities due to take place on 2nd June 2018 at Sun In Public House, Common Road, Epping Nazeing, EN9 2DE. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003.

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

If you disagree with the licensing committee’s decision, you can appeal to your local magistrates’ court. You must do this within 21 days, and at least 5 working days before the date of your event.

SIGNATURE	On behalf of the licensing authority	DATE	8 th May 2018
Name of Officer signing			



