

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub Committee **Date:** 17 January 2023

Place: Council Chamber - Civic Offices **Time:** 2.15 - 3.47 pm

Members Present: J M Whitehouse (Chairman), T Matthews, P Stalker and D Stocker

Other Councillors:

Apologies:

Officers Present: A Hendry (Democratic Services Officer), H Gould (Licensing Compliance Officer), D King (Licensing Manager), N Cole (Corporate Communications Officer), G Oakley (Principal Litigation Lawyer) and L Ridley (Senior Business Support Officer)

62. WEBCASTING INTRODUCTION

The Chairman made a short address to remind everyone present that the meeting would be broadcast to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

63. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Council's Members' Code of Conduct.

64. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business and the Terms of Reference.

65. ZAGROS MARKET, 8 HIGHBRIDGE STREET, WALTHAM ABBEY EN9 1DG - APPLICATION FOR A VARIATION TO THE PREMISES LICENCE

The three Councillors that presided over this application were Councillors J M Whitehouse (Chairman), T Matthews and P Stalker. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee.

In attendance for the application was the applicant Mr Suleyman Hayirli and two colleagues from Atlas Licensing as well as Mr Nigel Carter their agent.

There were no objectors present.

(a) Application before the Sub-Committee

An application was made by Atlas Licensing Limited on behalf of Suleyman Hayirli having applied to the Licensing office at Epping Forest District Council for a new Premises Licence in respect of Zagros Market, 8 Highbridge Street, Waltham Abbey, Essex, EN9 1DG (Grocery store)

The application was received on 15th November 2022 and seeks to supply alcohol during the following hours and for consumption OFF the premises:

Monday to Sunday 08:00 hours to 23:00 hours

The opening hours are the same.

All Responsible Authorities have received a copy of the application.

It was advertised at the premises and in the local newspaper. All residents and businesses within 150 metre radius were also informed by letter.

The authority had received 2 objections from local residents.

(b) Presentation of the Applicant's case

The applicant's Agent, Mr N Carter outlined the application. He noted that there had been no objections raised by the responsible authorities and only from two residents, both from the same address.

He noted that:

- A similar premises nearby and nearby off licences had longer hours and so did a local pub;
- This was a grocery/convenience store;
- All suggested conditions had been agreed;
- Although this premises will complete with the other premises referred it would not adversely affect the four licensing objectives, especially on public nuisance and crime and disorder;
- He had attempted to engage with the objectors, but they failed to respond to him.

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

The Sub-committee asked the applicant what he thought the most important thing was in managing the store. The applicant replied that he had been doing this for over 15 years and had gained a lot of experience. He would not sell alcohol to under age persons and those that were drunk already, he was aware of the consequences for doing these things.

(d) Closing Statement from the Applicant

The Applicant had nothing further to add.

(e) Consideration of the Application by the Sub-Committee

The Chairman advised that the Licensing Sub-Committee would go into private session to consider the application and left the Council Chamber.

The Licensing Sub-Committee considered that the application satisfied the necessary requirements in order to be considered, as it was on the prescribed form, it had been advertised and the relevant notifications given.

The Licensing Sub-Committee had taken into account the relevant written and oral representations, the four licensing objectives and the Council's Licensing Policy and the Secretary of State's guidance.

During its deliberations in private session the Sub-Committee received no further advice from the officers present.

RESOLVED:

That the application for a premises licence for Zagros Market, 8 Highbridge Street, Waltham Abbey, Essex EN9 1DG, be granted for the consumption of alcohol off premises Monday to Sunday between 08.00 and 23.00 with the opening hours for the same times subject to the following conditions which were considered reasonable and proportionate and in the public interest for the promotion of the licensing objectives.

1. The conditions which are consistent with the operating schedule submitted by the applicant within the agenda.
2. The premises shall clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a "challenge 25" policy is in force and all staff engaged in the sale of alcohol at the premises shall have received training in respect of this policy and how to recognise drunkenness and the duty not to serve drunken persons. Refresher training shall be carried out at least every six months.
3. The refusal records must be updated as soon as possible after any refusal of sale of alcohol and in any event within 4 hours of the refusal and the records must be made immediately available to the police, trading standards or licensing authority staff upon reasonable request. The records shall be retained for a minimum of 12 months from the date of the last entry.
4. All staff training records shall be retained at the premises and be available for inspection at any time in either electronic or paper format and be retained for a minimum period of twelve months.
5. Also attached would be the mandatory conditions contained in sections 19-21 of the Licensing Act 2003.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision and of the review mechanism under the Licensing Act 2003 because of any matters arising in the future at the Premise in connection with any of the four licensing objectives.

66. VINCE'S RESTAURANT & BAR, 58 SUN STREET, WALTHAM ABBEY EN9 1EJ - APPLICATION FOR A VARIATION TO THE PREMISES LICENCE

The three Councillors that presided over this application were Councillors J M Whitehouse (Chairman), T Matthews and P Stalker. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee.

In attendance for the application was the applicant Mr Vincent Martorana.

In attendance objecting to the application was N Glasscock, EFDC Environmental Enforcement Officer and R McManus, Essex Police Senior Licensing Officer.

(a) Application before the Sub-Committee

An application was made by La Regina Restaurant Limited for a variation to their Premises Licence in respect of Vince's Restaurant & Bar, 58 Sun Street, Waltham Abbey, EN9 1EJ.

