



Consultant-Chris Hurst; Traffic Management Consultant - Ben Jones; Representative from Lea Valley Regional Park- Sophie Stone; and the objector Christine Sillis.

The chair received confirmation that all parties had received relevant documentation in relation to the conditions.

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

The Licensing Officer, H Gould, informed the Sub-Committee that an application had been made by Mr Rob Dudley, on behalf of the We Are The Fair Ltd, for a new premises licence at The Showground Site, Lee Valley Country Park, Waltham Abbey, EN9 1AB for the following licensable activities:

- Plays
- Films
- Live music
- Recorded music
- Performance of dance
- Supply of alcohol

The licence would permit one event per calendar year, which would take place for a maximum of 2 days (Sat & Sun only).

The hours for the above licensable activities

Saturday	11:00 to 22:00
Sunday	11:00 to 21:30
Sunday preceding bank holiday Mondays	11:00 to 21:30

Opening Hours

Saturday	11:00 to 23:00
Sunday	11:00 to 23:00
Sunday preceding bank holiday Mondays	11:00 to 23:00

The revised hours (above) were submitted following advice from the Council's Community Resilience Team and to alleviate concerns from Hertfordshire Police. Following a successful year one, a variation could be applied for to make small changes to the licensing hours.

In year one of the Licence the maximum capacity of the event would not exceed 15,000 persons on-site.

The application was received by the Licensing Authority on the 16 February 2021. The premises licence application and the operating schedule set out the conditions which would be attached to the licence, if this application was to be granted.

All Responsible Authorities had been notified, it had been properly advertised at the premises and in a local newspaper. All residences and businesses within a 150 metre radius of the premises were individually consulted.

The authority had received one objection from Hertfordshire Police which related to all four of the licensing objectives, these had been addressed in the proposed amended conditions, detailed in Supplementary Agenda 1, and Hertfordshire Police had withdrawn their objection,

Five objections have been received from local residents, these related to the prevention of crime and disorder, public safety, the prevention of public nuisance, the applicant had written to local residents.

Conditions relating to reduced terminal hours and the protection of local residents from public nuisance had been agreed with the Council's Community Resilience Team.

Responses were received from Child Protection Services, Planning and Trading Standards who had no comment. Essex Police did not make any representations based on the conditions offered by the applicant and discussed with the Safety Advisory Group.

The organisers had liaised with the responsible authorities from both Essex & Hertfordshire through the Safety Advisory Group. This included the submission of an event management and safety plan. Discussions would continue and meeting conditions could be set under the licence.

### **(b) Presentation of the Application**

Mr Phipps introduced the application and highlighted the experience of 'We Are the Fare' in the production of large outdoor events. The DPS would be Rob Duddley who had over 16 years' experience in event management and had led Health and Safety aspects of the application.

The representation made by Herefordshire Police had been addressed and Essex Police had been satisfied at the outset of the application. There had been significant dialogue with relevant officers which started in August 2020. Relevant plans had been developed for Health & Safety, Noise Management, Traffic and Parking, Rubbish and Waste, Wildlife, Toilets, and COVID Safety Plans to support the application. The new proposed conditions, shown in Supplementary Agenda 1, set out the amended hours for 2021 and the agreed conditions.

A letter had been sent to the residents to allay their concerns. Access to the showground would be restricted but Lea Valley Park, could be accessed via the tow paths at either side of the site. There would be no camping on the site. The residents' concerns were acknowledged but the conditions addressed these concerns. This was summarised as a good application with comprehensive conditions.

The applicant confirmed that conditions should mirror the amended hours on the application and would read:

- In year one of the Licence (2021), regulated entertainment will cease at 21:30 on Sun, and
- In year one of the Licence (2021), sale of alcohol will cease at 21:30 on Sun.

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

The Sub-Committee asked why this event was being advertised prior to the licence being granted? The applicant advised that events were often advertised, subject to licence. The advance notification did not stipulate the venue and the website homepage stated that this was subject to licence being granted.

The Sub-Committee sought clarity around the risk management plan in relation ingress and egress to the site, capacity of the trains, traffic management, parking, the hotline, public nuisance, the attendance of children, and safety inside and outside the site.

Mr Phipps advised that the Events Safety Management Plan provided details of ingress and egress from the site. Mr Jones detailed the Transport and Traffic Management Plan, which had been developed to ensure safe ingress and egress to the site. This would form part of the Safety Advisory Group process. The estimate was that it would take 1 hour for people to clear the site and 2 hours to clear through Waltham Cross Station. The rail capacity model showed an excess capacity for 1500 persons on the Southbound trains on Saturday and 1000 persons on Sunday. There would be a queue, but this would be managed. Attendees would also be encouraged to consider alternative transport routes this would include Northbound journeys from Waltham Cross Station.

