

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Licensing Sub-Committee                      **Date:** 17 September 2019

**Place:** Council Chamber, Civic Offices, High Street, Epping                      **Time:** 10.00 - 11.30 am

**Members Present:** Councillors R Morgan (Chairman), J Jennings, P Stalker

**Officers Present:** L Cole (Legal Services Officer), D Houghton (Licensing Compliance Officer), H Ibrahim (Licensing Compliance Officer), S Tautz (Democratic Services Manager)

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### **20. DECLARATIONS OF INTEREST**

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

### **21. PROCEDURE FOR THE CONDUCT OF BUSINESS**

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

### **22. APPLICATION FOR PREMISES LICENCE - HARLEY'S BISTRO & LOUNGE, 184 HIGH STREET, EPPING**

The Sub-Committee considered an application for a premises licence for Harley's Bistro and Lounge, 184 High Street, Epping.

The applicant, Mr. U. Kesen was in attendance at the meeting. The objector to the application, Mr. P. Charman, was also in attendance. The Chairman of the Sub-Committee introduced the members and officers present at the meeting and outlined the procedure that would be followed by the Sub-Committee in its determination of the application.

#### **(a) Application before the Sub-Committee**

The Licensing Officer introduced the application for a new premises licence, which was for the sale by retail of alcohol on the premises only from Monday to Sunday from 10.00 to 22.30.

The Sub-Committee was advised that the opening times of the premises were from Monday to Sunday from 07.00 to 23.00 and that the Operating Schedule set out conditions which would be attached to the licence if the application was granted.

The Licensing Officer reported that all of the responsible authorities had been consulted with regard to the application, which was also advertised at the premises and in a local newspaper. In addition, all residences and businesses situated within a radius of 150 metres of the premises had been individually consulted on the application. The Sub-Committee noted that the Council had received one

representation from a local resident with regard to the application, which related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Licensing Officer reported that Essex Police had made no representations in respect of the application.

The Sub-Committee was reminded that, when considering an application for a licence, the licensing authority must have regard to steps that were appropriate to the promotion of the licensing objectives, including:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Members noted that the licensing authority must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State when considering an application for a licence.

The Sub-Committee was reminded that, in determining the application, it could take any of the following steps considered necessary for the promotion of the licensing objectives:

- to grant the licence as applied for, subject to the conditions mentioned in the Operating Schedule modified as the Sub-committee considered necessary for the promotion of the licensing objectives and the mandatory conditions specified in the Licensing Act 2003, or
- to exclude from the scope of the licence any licensable activities to which the application relates, or
- to refuse to specify a person as the premises supervisor, or
- to reject the application.

#### **(b) Presentation of the Applicant's Case**

Mr. Kesen presented the application for a premises licence and indicated that it was only intended that alcohol would be served at the premises alongside the sale of food. Mr. Kesen indicated that, as the premises had yet to open for business, its formal hours of operation had not been determined. However, he advised the Sub-Committee that he would be agreeable to the grant of any premises licence requiring that alcohol not be served before 12.00 midday each day.

#### **(c) Questions for the applicant from the Sub-Committee**

No questions for the applicant in connection with the application for a premises licence were raised by the Sub-Committee.

#### **(d) Questions for the applicant from the objector**

No questions for the applicant in connection with the application for a premises licence were raised by the objector.

#### **(e) Presentation of the Objectors' Case**

Mr. Charman presented his objection to the application for a premises licence. Mr Charman advised the Sub-Committee that he was reassured by the assurance of the applicant that alcohol would only be served at the premises alongside the sale of food, but that he remained concerned as to the proposed sale of alcohol from 10.00

each day. However, Mr. Charman indicated that he would have no objection to the grant of any premises licence requiring that alcohol not be served before 12.00 midday each day.

**(f) Questions for the objectors from the Sub-Committee**

No questions for the objector in connection with the application for a premises licence were raised by the Sub-Committee.

**(g) Questions for the objectors from the applicant**

No questions for the objector in connection with the application for a premises licence were raised by the applicant.

