

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 18 December 2018

Place: Council Chamber - Civic Offices **Time:** 10.00 - 11.01 am

Members Present: M Sartin (Chairman), S Heather, P Keska and C P Pond

Other Councillors: D Stocker

Apologies:

Officers Present: A Mitchell (Assistant Director (Legal Services)), J Leither (Democratic Services Officer) and K Tuckey (Licensing Manager)

29. DECLARATIONS OF INTEREST

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

30. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

31. NEW PREMISES LICENCE APPLICATION FOR FRED AND DOUG'S, 4 STATION ROAD, EPPING, ESSEX, CM16 4HA

The three Councillors that presided over this item were Councillors M Sartin, (Chairman), C P Pond and P Keska.

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 Mr J Berndes, the Designated Premises Supervisor (DPS) and Mrs S Seward, Objector.

(a) Application before the Sub-Committee

The Licensing Compliance Officer introduced the application for a new premises licence for Fred and Doug's, 4 Station Road, Epping CM16 4HA. The application had been made by George Douglas Properties Limited on the 4 November 2018.

The Supply of Alcohol

Monday to Sunday 09:00 – 23:00 hrs

(non standard timings Halloween and Christmas Eve to 00:00 hrs. New Years Eve to 00:30 hrs)

Live Music

Thursday to Saturday only 17:00 – 22:00 hrs

Recorded Music

Monday to Friday 07:00 – 23:00 hrs

Opening times of the Premises

Monday to Sunday 07:00 – 23:00 hrs

The Licensing Compliance Officer advised that on the 6 April 2015 the playing of live and recorded music between the hours of 08:00 – 23:00 hrs was deregulated and could therefore not be taken into account.

All responsible authorities had been notified and it was advertised at the premises and in a local newspaper. The Licensing Authority had received representations two local residents. A response had also been received from Essex Police with no representations to make but had agreed conditions with the applicant:

(i) Prevention of Crime and Disorder

The premises shall have installed and maintained a closed circuit television surveillance (CCTV) system.

- CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
- CCTV cameras shall cover all entrances and exits and the areas where alcohol sales take place;
- Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days; and
- Upon the reasonable request of the police or licensing authority staff, within 48 hours provide viewable copies of recordings.

Signs must be displayed at all entrances and exits advising customer that CCTV was operating at the premises and shall be a minimum size of 200x148mm and clearly legible at all times when the premises conducts licensable activities.

A staff member from the premises who was conversant with the operation of the CCTV system should be available at all times when the premises were open to the public. This staff member must be able to show Essex Police or other Responsible Authorities recent data or footage with the absolute minimum of delay.

(ii) Public Safety

The premises must operate as a restaurant for the sale of alcohol for consumption **on** the premises:

- In which customers must be seated at a table;
- Which provides substantial table meals that are prepared on the premises and are served and consumed at a table;
- Where alcohol must not be sold, supplied or consumed on the premises other than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals; and
- Service of alcohol shall be by waiter/waitress only.

For the sale of alcohol for consumption **off** the premises; alcohol must be in a sealed container and sold in connection with substantial food or as part of a hamper.

All staff engaged in the sale or supply of alcohol on the premises should have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training should be carried out at least every six months. Training records would be kept on the premises (or otherwise accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

(iii) Protection of Children from Harm

A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age would be required to produce, on request, an item which meets the mandatory age verification requirement and is either a:

- Proof of age card bearing the PASS Hologram;
- Photocard driving licence;
- Passport; or
- Ministry of Defence Identity Card.

The premises shall clearly display signs at each point of sale and in areas where alcohol would be displayed advising customers that a 'Challenge 25' policy was in force. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.

(b) Presentation of the Applicant's Case

The Applicant advised the Sub-Committee that he had been trading in the High Street, Epping for over two years and wanted to assure residents that the new premises would never run as a bar. The premises would be a table service restaurant and alcohol served with food at the table.

Music would be played in the background so that customers could talk amongst themselves without having to shout.

The Applicant stated that he would be willing to give local residents, if requested, his contact details so any concerns they may have they would be able to contact him.

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

The Sub-Committee asked if the background music would be extended out onto the terrace. The applicant advised that the background music would not extend onto the terrace.

The Sub-Committee asked how often would there be live music and was there an area set up inside the restaurant for a band. The applicant advised that live music would be no more than once a month or for a special occasion and would consist of a singer and maybe a guitarist. There wasn't any area set up for a band and tables would have to be taken away to make room.

The Sub-Committee noted that the fire exits led out onto the terrace and asked if the terrace was fully enclosed or did it lead out to the main road. The Applicant advised that from the terrace there was an alleyway that led out into Hemnall Street.

(d) Questions for the Applicant from the Objector

The Objector asked how would the staff be trained as in the conditions set out by Essex Police. The Applicant advised that on site training would be given by him as the Designated Premises Supervisor (DPS) and if this was not sufficient they would bring in third party trainers. A record of training and identifying training needs would be kept on the premises.

The Objector asked how would the Applicant provide his contact details to residents. The Applicant replied that he would send a letter to any resident that expressed any concerns, with his contact details.

(e) Presentation of the Objector

The Objector advised that she was not objecting to what went on inside the restaurant but what happened after the clients left the premises. As previously advised the premises had already been run as a licensed restaurant and the concerns of residents were the parking of patrons cars in the nearby streets, blocking drives and the noise they would make when going back to their cars by calling out goodnight etcetera.

(f) Questions for the Objector from the Sub-Committee

The Sub-Committee stated that the concerns of residents was around the noise of the customers when leaving the restaurant and asked if the Objector had any proof that the people came from the previous restaurant. The Objector stated that on occasion her drive would be blocked and she had to go to the previous restaurant and ask if the car belonged to anyone at the restaurant and could it be moved as the drive was in constant use.

(g) Questions for the Objector from the Applicant

The Applicant had no questions.

(h) Closing Statement from the Objectors

The Objector had nothing further to add.

(i) Closing Statement from the Applicant

The Applicant had nothing further to add.

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

The Sub-Committee asked that everyone not party to the decision making to withdraw from the Council Chamber, whilst they considered the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

(1) That the application for a new premises licence in respect of Fred and Doug's, 4 Station Road Epping 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;

- (2) That the additional hours for Halloween as a seasonal variation be refused;
- (3) That a contact telephone number should be provided to residents in the area, on request;
- (3) That the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003 be noted; and
- (5) That the conditions consistent with the Operating Schedule which had been modified to include the agreed conditions set out above from the Epping and Brentwood Licensing Officer, Peter Jones.

CHAIRMAN