The McDonalds junction would have temporary manual-controlled traffic lights to control vehicle and pedestrian movements. The routes for pedestrians would have stewards, and at specific points the footway would be widened. Attendance by private vehicle would be discouraged. It was estimated that there would be approximately 150 additional vehicles; the public car parks had the capacity for this number. Beulah Road would be closed with a resident's access only scheme, residents would be provided with a permit to gain access at the closure points.

Mr Hirst provided detail of the Noise Hotline which would have 2 phone lines staffed by 2 people, supplemented by email and answerphone. Consultants would conduct spot checks that would be relayed back to central point and if required action would be taken to reduce the noise. A web enabled permanent monitor would be installed in Beulah Road for the duration of the event. Noise limits would be set offsite and monitored at the central control point, if a critical level was reached the sound at the stage would be reduced.

In relation to safety there would be an exclusion zone around the Pylons and the routes outside the site would have safety stewards.

Mr Dudley confirmed that water would be provided through potable drinking water bowlers, with water stations throughout the site, drinking vessels would be available free of charge and the applicant would accept this as a condition.

The Sub Committee asked if children would attend and were advised that Saturday would be 18 plus only, accompanied children could attend on Sunday and there was a child welfare plan.

#### **(d) Questions for the Applicant from the Objector**

Ms Sillis asked what the finish time would be after the first year and how long the licence would last for? Mr Phipps advised that the capacity after the first year would be 19,999 and the hours would be 10pm and 10:30 pm all the conditions and plans would need to tie in and this would need to be signed off.

Ms Sillis then asked what would be done to stop people driving to the event, especially from West Essex and East Hertfordshire were there was limited public transport? Mr Phipps advised that the organisers experience showed that the majority of people did go to these events by public transport, and that messaging and social media would advise travel by public transport. Ben Jones added that the transport model used had correctly predicted the traffic movement and been consistent with customer behaviour at other events.

Ms Sillis enquired if there had been any discussion with the Royal Gunpowder Mills as they had held events which created traffic and parking issues. She was advised that the focus had been on the relevant authorities and Safety Advisory Group.

**(e) Presentation from the Objector**

Ms Sillis advised the Sub-Committee that local residents 200 yards from the site already experienced public nuisance: from McDonalds which was open 24h hours/7 days a week; The Gunpowder Mills; and The White Water Raft Centre. She acknowledged this was a once a year event, but suggested it would be larger, closer and noisier to the many residents in close proximity to the site.

Ms Sillis challenged how a noise level could be agreed that would be acceptable to the residents and suggested that when the hotline was called, the noise level would be deemed to be within the agreed level. She advised the applicant that many of the roads were private and permission would be required for the permanent noise monitor. She also stated that the residents would have to endure cooking smells throughout the event.

She had concerns regarding the parking as many of the car parks were charged. The traffic from other sites and the event would create chaos and she challenged the effectiveness of the residents access permits.

She summarised that the fundamental issue with the application was noise, parking and cooking smells.

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

There were no questions from the Sub Committee.

**(g) Questions for the Objector from the Applicant**

There were no questions from the applicant.

**(h) Closing Statement from the Applicant**

Mr Phipps stated that this was a professional application that had been submitted after extensive dialogue and meetings with officers. Experts had been appointed and had developed a series of reports that supported the event's safety management plan.

The site was on the Showground and the event would promote the licensing objectives. Some of the residents in close proximity would not be happy, the concerns in relation to public nuisance had been addressed through the conditions and this did not warrant the refusal of the application. He reminded the Sub Committee that each application should be considered on its own individual merits. He advised that drinking water vessels would be provided and that the organisers had not experienced food smells at previous events. The noise management experts had agreed how the event should be set up and managed and the police were satisfied with the plans including those for the last mile. He summarised that the licence should be granted in line with the revised conditions.

**(i) Consideration of the Application by the Sub-Committee**

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application. During their deliberations the Sub-Committee received no further advice from the Legal Officer present. However, clarification was given around the function of a safety advisory group. The Sub Committee noted all of the submissions and representations, both oral and written made in relation to this application and considered what was appropriate to promote the four licensing

objectives, the relevant parts of the Council's Licensing Policy and the Home Office's guidance.

