



Monday to Saturday 06.00 – 00.30; and  
Sunday 06.00 – 23.00.

All responsible authorities had been notified and it had been advertised at the premises and in a local newspaper. The Licensing Authority had received a representation from the Ward Councillor, which related to the Prevention of Public Nuisance.

b) Presentation of the Applicant's Case

The Solicitor advised that the applicant had lived at the premises for ten years and had been the current DPS for 2 years. The application was requesting to extend the opening hours in the morning, to potentially capture commuters and passing trade for breakfast service. Similarly, the variation to the outside area for licensable activities was for the potential increase use of the premises for weddings and events. The premises had held various temporary events in the outside area, throughout this year and the applicant wished to increase and continue this purpose. The Applicant had addressed the additional conditions that the Essex Police had suggested on pages 51 – 53 of the agenda which included CCTV and an Age Verification Policy.

The Solicitor advised that PPL ran around 3000 other premises and had not received any complaints or problems with this type of application. There had also been no representations from the Statutory Authorities. Furthermore several conditions had been offered by the applicant to address the objectors concerns as set out in an email dated 4 December 2018 between Councillor N Avey and the Council.

c) Questions for the Applicant from the Sub-Committee

The Sub-Committee asked whether the car parking facilities were large enough to cope with these types of events, due to the rural location and lack of suitable parking available on the surrounding roads. The applicant advised that an overflow car park could be provided and they had not yet experienced any issues. The premises had just under an acre of land that could be used for this purpose.

The Sub-Committee raised concerns regarding the noise issues that could arise from the increased usage. The applicant advised that they had spoken to the Environmental Health Team regarding ideas on preventing or reducing the noise and that they had not received any complaints following the recent events that had been held.

The Sub-Committee questioned whether the marquee would be taken down in between events. The applicant advised that he hoped that the usage would be continual throughout the summer period, but if it was not used for a period of time, it would be brought down to prevent damage. Also the customer would dictate the position of the marquee, depending on the type of event. Previous events had seen the marquee positioned at the far end of the field and another had been attached to the pub.

The Sub-Committee asked about the DPS. The Applicant advised that he currently was the only DPS but that his father would also become trained. Furthermore, all staff had received the relevant training.

The Sub-Committee questioned whether the applicant had any ideas on the trade that was expected for the early opening hours. The applicant advised that they were

not aware at this time, although the car park had suffered from commuters parking all day and walking to the station, so some passing trade was expected.

Finally the Sub-Committee questioned whether a purchase of breakfast would enable commuters to park all day at the premises. The applicant advised that this was not his intention as the premises was open in the day to other customers.

d) Questions for the Applicant from the Objector

The objector asked who the applicant expected at 06.00. The applicant advised that he was not yet aware but would like the opportunity, although commuters had used the car park, so they may wish to have a tea or coffee before work.

Further concerns were raised by the objector which included the position of the marquee, the rural location and feel of the premises, noise issues rising from the current use, the smoking area and the suggested opening times.

The applicant advised that the premises were becoming unviable, unless other options were considered. The marquee would be situated away from the neighbours as far as possible and they were looking into moving the smoking area. The applicant felt that the opening hours would capture people before work and later opening times would not be of any benefit.

e) Presentation from the Objector

The objector represented a number of residents from within his Ward. He advised that it was a rural pub, in a quiet location, and although the premises were struggling in these times, residents had enjoyed the quietness. The plans to increase the usage of the pub for events throughout the summer would impact on the surrounding neighbours. He stated that with the late evenings and suggested early start times, this would be detrimental to the neighbours with not only the potential noise issues but also the movement of vehicles early in the mornings and late in the evenings.

The objector advised that he had been confused by the commuters issues raised, as the pub was some 20 minute walk on a rural road from the station. The application would increase traffic, impacting on the surrounding neighbours and he hoped that the applicant takes on board the comments of the neighbours to prevent any issues in the future. The applicant advised that he had no intention of inconveniencing the neighbours and his solicitor advised that the applicant was only requesting the flexibility of the opening hours to ensure the business continued. Any evidence or issues could be brought back to the Licensing Sub-Committee.

f) Questions from the Sub-Committee

The Sub-Committee asked what times did residents think were suitable. The objector advised Monday - Saturday 09.00 and Sunday 10.00 would be sufficient.

g) Questions from the Applicant

There were no questions from the applicant.

h) Closing Statement

The applicant added no further comments.

i) Consideration of the Application by the Sub-Committee

The Sub-Committee withdrew from the Council Chamber, whilst considering the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

**RESOLVED:**

That the application to vary the premises licence in respect of The Merry Fiddlers, 4 Fiddlers Hamlet, Epping, Essex, CM16 7PY be granted subject to the following conditions, which the Council considered were reasonable, proportionate and in the public interest for the promotion of the licensing objectives;

(1) The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003;

(2) That the opening times be amended to 07.00 – 00.30 Monday to Saturday and 08.00 – 23.00 Sunday;

(3) That a notice shall be prominently displayed at all exits and in the external area requesting customers to respect the needs of local residents and leave the premises and area quietly;

(4) That no waste or recyclable materials including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours the following day;

(5) That when regulated entertainment, including live and recorded music, is taking place, regular boundary noise checks shall be conducted and any required action shall be taken. Records detailing the sound checks and any required action shall be recorded. All records must be written and shall be retained on the premises for a minimum of 12 months;

(6) That staff shall monitor the customers in the external areas of the premises on a regular basis and ensure customers do not cause a public nuisance;

(7) That a direct telephone number for the manager of the premises shall be made available to residents in the vicinity, to call all times the premises are open; and

(8) That after 23.00 hours when regulated entertainment, including live and recorded music, is being provided inside the premises all external windows and doors shall be kept closed, except in the event of an emergency and to permit access and egress to and from the premises.

