

## APPENDIX E

20.10.2022

White Roding

Dunmow

Essex CM6 1RU

### OBJECTION

Proposed Licensee Stone & Coal, Warwicks, Warwicks Corner, White Roding, Dunmow, Essex CM6 1RU

Sir/Madam,

In accordance with the Licensing Act 2003 I wish to make representations regarding the proposed above application in accordance to Licensing objectives. However firstly we wish to set out the background:

#### Background

The Applicant without planning permission or consent has established a pop-up bar, café and bbq (pop-up). He continues to be in flagrant breach of planning laws although it is his expressed intention to eventually have a restaurant built on that site. Consequently the premises have not been subject to Health & Safety Executive inspections to ensure the safety of staff and members of the public; there is no disabled access or facilities in breach of the Equalities Act 2010; there is no fire escape route to protect members of the public (especially given he uses live flames and coals, despite the drought conditions the area has faced with Essex Fire Services having to have battles to put out fires during this drought period); there has been no Fire Service inspection; there has been no Police inspection of the premises; there are no Public Liability Certificates suitably displayed as a Limited Company; there is no apparent appropriate waste disposal for commercial waste; and although having traded from the premises in breach of planning since March Environmental Health has only just visited - accordingly the proposed Licensee demonstrates utter contempt for legislation and by-laws. I find it staggering that a Licensing Officer of the Authority believe they can legally issue a Licence to a premises which is not lawful. It is of deep concern that the proposed Licensee having breached all requirements of him is deemed a fit and proper person to have been granted a temporary licence let alone applying for a permanent licence which will clearly be detrimental to the community.

#### Relevant Representations

##### The Prevention of Crime and Disorder

It is evident that we will be subject to drunk and disorderly behaviour in an environment where alcohol and possibly other substances are involved. This is not an acceptable risk to be placed on existing residents as the proposed activity will increase numbers of people, vehicles and other nuisances including urinating in a public place due to the lack of appropriate toilet facilities.

The proposed Licensee demonstrates a disregard for local residents especially having hosted numerous noisy events.

Because of the rural nature of Stone & Coal it makes it untenable for police officers to meaningfully police and support the local communities against possible crime. The police would also have to travel substantial distances in relation to public order offences or disturbance, in other words they could not respond to a major incident rapidly in case of, for example, an affray.

### Public Safety

It is evident from the Authorities own planners that Stone & Coal have neither attempted nor succeeded in obtaining planning permission. All of its conduct and activities are therefore against the Law. We will again re-iterate it is deeply troubling that officers of the Authority have been granting temporary licences without ascertaining the lawful status of Stone & Coal and the public safety as a consequence. As previously stated there is no appropriate entrance or exit and no planning in relation to a fire. It should be noted Warwicks is a Grade II listed thatched cottage which could easily be set on fire by the activities of Stone & Coal. It ignores the greater safety to the public of an unforeseen wild fire given we are surrounded by farmland, shrubberies, hedgerows and mature trees. Many of the premises in close vicinity of Warwicks are timber clad (clapper board, wattle & daub etc) therefore placing residents life and safety at risk. There is no appropriate parking and cars are currently parked randomly which also raises a public safety issue as it blocks roads and escape routes. Furthermore there are no appropriate footpaths or street lighting and people could fall and injure themselves especially if intoxicated. It is also troubling if a car should catch on fire given they are parked close to the barbeque coals. The proposed Licensee's current conduct has put residents lives at risk especially given HSE, the Fire Service and/or the Police Service have not inspected the suitability and safety of an unlawful pop-up café, bar, bbq.

### The Prevention of Public Nuisance

The Licensing Officer to date has shown little regards to the public nuisance caused to residents in a quiet rural community when granting temporary licences. Their decision making is flawed in any circumstance as the proposed Licensee is operating without planning consent so the issuing of the licence in our view could be subject to Judicial Review. Currently we are disturbed by the noise of music; loud voices which carry in a very quiet rural community close to our property and garden. The proposed principle hours of the business late at night is clearly not compatible with this location. There is limited parking available and their customers already cause a nuisance regarding parking. The premises has no parking facilities on its own property, instead customers are parking on grass verges, other people's curtilage and blocking country lanes which provide us, but more importantly, emergency services with access to villagers. The proposed licence suggests a future intent to create a night club which is highly inappropriate for the area and/or an events venue, again all without planning permission of course. The frequent customers who cause a public nuisance with or without intent considerable alarm and distress to those having to tolerate the noise and disruption to people's daily lives. It is also not clear of what additional noises will occur due to the clearing of commercial waste including large amounts of bottles and cans. We are deeply troubled that this licensing application could have even been considered on a premises without appropriate inspections or planning consent.

### The Protection of Children from Harm

We are reliably informed that the noise nuisance from the proposed Licensee is negatively impacting on children and their sleep. Children need to go to school and cannot benefit from appropriate education if too tired. Moreover vehicles parking inappropriately, driving too fast on country lanes and being oblivious to children playing on bikes as they do now has been ignored. Children will also be subject to observing inappropriate adult behaviour worsened by alcohol consumption which is likely to cause them alarm and distress.

Finally, in conclusion, the licence application is wholly inappropriate but moreover cannot be issued as the premises has no planning permission and the current temporary licence for 29<sup>th</sup> October 2022 needs to be revoked immediately as one cannot licence an event on a premises which has no planning consent and is subject to ongoing enforcement. The failure of officers from different departments to liaise between themselves, the Police, HSE and Fire Service let alone the community is simply inappropriate and unacceptable practice. In cause and effect it is unreasonable and amounts to a failure in statutory duties. One cannot undertake decisions in isolation in cases such as these but collectively together. We are aware that the proposed Licensee, like ourselves, will have the right of review at the local Magistrates Court.

Yours faithfully,

Chris and Judy Strong