**RESOLVED:**

That the application for a premises licence in respect Showground Site, Lee Valley Country Park, Waltham abbey, Essex EN9 1AB be **GRANTED** subject to the following:

This Licence will permit 1 event per year to take place, for a maximum of 2 days (Sat & Sun only), between the second week of July and the second week of September. The exact dates of the event to be agreed with the SAG and Licensing Authority no later than 12 weeks prior to the planned event date.

1. This Licence will permit 1 event per calendar year, taking place for a maximum of 2 days (Sat & Sun only).
2. In year one of the Licence (2021), regulated entertainment will cease at 21:30 on Sun.
3. In year one of the Licence (2021), sale of alcohol will cease at 21:30 on Sun.
4. Each and every event would be presented individually to the Safety Advisory Group (SAG).
5. The genre and style of musical performances for all events will be provided to the SAG and Police as part of the planning process for each event.
6. A Challenge 25 Policy will be in operation at all bars. Clear signage will be in place informing customers of this policy. The Designated Premises Supervisor (DPS) will ensure that all staff are briefed on the acceptable forms of ID.
7. Events will be categorised as either '18+ Only' or 'Family Friendly'
8. Events categorised 'Family Friendly' will feature a comprehensive Child Welfare Policy which will be detailed in the Event Safety Management Plan.
9. Maximum capacities for events will be agreed with Police and SAG during the planning process.
10. In year one of the Licence only (2021), the maximum capacity of the event will not exceed 15,000 persons on-site.
11. The final site plan layout will be agreed with the SAG a minimum of 28 days prior to the event.
12. The event organisers shall have a means of counting in the people entering the event site to ensure that they are able to provide on request, the number of people on site at any point in time to authorised officers.
13. Locked amnesty bins shall be provided for the disposal of alcohol and other waste.
14. An event and site-specific Event Safety Management Plan (ESMP) will be developed and shared with the Licensing Authority and SAG.
15. The ESMP will include details on: Risk Assessments, Site Plan, Fire Risk Assessment, Security Management Plan, Drugs Policy, Alcohol Management Plan, Traffic Management Plan, Medical Management Plan, Adverse Weather

Plan, Crisis Communication Plan, Noise Management Plan, Ingress/Egress Plan, Sanitation Plan, Child Welfare/Vulnerable Persons Policy. This document (and appendices) will be 'living' documents which will be reviewed and revised in the planning phases of the events.

16. A reputable and experienced SIA-accredited security and stewarding company will be appointed to ensure public safety and to prevent crime and disorder.
17. The ESMP Security Management Plan will outline the number, position and roles of the Security and Stewarding staff working at the event. This will include not just the Premises itself, but also 'The Last Mile / Zone Ex' leading to and from transport hubs and taxi/private hire pick up/drop off locations.  
  
17a The Security Management Plan will be shared and agreed with both Essex and Hertfordshire Police no later than 28 days prior to the event.
18. All attendees to the event will be subject to search. Full details of the search will be agreed with Police and SAG and will be outlined in the ESMP.
19. Searches will be carried out by SIA Registered staff of the same sex.
20. The Drugs Policy will include New Psychoactive Substances (NPS) and No2/NOS/Nitrous Oxide as well as Controlled Substances. No2 will not be permitted on site and any found on entry will be confiscated.
21. Anyone found with an offensive weapon on entry will be refused admittance and the Police informed immediately.
22. Each bar on site shall have a dedicated bar manager or supervisor and team who shall be conversant with the requirements and responsibilities for the sale of alcohol.
23. All drinks shall be sold in either opened cans, PET containers or decanted into polycarbonate vessels. No glass will be permitted into the public festival arena. Glass bottles will be retained behind bars for disposal.
24. The event site will fully accord with both HSE guidance and also Fire Safety measures – an event and site-specific Risk Assessment and Fire Risk Assessment will be undertaken and implemented.
25. The Premises Licence Holder (PLH) shall carry out a suitable and sufficient risk assessment as well as use the Health and Safety Executive (HSE) "purple guide" (HSG195) on outdoor events to determine the level of first aid provision for the event, such that there was no undue demand on National Health Service resources.  
  
25a A suitably qualified and experienced event medical company will be contracted to provide first aid staff and equipment (in line with the risk assessment) for the event. The event medical company will also produce a Medical Management Plan which will be shared with the SAG (including East of England Ambulance Service) no later than 28 days prior to the event.
26. All emergency exits, toilets and First Aid Posts shall be clearly indicated by means of signage, such that it is visible to attendees.
27. The appropriate type and number of firefighting equipment shall be provided throughout the site. Locations and numbers will be specified in the ESMP.