**(h) Closing statement from the objector**

Mr. Kesen reaffirmed to the Sub-Committee that he would have no objection to the grant of any premises licence requiring that alcohol not be served before 12.00 midday each day.

**(i) Closing statement from the applicant**

Mr. Kesen reaffirmed to the Sub-Committee that he would be agreeable to the grant of any premises licence requiring that alcohol not be served before 12.00 midday each day.

**(j) Consideration of the application by the Sub-Committee**

The Chairman advised the meeting that the Sub-Committee would withdraw from the Council Chamber whilst it considered the application in private and that, during its deliberations, the Sub-Committee would receive no further advice from the officer's present.

**RESOLVED:**

- (1) That the application for a premises licence for Harley's Bistro and Lounge, 184 High Street, Epping be granted, subject to the following conditions considered reasonable and proportionate for the promotion of the licensing objectives:
  - (a) the conditions which are consistent with the operating schedule; and
  - (b) the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003; and
- (2) That, for the prevention of public nuisance, the licensable hours of the premises shall be from 12.00 midday to 22.30 only, from Monday to Sunday.

**23. APPLICATION FOR VARIATION OF PREMISES LICENCE - EFEZADE, 12-14 THE BROADWAY, LOUGHTON**

The Sub-Committee considered an application for a variation of the existing premises licence for Efezade, 12-14 The Broadway, Loughton.

The applicant, Mr. C. Erdogan was in attendance at the meeting, accompanied by Mr. J. Kershaw. Mr. Durr and Mr. D. Linnell (Loughton Residents Association Plans Group) were in attendance at the meeting as objectors to the application, together with Mr. R. Thomason (Environment and Neighbourhoods Officer) of the Council's Commercial and Regulatory Services Directorate. The Chairman of the Sub-Committee introduced the members and officers present at the meeting and outlined the procedure that would be followed by the Sub-Committee in its determination of the application.

**(a) Application before the Sub-Committee**

The Licensing Officer introduced the application for the variation of the premises licence, which was for the sale by retail of alcohol on the premises only from Monday to Sunday from 10:00 to 01:00, recorded music from Monday to Sunday from 10:00 to 01:00 and late night refreshment from Monday to Sunday from 23:00 to 01:00.

The Sub-Committee was advised that the opening times of the premises were from Monday to Sunday from 07:30 to 01:00 and that the Operating Schedule set out conditions which would be attached to the licence if the application was granted.

The Licensing Officer reported that all of the responsible authorities had been consulted with regard to the application, which was also advertised at the premises and in a local newspaper. In addition, all residences and businesses situated within a radius of 150 metres of the premises had been individually consulted on the application. The Sub-Committee noted that the Council had received eighteen representations to the application, from the Council's Environmental Enforcement Team, Loughton Town Council, Loughton Residents Association and local residents, relating to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Licensing Officer reported that Essex Police and the Council's Environmental Health Team had raised no objections to the application.

The Sub-Committee was reminded that, when considering an application for a licence, the licensing authority must have regard to steps that were appropriate to the promotion of the licensing objectives, including:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Members noted that the licensing authority must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State when considering an application for a licence.

The Sub-Committee was reminded that, in determining the application, it could take any of the following steps considered necessary for the promotion of the licensing objectives:

- to grant the licence as applied for, subject to the conditions mentioned in the Operating Schedule modified as the Sub-committee considered necessary for the promotion of the licensing objectives and the mandatory conditions specified in the Licensing Act 2003, or
- to exclude from the scope of the licence any licensable activities to which the application relates, or
- to refuse to specify a person as the premises supervisor, or

- to reject the application.

**(b) Presentation of the Applicant's Case**

On behalf of Mr. Erdogan, Mr. Kershaw presented the application for the variation of the premises licence. In recognition of the level of objection made to the proposed variation of the licence, Mr. Kershaw advised the Sub-Committee that Mr. Erdogan would be agreeable to the variation of the premises licence requiring that alcohol be served only between 10.00 and 00.30 on Friday and Saturday and that the requirements of the existing licence not be varied for Monday to Thursday and on Sunday.

