

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 3 March 2020
Place: Council Chamber - Civic Offices **Time:** 10.00 - 10.52 am
Members Present: S Neville (Chairman), J M Whitehouse and M Sartin
Other Councillors: D Stocker
Apologies: Councillors S Heather and D Sunger
Officers Present: L Cole (Legal Services Officer), H Ibrahim (Licensing Compliance Officer), D Houghton (Licensing Compliance Officer) and J Leither (Democratic Services Officer).

50. SUBSTITUTE MEMBERS

The Committee noted that Councillor M Sartin would substitute for Councillor D Sunger for the duration of the meeting.

51. DECLARATIONS OF INTEREST

No declarations of interest were made by members of the Sub-Committee, pursuant to the Council's Code of Conduct.

52. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

53. APPLICATION TO VARY AN EXISTING PREMISES LICENCE - T&G'S TAPAS BAR AND BISTRO, 154 HIGH ROAD, LOUGHTON IG10 4BE

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

In attendance on behalf of the application was the owner Georgina Whitney and Tom Robertson, Director.

The following objectors were also present, Judith Walker representing the Loughton Residents Association and Stuart Richardson.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application.

(a) Application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim informed the Sub-Committee that an application to vary the Premises Licence had been received in respect of T&G's Tapas Bar and Bistro, 154 High Road, Loughton IG10 4BE.

The application had been received by the authority on the 23 January 2020. A copy of the present licence for the premises, the application for variation and the public notice were attached to the agenda.

The applicant was requesting an extension to the current hours for the sale of alcohol and the hours the premises were open to the public as follows:

	<u>Sale of Alcohol</u>	<u>Premises Opening Hours</u>
Monday to Saturday	11.00am – 11.30pm	7.00am – 11.30pm
Sunday	11.00am – 11.30pm	8.00am – 11.30pm

The application had been properly advertised and the Council had received four representations relating to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

(b) Presentation of the Applicant's Case

Ms Whitney informed the Sub-Committee that the current hours were until 5.00pm and that she wanted to extend the licence to be able to sell food and run the premises as a restaurant.

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

Councillor Whitehouse asked if sales of alcohol would be with food only.

The Applicant advised that there was a bar area but it was not big enough for standing room therefore customers would have to wait for a table and would be sold alcohol without food.

Councillor Sartin asked how the previous company had operated.

The Applicant advised that she was not sure as the previous company had only been open for approximately three months.

The Chairman asked the applicant if she was willing to change the hours of business to close at 11.00pm every night.

The Applicant confirmed that she would be willing to close at 11.00pm Sunday to Thursday but would like to stay open until 11.30pm on Friday and Saturday.

Councillor Sartin asked the applicant why they opened at 7.00am Monday to Saturday and 8.00am on Sunday.

The Applicant advised that she thought they would get the early morning breakfast trade but they had not so she was now opening at 9.00am Monday to Saturday and 10.00am Sunday.

(d) Questions for the Applicant from the Objectors

Mr Richardson asked the Applicant for clarification as to whether the premises was a restaurant or a bar, it had been referred to as a restaurant, but the name inferred that it was a bar.

Ms Whitney agreed that the name was slightly misleading, but the business was definitely being promoted as a restaurant and not a bar.

Mr Richardson stated that the extractor fan was very noisy so could they be turned off when there was no cooking taking place.

The Chairman advised that this was not a licensing matter for this Sub-Committee to consider as it would come under planning.

The Applicant advised that last food orders were at 9.30pm and the kitchen closed at 10.00pm so the fans would get turned off then but if they were having a quiet night then they would be turned off earlier.

(e) Presentation from the Objectors

Mr Richardson informed the Sub-Committee that he lived behind the premises, the business that operated at the premises before were open until 5pm daily and 11pm on a Friday. The main concerns I have was the door at the rear of the premises was left open and you could hear the music, the staff coming out to smoke and the disposal of rubbish. That was my main objection the noise and the disturbance from the rear of the premises and I would ask that the door be kept closed from 10.00pm each night.

Ms Walker informed the Sub-Committee that the LRA objected to the hours of opening as this would cause a public nuisance. She stated that this was a residential area and if the premises were to close at 11.30pm by the time customers left the restaurant and got to their cars it would be nearer to 12.00am that they would be leaving. Many people have to be up early for work; therefore we would ask for the premises to be brought into line with similar establishments in Loughton and close at 11.00pm.

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

Councillor Sartin asked the Objectors if they would be agreeable to the restaurant closing at 11.00pm Sunday to Thursday and 11.30pm Friday and Saturday.

The Objectors agreed and Mr Richardson added his concern about the rear door being opened until that time and asked if that could close earlier.

The Licensing Compliance Officer advised on page 30 of the agenda, the conditions stated that the rear door would be locked at 17:00 hours but highlighted that the premises did close at 17:00 hours during the working week.

The Chairman stated that the condition relating to the rear door closing be amended and suggested 10.00pm.

Councillor Whitehouse asked Mr Richardson how far away he lived from the rear of the premises.

Mr Richardson advised that he lived 20-25 metres away.

(g) Questions for the Objectors from the Applicant

The Applicant had nothing further to add.

(h) Closing Statement from the Objector

The Objectors 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 Chairman requested that Members and Officers withdraw from the chamber while they considered the application in private. During their deliberations the Sub-Committee received no further advice from the Officers present.

RESOLVED:

That the application to vary a Premises Licence for T&G's Tapas Bar and Bistro at 154 High Road, Loughton, IG10 4BE, be granted subject to the following conditions, which in the opinion of the Sub-Committee are reasonable, proportionate and in the public interest for the promotion of the licensing:

- (1) That the opening times are from 7.00am to 11.00pm Sunday to Thursday and 7.00am – 11.30pm Friday and Saturday;
- (2) That the Licensable activities are from 11.00am to 11.00pm Sunday to Thursday and 11.00am to 11.30pm Friday and Saturday. Late night refreshment from 11.00pm to 11.30pm Friday and Saturday; and
- (3) Subject to the existing conditions on the license and amendment to Annex 2 – Conditions consistent with the Operating Schedule, prevention of public nuisance, now reads:

‘The rear door of the premises will be closed and there will be no access in or out of the premises via that door from 22:00 hours each day.’

CHAIRMAN