28. A queuing system will be designed and implemented at the main entrance to minimise waiting time whilst maintaining crowd safety
29. A Traffic and Transport Management Plan will be submitted to relevant authorities (including both Essex and Hertfordshire Police). The traffic management plan will include: (a) details of the traffic management measures to be implemented (b) the location and specification of barriers (c) details of the staffing schedule and (d) details of any permits and temporary traffic orders.
- 29a. The Traffic and Transport Management Plan and the Ingress/Egress Plan will also consider the various modes of transport that attendees to the event will utilise to access the event site and will detail measures taken to minimise disruption at the nearest main transport hub (Waltham Cross station) by means of staffing/security, event timings, communication, signage, messaging, barriers and the like.
- 29b. Both the Traffic and Transport Management and Ingress/Egress Plans will be agreed with the SAG (including both Essex and Hertfordshire Police) no later than 56 days prior to the event.
30. A qualified and suitably experienced Noise Management Consultancy will be appointed at least 12 weeks before the proposed event, to produce a Noise Management Plan (NMP) and provide representatives on site during the live hours of the event. The Noise Management Consultant shall liaise between all parties, including the DPS, Promoter, Sound System Supplier, Sound Engineer and Licensing Authority on all matters relating to noise control prior to, and during the event.
31. The NMP will be developed by the Noise Management Consultant in consultation with the Local Authority's Environmental Enforcement Team.
32. The NMP will detail the agreed dB Music Noise Levels (MNL) at specified off-site receptor locations. The agreed MNL will then form part of the licence for the event that year.
- 32a. The NMP shall be finalised and agreed in writing with the Local Authority at least 28 days before the proposed event.
33. Local residents will receive prior notification of the event including details of the event timings. The distribution radius for the notification letter will be agreed with the Local Authority. This is to include local businesses that may be affected by attendees to the event during ingress and egress
34. A noise "hot line" number shall be included within the notification letter, and publicised on the event's internet/social media platforms. The number shall also be provided to the Local Authority, Lea Valley Parks Authority and the White Water Rafting Centre 14 days before the event, should they received complaints. This telephone number will allow residents to contact an event representative should they need to make a complaint during the event.
- 34a. The hotline shall be staffed at all times by the DPS or representative, and shall also be the point of contact for the noise patrols and be responsible for maintaining the level of music and other amplified sound at an appropriate level.



35. The PLH shall have in place an arrangement (contract) with a reputable Waste Management Company to manage the event site and externally affected areas for the duration of the event and a post event clean up.

- **'18+ Events':**

36. The event will be a ticketed, 18+ music festival.

37. No person under the age of 18 will be permitted to enter the event site.

38. A Challenge 25 policy will be in force at all festival bars.

39. A Child Welfare and Vulnerable Person procedure will be in place and will be detailed in the ESMP. This will outline action to be taken in the event that under 18's attempt to gain entry to the event or are discovered within the event perimeter.

- **'Family Friendly Events':**

40. Children are to be supervised by an adult at all times. Parents/Carers will be responsible for their children.

41. Any child under the age of 16 must be accompanied by an adult (over the age of 21).

42. Each adult will be allowed to be responsible for a maximum of 4 children.

43. Wristbands will be provided on entry to all children to allow parents/carers to write their phone number on the inside of the wristband.

44. A dedicated Lost Children point will be set up and manned by Disclosure and Barring Service (DBS) checked staff.

45. A Challenge 25 policy will be in force at all festival bars.

46. A Child Welfare and Vulnerable Person procedure will be in place and will be detailed in the ESMP.

In addition, the following conditions which were considered to be reasonable and proportionate and will not undermine the licensing objectives.

- For public safety

(a) Free water and free drinking vessel for the water will be provided at the Event.

(b) A fully drafted Event Safety Management Plan (ESMP) must be provided to the Licensing Authority and Epping Forest District Council Safety Advisory Group (SAG) no less than three (3) months prior to the commencement of an event. This draft ESMP will include all items listed in Condition 15.

Which this committee considered to be reasonable and proportionate and would not undermine the licensing 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.

**93. APPLICATION FOR A NEW ADULT GAMING CENTRE LICENCE, 65 THE BROADWAY, LOUGHTON, IG10 3SP**

The three Councillors that presided over this application were Councillors S Neville (Chairman), A Lion and D Stocker.