**(c) Questions for the applicant from the Sub-Committee**

Members sought clarification of the hours for which Mr. Erdogan now sought the variation of the premises licence. Mr. Kershaw advised the Sub-Committee that Mr. Erdogan was seeking a variation of the licence to permit the sale by retail of alcohol, the provision of recorded music and late night refreshment at the premises on Friday and Saturday from 10:00 to 00:30 and from Monday to Thursday and on Sunday from 10:00 to 23:00, in accordance with the requirements of the existing licence. The Sub-Committee also enquired whether any noise insulation measures had been installed at the premises, although Mr. Kershaw confirmed that this was not the case at present. Members asked the applicant how often live music was provided at the premises, which Mr. Kershaw confirmed was offered for special events only and was always concluded by 22:00.

**(d) Questions for the applicant from the objectors**

No questions for the applicant in connection with the application for the variation of the premises licence were raised by the objectors present at the meeting.

**(e) Presentation of the Objectors' Case**

Mr. D. Linnell advised the Sub-Committee that Loughton Residents Association considered that the closing time of 00:30 on Friday and Saturday proposed by the applicant at the meeting to still be too late, given the close proximity of the application premises to residential properties in The Broadway and surrounding areas. Mr. Linnell also suggested that noise nuisance arose at the premises from employees leaving the premises through a rear exit. Mr. Durr advised the Sub-Committee that the nature of his employment required that he retire to sleep early each evening and rise in the early hours of each morning and that he was frequently awoken by noise emanating from the application premises. Mr. R. Thomason presented the views of the Council's Senior Environmental Enforcement Officer, which concerned the potential for noise nuisance to be generated in the early hours, which would adversely affect the residential area. Mr. Thomason also suggested that noise nuisance arose at the premises from the use of the outside seating area by smokers.

**(f) Questions for the objectors from the Sub-Committee**

No questions for the objectors present at the meeting in connection with the application for the variation of the premises licence, were raised by the Sub-Committee.

**(g) Questions for the objectors from the applicant**

Mr. Kershaw asked Mr. Thomason whether any previous complaints had been made

to the Council with regard to loud music emanating from the application premises and whether any action had subsequently been taken with regard to such complaints. In response, Mr. Thomason advised the Sub-Committee that two separate complaints had been received in May and June 2019, but that it had not been necessary for Environmental Enforcement Officers to visit the premises in relation to the complaints, as the provision of music had ceased at the time that the complaints had been received.

**(h) Closing statement from the objector**

Mr. Linnell and Mr. Durr reiterated that they considered that the closing time of 00:30 on Friday and Saturday proposed by the applicant at the meeting to still be too late, given the close proximity of the application premises to residential properties in The Broadway and surrounding areas.

**(i) Closing statement from the applicant**

Mr. Kershaw reminded the Sub-Committee that there were already a number of existing establishments located in The Broadway that could give rise to issues of noise nuisance late in the evening. Mr. Kershaw advised the Sub-Committee that the outside seating area at the premises was cleared by 23:00 each evening and that employees were constantly reminded to leave the premises through a rear exit as quietly as possible. Mr. Kershaw indicated that Mr. Erdogan was willing to work cooperatively with the Environmental Enforcement Team to prevent noise nuisance arising from the operation of the premises and would be amenable to the installation of noise limiting equipment or insulation measures at the premises, if this was considered appropriate by the Council.

**(j) Consideration of the application by the Sub-Committee**

The Chairman advised the meeting that the Sub-Committee would withdraw from the Council Chamber whilst it considered the application in private and that, during its deliberations, the Sub-Committee would receive no further advice from the officer's present.

**RESOLVED:**

That the application for a variation of the existing premises licence for Efezade, 12-14 The Broadway, Loughton, be refused.

**24. APPLICATION FOR PREMISES LICENCE - HARLOW GARDEN CENTRE, CANES LANE, HASTINGWOOD**

The Sub-Committee considered an application by Blue Diamond UK Ltd, for a premises licence for Harlow Garden Centre, Canes Lane, Hastingwood.