The application was received on the 30th November 2022 and seeks to vary the existing hours as follows:

Supply of alcohol;

Monday to Wednesday.....11:00 to 01:30 (currently 11:00 to 00:00)

Thursday to Saturday.....11:00 to 02:30 (currently 11:00 to 01:00)

Sundays.....12:00 to 01:30 (currently 12:00 to 00:00)

Live and recorded music;

Sunday to Wednesday.....12:00 to 23:00 (currently 12:00 to 22:00)

Thursday.....12:00 to 00:00 (currently 12:00 to 23:00)

Friday to Saturday.....12:00 to 01:30 (currently 12:00 to 00:00)

Late night refreshment;

Sunday to Wednesday.....23:00 to 01:30 (currently 23:00 to 00:00)

Thursday to Saturday.....23:00 to 02:30 (currently 23:00 to 01:00)

Opening hours ;

Monday to Wednesday.....11:00 to 01:30 (currently 11:00 to 00:00)

Thursday to Saturday.....11:00 to 02:30 (currently 11:00 to 01:00)

Sunday.....11:00 to 01:30 (currently 12:00 to 00:00)

An additional hour Christmas Eve and Boxing Day, New Year's Eve / day to start of permitted hours on the following day. (as before)

The consultation period ran from 1st December 2022 to 28th December 2022.

All Responsible Authorities had received a copy of the application.

It was advertised at the premises and in the local newspaper. All residents and businesses within 150 metre radius were also informed by letter.

The authority has received:

3 objections from local residents

1 objection from the Council's Safer Communities Department

1 objection from Essex Police

(b) Presentation of the Applicant's Case

The applicant, Mr V Martorana outlined his application and advised that the restaurant business had changed since Covid, the hours they were open were not sufficient for the business they were doing and there were now more private events. There was also another premise across the road that had a 2am licence and they were losing customers to this establishment. They will be trying to retain customers that would normally go across the road.

(c) Questions for the Applicant from the Objectors

There were no questions from the objectors.

(d) Questions for the Applicant from the Sub-Committee

The Sub-Committee asked the following questions:

How necessary was it to stay open so long, was it just to compete with you competitor or was it for the viability of your business. The applicant said they were all entwined, people leave at 11pm to go across the road and continue drinking. Smaller parties are getting rarer, and we were losing money. They had seen a 25% decrease in sales over the last 2 years, now the bulk of the business was events parties.

Were there any issues with you staff having to work later and still maintain a safe environment. They were told it would be only an hour or one and a half hours extra. Their shifts start at 6 to 7pm and they no longer had a lunch service. He was comfortable that there would be no safety issues for customers.

The police were concerned with other people coming late and have suggested no admissions after midnight. The applicant said he was happy not to let in people after midnight.

Was the terrace shown an open space? They were told that it was glassed over.

(e) Presentation of the Environmental Enforcement Officer

The Environmental Enforcement Officer was concerned about the noise coming from the premises and requested that noise limiter be fitted for all amplified sound. She also had concerns about the late closing times and that they could attract customers from other premises. At closing you would get noise from taxis and people leaving and requested a change in the hours.

(f) Questions for the Environmental Enforcement Officer

The applicant said that a noise limiter would be too restrictive for the layout of his establishment.

Asked by the Sub-Committee if she could say more about the level of noise in the area the officer said that they had complaints about this premises and more for the premises across the road, where they had a noise abatement notice issued. There were also problems from the fish shop when it closes at 1am.

The Principal Litigation Lawyer reminded the meeting that this Council did not have a cumulative effect policy and each application should be considered on its own merits.

The Sub-Committee asked for a brief explanation on how the noise limiter worked and the environmental enforcement officer did so also noting that a lot of businesses were having them installed nowadays (about 80%) either voluntarily or after advice from the council's enforcement officers.

(g) Presentation of the Essex Police Senior Licensing Officer

The senior Licensing officer commented that if this application was to be granted it would be out of kilter with the other businesses in the area, but he accepted that the other businesses had longer opening hours.

He noted that at 2.30am there was no public transport, and few taxis were around which posed a problem for people trying to get home. A 2.30 finish was too late for this area.

(h) Questions for the Essex Police Senior Licensing Officer

The applicant had no questions.

The Sub-Committee asked if stopping new people from entering a from 12 midnight would help with his concerns. They were told that people would still go to “pre-loading” places and then on to later opening venues. And this still did not help if people could not get home.

(i) Closing statements

The objectors had nothing to add to their statements.

The Applicant said that he would be happy to close at 2am and to let no one in after 12 midnight. But he was not happy with having a noise limiter installed.

(j) Consideration of the Application by the Sub-Committee

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application.

The Sub-Committee considered what was appropriate to promote the four licensing objectives and the relevant parts of the Council’s Licensing Policy and the Home Office’s guidance.

Resolved:

That the application for a premises licence for Vince’s Restaurant and Bar, 58 Sun Street, Waltham Abbey, Essex EN9 1EJ, be granted for the following:

1. The supply of alcohol Thursday to Saturday 11.00 to 02.00.
2. Live and Recorded music as applied for.
3. Late Night Refreshment Thursday to Saturday 23.00 to 02.00
4. Opening Hours Thursday to Saturday 11.00 to 02.00.
5. All door and windows shall be closed from 23.00 when live or recorded music is being played apart from allowing customers to enter and exit the premises.
6. There shall be no new admissions of customers after midnight on any day.

There be no other variations to the:

- Current permitted hours for the sale of alcohol;
- Current permitted opening hours;
- Current permitted late night refreshment hours; and
- Existing conditions on the licence other than as varied above.

The Licensing Committee having considered the application to vary the Premises Licence, the representations made, the existing conditions on the Premises Licence and it was of the opinion that the application as made would have an adverse effect on the promotion of the licensing objectives namely, prevention of crime and prevention of public nuisance as referred to in the objections made by Essex Police, the Council’s Community Resilience Team and local residents and that the existing, new and varied conditions will still uphold the said objectives.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

The applicant is also reminded that if the conditions of the Licence are breached, the matter can be reviewed by the Licensing Sub-Committee and the premises licence can be looked at again.

CHAIRMAN