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

In attendance were the applicant S Hawkins the applicant's representative D Miller and the objector J Walker.

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

The Licensing Officer, H Ibrahim, informed the Sub-Committee that an application had been made by Stephen Hawkins, Essex Leisure for a new Adult Gaming Centre Licence at 65 The Broadway, Loughton, IG10 3SP.

The opening hours of the premises would be:

Monday to Friday	10:00 to 22:00,
Saturday	10:00 to 20:00
Sunday	10:00 to 18:00

The application was received by the Licensing Authority on the 1 December 2020.

All Responsible Authorities had been notified and it had been properly advertised at the premises and in a local newspaper, all residences and businesses within a 150 metre radius of the premises were individually consulted.

The authority had received one representation from Loughton Town Council, one representation from Loughton Residents Association Plans Group and one representation from a local resident. The objections related to protection of children and other vulnerable persons from being harmed or exploited by gambling.

A response was received from Essex Trading Standards who had no objection.

When considering an application for a licence the licensing authority must have regard to steps that were appropriate to promote the licensing objectives.

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (b) Ensuring that gambling was conducted in a fair and open way;
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It must also have regard to the its Gambling Act 2005, the Licensing Authority's own Statement of Licensing Policy and guidance issued by the Gambling Commission and its Code of Practice.

**(b) Presentation of the Application**

Mr Miller a represented the British Amusement Catering Trade Association (BACTA) and presented the application for Mr Hawkins who was a member of BACTA. Mr Miller advised that as a member of BACTA social responsibility and training was

paramount. He advised that all staff would be trained, there would be a minimum of two members of staff on site at all times, there was cctv, and there was no visibility of the gaming machines from the door or outside the building. Only adults would be allowed on the premises and the company operated the challenge 25 scheme. Anyone who appeared to under the age of 25 would be asked for specific proof of identity and there would be no admittance if this could not be provided, a log had to be maintained for all attempted entries and the log was a legal requirement which formed part of the annual submission to the gambling commission. No children would be allowed on premises

Mr Hawkins added that the BACTA ran a national self exclusion policy and if anyone had a gambling problem they could self-exclude, this exclusion would extend across all gambling centre in the area. All members of staff would be trained to recognise signs of gambling harm, and individuals could be signposted to relevant organisations for help and support.

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

The Sub-Committee asked if the applicant was aware of the proximity of the colleges and schools. Mr Miller advised that this had been taken account in the risk assessment and there would be additional checks through a mystery shopping exercise.

The Sub Committee wanted confirmation that vulnerable people would not be allowed access the premises, this was confirmed.

### **(d) Questions for the Applicant from the Objector**

J Walker asked for clarity on when the age verification process would happen, how the outside of the premises would be made unattractive to children, if the gaming machines were visible, if there were any time limits on playing the gaming machines and if the premises had CCTV.

Mr Miller advised that the premises had a buzzer entry system, controlled from a central till area with good visibility of the outside of the premise. No entry would be allowed to children, and the buzzer system would allow the age check to happen as people entered the premises. The premises would remove all the current child friendly images on the premises to ensure that it was not attractive to children, and no gaming machines could be seen from outside or from the door of the premises. The business had been designed so that on entry all that could be seen was the front desk, the gaming machines would be in the middle and back of the premises.

Staff received training and skills in social responsibility, they would make an interaction with anyone who was exhibiting behaviours that may indicate a gambling problem, the interventions would be logged. Mr Miller detailed the referral system to GamCare the national gambling helpline. There would be CCTV inside and outside the premises, recordings would be kept for 28 days.

### **(e) Presentation from the Objector**

J Walker suggested that this was an inappropriate location for the adult gambling centre, The Broadway had a large number of children and schools and this would be a risk especially for New City College students and vulnerable people in the area.

She advised that the risk could be mitigated through door supervision, and suggested that two members of staff on site may not be enough.

### **(f) Questions for the Objector from the Applicant**

Mr Hawkins advised that when the premises was busy he envisaged 12 customers to be on the premises. He stated that two members of staff would be more than able to control these numbers. The premises had 40 machines but these would never all be played together.

**(g) Closing Statement from the Objector.**

The objector had nothing further to add.

**(h) Closing Statement from the Applicant**

The applicant had nothing further to add.

**(i) Consideration of the Application by the Sub-Committee**

The Legal Advisor, R Ferri, advised the committee and applicant that there were no default conditions in relation to adult gaming centre and asked for clarity regarding section 15a of the application. Mr Hawkins confirmed that 15a of the application should read 'no'.