Ms. J. Spearman of Blue Diamond UK Ltd was in attendance at the meeting. The objector to the application, North Weald Bassett Parish Council, were not represented. The Chairman of the Sub-Committee introduced the members and officers present at the meeting and outlined the procedure that would be followed by the Sub-Committee in its determination of the application.

**(a) Application before the Sub-Committee**

The Licensing Officer introduced the application for a new premises licence, which was for the sale by retail of alcohol on and off the premises from Monday to Saturday

from 08.30 to 18.00 and on Sunday from 10.00 to 16.30.

The Sub-Committee was advised that the opening times of the premises were from Monday to Saturday from 08.30 to 18.00 and on Sunday from 10.00 to 16.30 and that the Operating Schedule set out conditions which would be attached to the licence if the application was granted.

The Licensing Officer reported that all of the responsible authorities had been consulted with regard to the application, which was also advertised at the premises and in a local newspaper. In addition, all residences and businesses situated within a radius of 150 metres of the premises had been individually consulted on the application. The Sub-Committee noted that the Council had received a representation from North Weald Bassett Parish Council with regard to the application, which related to the prevention of public nuisance and public safety. The Licensing Officer reported that Essex Police had made no representations in respect of the application.

The Sub-Committee was reminded that, when considering an application for a licence, the licensing authority must have regard to steps that were appropriate to the promotion of the licensing objectives, including:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Members noted that the licensing authority must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State when considering an application for a licence.

The Sub-Committee was reminded that, in determining the application, it could take any of the following steps considered necessary for the promotion of the licensing objectives:

- to grant the licence as applied for, subject to the conditions mentioned in the Operating Schedule modified as the Sub-committee considered necessary for the promotion of the licensing objectives and the mandatory conditions specified in the Licensing Act 2003, or
- to exclude from the scope of the licence any licensable activities to which the application relates, or
- to refuse to specify a person as the premises supervisor, or
- to reject the application.

#### **(b) Presentation of the Applicant's Case**

Ms. Spearman presented the application for a premises licence and indicated that it was intended that alcohol would be served at the premises alongside the sale of food, but that off-sales of locally produced wines, beers and spirits that were typically purchased as gifts, would also be provided.

#### **(c) Questions for the applicant from the Sub-Committee**

Members asked whether premises licences were held by Blue Diamond UK Ltd for other similar establishments within its property portfolio. Ms. Spearman indicated that this was the case at a number of the company's other establishments and that, if granted, the premises licence for Harlow Garden Centre would be held by the Branch

Manager.

**(d) Questions for the applicant from the objector**

In the absence of a representative of North Weald Bassett Parish Council, it was not possible for questions for the applicant in connection with the application for a premises licence to be raised by the objector.

**(e) Presentation of the Objectors' Case**

In the absence of a representative of North Weald Bassett Parish Council, the objections of the Parish Council to the application for a premises licence, were presented in written form only.

**(f) Questions for the objectors from the Sub-Committee**

In the absence of a representative of North Weald Bassett Parish Council, it was not possible for questions for the objector in connection with the application for a premises licence to be raised by the Sub-Committee.

**(g) Questions for the objectors from the applicant**

In the absence of a representative of North Weald Bassett Parish Council, it was not possible for questions for the objector in connection with the application for a premises licence to be raised by the applicant.

**(h) Closing statement from the objector**

In the absence of a representative of North Weald Bassett Parish Council, the objections of the Parish Council to the application for a premises licence, were presented in written form only and no closing statement was possible.

**(i) Closing statement from the applicant**

Ms. Spearman reaffirmed that it was intended that alcohol would be served at the premises with the sale of food, alongside off-sales of locally produced wines, beers and spirits.

**(j) Consideration of the application by the Sub-Committee**

The Chairman advised the meeting that the Sub-Committee would withdraw from the Council Chamber whilst it considered the application in private and that, during its deliberations, the Sub-Committee would receive no further advice from the officer's present.

**RESOLVED:**

That the application for a premises licence for Harlow Garden Centre, Canes Lane, Hastingwood be granted, subject to the following conditions considered reasonable and proportionate for the promotion of the licensing objectives:

- (a) the conditions which are consistent with the operating schedule; and
- (b) the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003.



**CHAIRMAN**