**28. New Premises Licence application for Shell Half Moon, 24 - 36 High Street, Epping, Essex, CM16 4AE**

The three Councillors that presided over this item were Councillors R Morgan (Chairman), L Hughes and J M Whitehouse.

The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed L W Charalambides, Barrister for Shell UK Oil Products Ltd, M Brown, the Agent from P.P.Lockett & Co and an objector P Scammell.

## a) Application before the Sub-Committee

The Licensing Compliance Officer, D Houghton introduced the application. The application had been made by Shell UK Oil Products Ltd, for a new premises licence at 24 – 36 High Street, Epping, Essex, CM16 4AE. The application was for the following;

**The Supply of Alcohol**

Monday – Sunday 07.00 -23.00

All responsible authorities had been notified and it had been advertised at the premises and in a local newspaper. The Licensing Authority had received a representation from the Essex Police relating to the premises being an “excluded premises” under Section 176 of the Licensing Act 2003 and asked that a “footfall” analysis for the sales of petrol ratio to other commodities be submitted. There were also three resident objections, which related to the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety; and the Protection of Children from Harm.

The Chairman asked whether Essex Police would be present. The Licensing Compliance Officer advised that the applicant had supplied the information requested regarding the footfall analysis, therefore satisfying their requirements. Furthermore their objections had been removed and they would not be attending.

## b) Presentation of the Applicant’s Case

The barrister for Shell Oil UK Ltd advised that they had spoken to the objector before the meeting, to establish her main concerns. It appeared that the problems were about an area of land and thicket that she believed to be in the ownership of the petrol station, which gathered rubbish and attracted vermin. The barrister advised that the agent and objector would be visiting the site after the meeting to look at the issues and if the thicket was in the ownership of the premises, various solutions would be considered. The barrister advised that the applicant would be happy to include a condition in the licence to keep the site clear of litter and ensure that two litter picks per day were continued. He also advised that the applicant would undertake investigation into the ownership of the thicket and create an action plan within a six month period, if it was under their control.

The barrister advised that there was no evidence, nor could any weight be placed on the objectors representations as none of the responsible authorities had raised any concerns. The Licensing Act enabled residents or the Council to request a review of the license, if any issues were to be raised.

## c) Questions for the Applicant from the Sub-Committee

The Sub-Committee asked who would be the Designated Premises Supervisor (DPS). The barrister advised that the site manager would become the DPS. Further questions were asked about the footfall methodology and how the information was produced. The barrister advised that the information was based on data gathered through till receipts, which separated purchases into fuel, the convenience store and both. The barrister advised that Case Law had determined that there was no correct way of compiling the data, although the sales from the convenience store and the cash machine added to the viability of the fuel station. Finally the Sub-Committee enquired why the fuel station needed to sell alcohol as there were many other

premises within the vicinity and why alcohol in particular. The barrister advised that other premises selling alcohol could not be taken into consideration and that the convenience store was exactly that; they were there to provide a range of products to meet their customers' needs and alcohol formed part of that.

d) Questions for the Applicant from the Objector

The Objector had no questions for the applicant's representatives.

e) Presentation from the Objector

The objector advised that following the conversation with the applicants' representatives before the meeting, they had discussed the main concerns of the residents, which included the litter in the thicket and the associated vermin. If the particular area was changed into a hardstanding area this would prevent this issues experience by the neighbourhoods and potential stop any anti-social behaviour or gatherings in this area. The barrister advised that they would investigate the issues that had been raised by the objectors at the site today, to establish a better understanding.

f) Questions from the Sub-Committee

The Sub-Committee had no further questions for the objector.

g) Questions from the Applicant

The applicant had no questions for the objector.

h) Closing Statement

The Barrister had nothing further to add.

i) Consideration of the Application by the Sub-Committee

The Sub-Committee withdrew from the Council Chamber, whilst considering the application in private. During their deliberations the Sub-committee received no further advice from the officers present.

**RESOLVED:**

That the application for a new premises licence in respect of the Shell Half Moon, 24 – 36 High Street, Epping, Essex, CM16 4AE be granted subject to the following conditions, which the Council considered were reasonable, proportionate and in the public interest for the promotion of the licensing objectives;

- (1) To include the conditions set out within the Operating Schedule;
- (2) To include the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003;
- (3) That the applicant would engage in two litter picks per day; and
- (4) That the entire area and curtilage of the site was kept clear of litter.

It was noted that the applicant would undertake an investigation into the ownership of the thicket and clearing of the detritus within six months of this decision.

CHAIRMAN