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application. During their deliberations the Sub-Committee received no further advice from the Legal Officer present.

**RESOLVED:**

That the application for a premises licence in respect of a new Adult Gaming Centre Licence at Slots O Luck of 65 The Broadway, Debden, Loughton, Essex IG10 3SP **Be Granted to** Stephen Robert Hawkins trading as Essex Leisure, Essex House, 21 Eastways, Witham, Essex CM8 3YQ, operating licence number 000-000778-N-101005-008

*The following conditions have been attached to the premises licence under section 169(1)(a) of the Gambling Act 2005.*

- The premises must not open on Christmas Day, namely the period of 00.01hours on 25 December until 00.00 on 26 December.
- Reason: this condition is set out in clause 9.18 of the Gambling Commission Guidance to Licensing Authorities 5<sup>th</sup> addition (September 2015) and in Section183 of the Gambling Act 2005.

The licensing authority did receive representations in relation to the application.

Representations

- (1) Page 88 of the Agenda from Debra Paris, Planning and Licensing Committee of Loughton Town Council. The objections mainly relate to the 4 objectives contained in the Licensing Act 2003; the number of gambling establishments; the area being a residential area with young families, social housing and vulnerable people; entry age, prevention of crime and disorder, the closure of the front door and the suggested conditions relating to door supervisor, CCTV and visibility of gaming machines.

- (2) Pages 89 and 90 of the Agenda from Judith Walker for the Loughton Residents Association Plans Group. No floor plan, the area being awash with children, teenagers, young adults, students, vulnerable people / adults, too many gambling establishments, residential area, leading to more crime and antisocial behaviour and suggested conditions relating to door supervisor, CCTV and visibility of gaming machines.
- (3) Page 90- from Mrs Garwood. Not a good idea, problems with drugs, drink, teenage fights, she and her friends did not go out after dark as very intimidating, spending money on ridiculous gambling.

#### Licensing Authority's Response

This Licensing Sub Committee have noted all of the representations made together with their suggested conditions and thank those who attended and shall now outline the reasons for its decision.

In determining applications, a licensing authority should not take into consideration matters that were not related to the Gambling Act and its Guidance and therefore objections based on other legislation have been disregarded when reaching our decision.

Conditions on premises licences should relate to gambling. Conditions imposed must be proportionate to the circumstances which they were seeking to address and must be reasonable. Decisions on conditions must be on a case-by-case basis and in the context of the principles of Section 153 of the Act. Mandatory conditions were set with intention that no further regulation in relation to that matter is required.

Moral and ethical objectives to gambling were not a valid reason to reject an application. The decision of a licensing authority cannot be based on a dislike for gambling or general notion that it is undesirable to allow gambling premises in an area.

Licensing authorities should also not turn down applications for a premises licence where relevant objectives could be dealt with by conditions.

Section 153 of the Act makes it clear that number of establish establishments cannot be taken into account when determining an application for a premises licence.

In relation to protecting children and other vulnerable persons from being harm or exploited by gambling, the application had stated that there would be a minimum of two staff on the premises, training would be given to all staff and CCTV available inside and outside of the premises.

The aim is to permit the use of premises for gambling and therefore conditions should not be attached that limit their use except where it is necessary in accordance with the gambling objectives under the Gambling Act 2005, the Gambling Commission's code of practice and the Gambling Act Guidance or the licensing authority's own statement of policy.

An appeal may be brought against the grant of the application, or the imposition or exclusion of the conditions referred to above by either the applicant, or any person who made representations in relation to the application. An appeal must be instituted:

- in the magistrates' court for a local justice area in which the premises were wholly or partly situated;
- by notice of appeal given to the designated officer;
- within 21 days beginning with the date of receipt of this notice of grant.

**94. APPLICATION FOR A NEW PREMISES LICENCE 179-181 HIGH ROAD, LOUGHTON, ESSEX, IG10 4LF**

The three Councillors that presided over this application were Councillors S Neville (Chairman), J Jennings and A Lion.

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

In attendance were the applicant's representative Mr Dadds and the objectors: Amy Regueiro, Alano Regueiro, Stuart Richardson, Roy Waitt, Deborah Shulton, Keith Ashworth and Nick Darrant.

