



from the Debden Traders Association, to trade with stalls for a market for the sale of mixed goods, to include hot and cold food and drinks at The Broadway, Loughton, Essex, IG10 3ST, during the following hours:

Monday to Saturday 08.00 – 17.00pm, and  
Sunday 10.00 – 16.00pm.

The application was received on the 12 October 2020. This was a late submission and should have been submitted on or before 7 October 2020. The renewal of this Trading Consent had been late over several years and a warning letter was issued for the consent in 2019, this was renewed 4 months late in February 2020. Historically the consent was for 2 days per week. In 2016 an application was made to trade for 7 days per week, no objections were received and the Street Trading Consent was granted.

There was no requirement in the Local Government Miscellaneous Provisions Act 1982 Act to carry out any consultation, but the Licensing Officer notified Essex Police, Essex Fire and Rescue Service, Environmental Team, Public Health, Essex County Council Highways, Loughton Town Council and the ward councillors and a public notice was placed at the site.

The authority received comments from Essex Fire and Rescue and Essex County Council Highways and one representation of objection from a local business.

**(b) Presentation of the Application**

The applicant had advised that he would not be in attendance.

**(c) Presentation from the Objector**

Ms Smith, the objector, detailed that the applicant had historically had one table outside his shop, in the last two years the size and number of tables had increased and the larger display had impacted on her business. She had unsuccessfully tried to negotiate directly with Mr Sparks in relation to compatible pricing between the two parties. She stated that during lockdown there had been an additional expansion outside the businesses that had been forced to closed. She had raised concerns with the Council in relation to: the COVID safety of the arrangement and the stalls had been dispersed along The Broadway; the parking of a van; and questioned if Mr Peters was running the stall.

She advised the Committee that she had not seen the notice that should have been on the lamppost and detailed the content of a leaflet that had been circulated that said market stalls were available but they must not jeopardise any other business.

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

The Sub-Committee sought clarity around the number of stalls, Ms Smith advised that 8 years ago there was 1 table outside the shop now there were 4-5 tables and that had increased during the lockdown. Other stalls were present on a Thursday.

The Sub-Committee asked if Ms Smith had complained, she said that she had and the Licensing Officer confirmed the complaint was attached to her objection.

The Sub-Committee asked for details on the frequency that the van was parked, Ms Smith stated that this was parked every day at least twice a day for up to an hour and it was sometimes parked longways or on the pavement.

The Sub-Committee sought clarity from the Licensing Officer around the late application, if there was a restriction on the size of the pitch and the extent to which stalls could be put up along The Broadway. D Houghton advised the Sub-Committee that she had been responsible for street trading for two years and had issued a warning in regard to the late application. The Licence expired on 7 October 2020, the application was a few days late which was deemed acceptable due to COVID restrictions, trading had been allowed to continue until the application was determined by the Sub-Committee. She detailed that there was no specific restriction in relation to the size of pitches and that there was nothing to restrict the numbers. She was not aware of the current numbers but believed there were currently three other stalls.

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

Ms Smith stated that she had no objections when this was a single table and that her objections related to the expanded number of tables outside the premises.

**(f) 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 advice from the Legal Officer, on the powers to impose conditions if the consent was granted.

**RESOLVED:**

That the application for a renewal of a Street Trading Consent to trade at Debden Broadway Street Market, The Broadway, Loughton Essex IG10 be **granted** subject to the standard conditions for a Street Trading Consent and the following conditions:

- 1) The hours of operation:  
Saturday between 8pm to 5pm, and  
Sunday between 10am to 2pm
- 2) The consent was NOT transferrable, and
- 3) Trading shall be confined to the space available at the front of their premises only.

This reason for the decision of the subcommittee was to provide fairness to other retailers.

**87. APPLICATION FOR A PREMISES LICENCE - GODS OWN PIZZA, 155 HIGH ROAD, LOUGHTON IG10 4LF**

The three Councillors that presided over this application were Councillors R. Morgan (Chairman), B. Rolfe and D. Sungar.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application. The applicant Lee Norton, Manos Filaitis, Jane Musgrove and the objector David Hartnell were in attendance.