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

The Licensing Officer, H Ibrahim, informed the Sub-Committee that an application had been made by Mr Umut Demir for a new premises licence at 179-181 High Road, Loughton, IG10 4LF, the application was for a new restaurant, lounge and bar for the following licensable activities:

**Supply of Alcohol (both on and off the premises)**

Monday to Thursday	10:00 to 00:00
Friday and Saturday	10:00 to 00:30
Sunday	10:00 to 00:00

**Provision of Recorded Music**

Monday to Thursday	10:00 to 00:00
Friday and Saturday	10:00 to 00:30
Sunday	10:00 to 00:00

**Provision of Late Night Refreshment**

Monday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 00:30
Sunday	23:00 to 00:00

**Hours Premises would be open to the public**

Monday to Thursday	10:00 to 00:30
Friday and Saturday	10:00 to 01:00
Sunday	10:00 to 00:30

The application was received by the Licensing Authority on the on the 24 December 2020.

All Responsible Authorities had been notified and it had been properly advertised at the premises and in a local newspaper, all residences and businesses within a 150 metre radius of the premises were individually consulted. Mr Chris Smith, Environmental Enforcement Officer, had agreed conditions with the applicant.

The authority had received representations from Loughton Town Council 14 local residents. The objections related 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 Application**

Mr Dadds summarised that the licensable activities as the supply of alcohol, recorded music and late night refreshments. He stated that this whilst each application must be judged on its own merits this was already an existing licensed premise and the difference between the licence and application was an additional 30 minutes. He detailed that the Police and statutory authorities had raised no objections in relation to crime and disorder, conditions had been agreed with Environmental Health in relation to noise and the Licensing Authority had raised no objections.

In relation to the concerns raised the restaurant would primarily sell food, the entrance and egress to the premises would only be at front of the premises. Customers could park in the two public car parks opposite the premises. The premises was predominantly seated. There had been a £700,000 investment and this would provide job opportunities for up to 30 staff.

He suggested that there would not be any public nuisance from the licensable activities inside the premises or from the outdoor space. The premises were in a predominately commercial road. The conditions offered in the application were appropriate and would promote the licensing objectives.

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

The Sub Committee asked for clarity on the premises, the use of the outdoor space and how that would impact on the neighbours.

Mr Dadds advised that this was primarily a restaurant lounge bar, which was seated. There would be a small area upstairs for pre or post dinner drinks although this was predominately a food based business. The music would be recorded music, at background level so that conversation could be held over dinner, there would be no live music or dancing. The outside space would be used for eating and drinking at waited tables, with a small areas for smoking, but there were no licensable activities. There would be no music in the garden, the doors would open to let people into and out of the garden. There would be directional barriers to reflect any noise from conversation, the lighting would be softened and reflected into the garden. This was not a beer garden, but a relaxing calm environment. He suggested that customers in the garden would not cause a public nuisance and reminded the Sub-Committee that the professional expert from Environmental Health had no objections to the application.

**(d) Questions for the Applicant from the Objector**

Ms Alano challenged the number of neighbours mentioned in Mr Dadds' presentation and asked: where the staff would park; how the rubbish and noise associated with rubbish and glass would be dealt with; for a comparison with closing hours and size of the previous restaurant; and details of the noise barrier.

Mr Dadds described the site with one adjacent neighbour, a hedgerow and commercial premise to the rear and a commercial premise to the other side. He stated that he did not think would create a public nuisance, but screening would be put up to direct any sound. There would only be consumption in the outdoor space and no music. There would be not be more than three cars parked. There would be an appropriate contractor for waste collection and restrictions on the disposal of

waste and bottles to avoid disturbance. This restaurant would be similar in size to the previous restaurant who also used the garden. The previous licence was until midnight and only contained mandatory conditions. The noise barrier would be fence height with a curved canopy to deflect any noise and would be erected in accordance with the requirements of the Planning Authority.

Mr Darrant asked what steps would be taken to reduce the impact of large number of young adults drinking in the garden. Mr Dadds suggested that there would be minimal impact from the use of the back garden this was predominately a restaurant lounge bar, most people would be dinning, seated and supervised. This was a food led business with no vertical drinking areas.

Mr Ashworth asked if this would be a shisha bar and questioned if opening a restaurant until 1:00am was conducive to rowdiness. Mr Dadds advised this would not be a shisha bar it was a restaurant/lounge/bar. Food would be served until 12:30 and the restaurant closed by 1:00am, he advised that people gradually dispersed from a restaurant.

Mr Richardson detailed that due to Covid people were being encouraged to be outside, He asked how this would impact on the outside space. Mr Dadds agreed that the regulations had encouraged people to use outside space, but that social distancing was still applicable. The outside space at these premises would be waited service for food and drink at tables.