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

The Licensing Compliance Officer, H Ibrahim, informed the Sub-Committee that an application for a new Premises Licence had been received from TD&H Restaurants Ltd for a new premises licence at 155 High Road, Loughton, Essex, IG10 4LF. The application was for a new pizza restaurant, the applicant was applying for the following licensable activities:

Live Music (indoors)

Monday to Saturday 11:00-00:00

Sunday 11:00-23:00

Season variations to include Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the day preceding any bank holidays timings 11:00-00:30 and New Year's Eve 11:00-02:00

Provision of recorded music (both indoors and outdoors)

Monday to Saturday 11:00-00:00

Sunday 11:00-23:00

Season variations to include Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the day preceding any bank holidays timings 11:00-00:30 and New Year's Eve 11:00-02:00

Late Night Refreshments (both indoors and outdoors)

Sunday to Wednesday 23:00-00:00

Thursday-Saturday 23:00-00:30

Season variations to include Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the day preceding any bank holidays timings 11:00-01:00 and New Year's Eve 11:00-02:30

Supply of Alcohol (both on and off the premises)

Sunday to Wednesday 11:00-00:00

Thursday to Saturday 11:00-00:30

Season variations to include Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the day preceding any bank holidays timings 11:00-01:00 and New Year's Eve 11:00-02:30

Premises be open to the public

Monday to Saturday 11:00-01:00

Sunday 11:00-00:00

Season variations to include Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the day preceding any bank holidays timings 11:00-01:30 and New Year's Eve 11:00-03:00

The application was received by the Licensing Authority on the 18 November 2020. 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 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 five representations from Loughton Town Council, Connaught Avenue Essex Ltd and 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.

Responses had been received from the Police and the Environment and Noise Enforcement Team that detailed the agreed conditions to be added to the licence, if this was granted.

**(b) Presentation of the Application**

Mr Norton outlined his and his team's experience and the effective operation of their local licensed restaurants. He advised the Sub-Committee that this application was for a high quality, respectable family-based pizza restaurant. The takeaway, outside seating and music were essential for the viability of the business.

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

The Sub-Committee sought clarity through a variety of questions on the premises and the operation of the restaurant. Mr Newton advised that the restaurant would only sell pizza and alcohol would be served with food. There would be 35 covers in the restaurant and 10 outside covers. The outside seating area was on a slip road pavement which was owned by the applicant, there would be tables with umbrellas and possibly heating. Mr Newton detailed that the restaurant business had changed, especially since COVID, and customers needed to be spread across earlier and later hours. He stated that there was no intention or desire to turn the premises into a late night bar or nightclub. He did state that he needed customers to be able to order a drink with their food, as customers would not always eat if they could not order a drink.

The Sub-Committee asked for further details of the outdoor music, Mr Newton advised that this would be background music and an attempt to bring the inside atmosphere outside, the noise levels would be ambient.

The Sub-Committee asked for clarity on the opening Hours, H Ibrahim advised that on the application the opening times included the outside areas. The Sub-Committee asked for justification of the hours and special variations in hours Mr Newton advised that he did need extended hours to ensure the business was viable. The Sub-Committee asked if Mr Newton was prepared to negotiate the hours, Mr Newton advised that he was.

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

Mr Hammond advised his questions, in the main, had been addressed.

**(e) Presentation from the Objector**

Mr Hammond detailed that his objection related to the time of closure, and the late time that food and alcohol would be served. He stated that this would be detrimental to local residents and was concerned that this would become a bar. He also suggested that serving alcohol outside or off the premises could mean anything.

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

The Sub-Committee had no questions for the objector.

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

Mr Newton addressed Mr Hammond's objections and detailed that similar concerns had been raised by local residents when he opened his last restaurant two and half years ago. He highlighted that none of the concerns had materialised and there had

been no complaints since it opened. He advised that this was how they wanted to operate this restaurant and that they did not want to create any issues for the community but to add to the local community. He suggested that the works completed had already enhanced the area.

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

Mr Newton stated that the licence needed to be fair to the residents and to his business, and that this was important as the residents were his customers. Mr Filaitis suggested that the business did not want to be disadvantaged by any restriction to operating hours.

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

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

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:**

The decision of the Sub-Committee was that the application for a Premises Licence in respect of Gods Own Pizza, 155 High Road, Loughton, Essex, IG10 4LF be **granted** subject to:

- (1) the conditions as submitted by the applicant on 18 November 2020,
- (2) the conditions imposed by the licensing committee on the 5 January 2021 that related to:

The supply of alcohol

Sunday to Wednesday 11am to Midnight  
Thursday to Saturday 11am to Midnight

The supply of late-night refreshments

Sunday to Wednesday 11pm to Midnight  
Thursday to Saturday 11pm to Midnight.

All seasonal variations to be in accordance with the times stated below

The supply of alcohol

Christmas Eve 11am to 1am  
Christmas Day 11am to 1am  
Boxing Day 11am to 1am  
New Year's Eve 11am to 1am  
New Year's Day 11am to 1am  
Day preceding Bank Holidays 11am to midnight.

- (3) the mandatory conditions contained in Section 19-21 of the Licensing Act 2003.

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

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

**CHAIRMAN**