Mr Waitt asked what would to prevent the premises licence being passed on to someone who would change what they do? Mr Dadds advised that any future owner that wanted to change licence would either need to make an application to vary the licence or apply for a new licence.

The Chair advised that the Sub Committee would base its decision on what was known at the time view. If the licence was granted and there was ever any rowdiness or social disorder a licence could be reviewed at that time.

#### **(e) Presentation from the Objector**

Mr Ashworth objection related to the flow of people that went through Brook Path at night and late night Anti-Social Behaviour, he felt this application would encourage late night and outside drinking.

The Legal Advisor, R Ferreira, reminded everyone that in relation to an objection, evidence must be from the specific premises and this could not be speculation. If there were future incidents these could be reported to the relevant bodies and the licence could be reviewed. It was also noted that each case must be based on its own merits.

Ms Alano described the proximity of her property to the premises. She advised the Sub Committee that there was an apartment building directly overlooking the outdoor area and other neighbours in the vicinity and suggested that this was a residential area. She detailed that sound carried around the area, which could be heard through the triple glazed windows and that reverberations were felt due to the underground systems that connected the properties. Ms Alano stated that the proposed late night hours made this an application for a club like premises, and concluded that her objection was in relation to the length of hours and music.

Roy Wait objected to the lateness of the licence and suggested a limited licence that could be reviewed.



Mr Richardson stated that as it could not be proved that there was a problem and asked if the licence could be time limited and reviewed 6 months. He suggested that an earlier closing time for the back doors would alleviate a noise problem.

Mr Darrant stated that this was a residential not a commercial road and suggested that at night there would be drinking in the outdoor space and sound would travel through the air and create a nuisance. This was a restaurant bar with music, as you could drink without food this would be magnet for late night beery culture which would create fear in the community. He acknowledged that this was speculation but stated that Mr Dadds assertions were also conjecture.

Mr Mercer stated that he was pleased about the investment in the High St, he hoped that there would be no disturbance of the performances at Lopping Hall, and he would look forward to a positive relationship with the owner.

**(g) Questions for the Objector from the Members**

There were no questions for the objectors from the members .

**(h) Questions for the Objector from the Applicant**

There were no questions for the objectors from the applicant

**(i) Closing Statement from the Applicant**

Mr Dadds advised the Sub Committee that the structure of buildings had an effect on sound. This application was for a predominately seated restaurant, historic complaints related to the passageway were not relevant to this application. Residents would not be affected the premises and garden. The garden area would be seated only, with no music outside and acoustic reflection, anyone using the garden would not create a nuisance. There had been no objections from other residents in the flats above the shops and the responsible authorities had considered the application and raised no objections. If a licence was granted and in the future there was evidence that the licensing objectives had been undermined, the licence could be reviewed.

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

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

During their deliberations in private session the Sub-Committee received the following advice: speculation was not good enough; conditions imposed must be appropriate, be capable of being enforceable and must not undermine the licensing objectives; that each case must be determined on its own merits; and the Committee was entitled to find its own facts, determine what weight should be given to the evidence before it, and to reach its own conclusions. The Committee, when finding facts, must apply the "civil test" of "the balance of probabilities". While the Committee was not, itself, a court. It had to apply the same test for evidence as a civil court.

The Committee noted all of the submissions and representations, both oral and written made in relation to this application

**RESOLVED:**

That the application for a premises licence in respect of: 'New Restaurant, Lounge and Bar, 179-181 High Road, Loughton, Essex IG10 4LF, be **granted** subject to:

- a) The conditions submitted by the applicant on 24 December 2020 and dated 23 December 2020,
- b) The following conditions agreed with Environmental Health.
  - i. The premises shall be adequately insulated, or the sound level adjusted, to ensure that noise from music (live or recorded) or amplified was inaudible inside any adjoining premises.
  - ii. An appropriate automatic noise control device must be used for any amplified sound. The device should be set so that the volume of amplified sound emanating from the premises does not cause a public nuisance, The Premises Supervisor could ensure that any amplified from the premises does not cause a public nuisance by ensuring that amplified sound was inaudible at the boundary of any properties where occupiers were likely to be sensitive to noise.
  - iii. The Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not causa a public nuisance by ensuring that the music was inaudible at the boundary of any properties where the occupiers were likely to be sensitive to noise.
- c) the mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

The Sub-Committee considered were reasonable and proportionate and would not undermine the licensing objectives.

The applicant was reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

**CHAIRMAN**