

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 1 August 2017

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 - 10.36 am

Members Present: R Morgan (Chairman), J Jennings and C P Pond

Other Councillors:

Apologies:

Officers Present: J Leither (Democratic Services Officer), A Mitchell (Assistant Director (Legal Services)) and H Ibrahim (Licensing Officer)

23. DECLARATIONS OF INTEREST

Councillor J Jennings declared a non-pecuniary interest in agenda item 4 Variation of an Existing Premises Licence for Eight Rocks Deli and Wine, 238 High Road, Loughton by virtue of being the Ward Councillor. The Councillor had determined that her interest was non-pecuniary and that she would remain in the meeting for the consideration of the application and voting thereon.

24. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

25. VARIATION OF AN EXISTING PREMISES LICENCE FOR EIGHT ROCKS DELI AND WINE, 238 HIGH ROAD, LOUGHTON IG10 1HA

The three Councillors that presided over this item were Councillor R Morgan (Chairman), Councillor C P Pond and Councillor J Jennings. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was Mr V Gubskis, a Director and Co-owner of the premises. There were no objectors in attendance. The Chairman then introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim introduced the application to the Sub-Committee. The application had been made by Jana Chetaru, for a variation of an existing premises licence at the Eight Rocks Deli and Wine, 238 High Road, Loughton IG10 1HA. The application, received on the 16 June 2017, requested a variation to the license as below:

- (i) Recorded Music – Monday to Sunday from 07:00 – 23:00; and
- (ii) Supply of alcohol – Monday to Sunday from 09:00 – 23:00.

The Legal Officer advised Members that recorded music was permitted from the hours of 08:00 – 23:00 therefore the applicant would only be asking for the variation to cover the hours of 07:00 – 08:00.

The Licensing Compliance Officer advised that all responsible authorities had been notified and the Licensing Authority had received two representations, one from local residents and one from Loughton Town Council. Essex Police had requested conditions to be added to the licence to which had been agreed by the applicant, these were as follows:

- (1) For alcohol to be sold for consumption on the premises; the premises must operate as a restaurant:
 - (i) In which customers must be seated at a table;
 - (ii) Which provides substantial table meals that are prepared on the premises and are served and consumed at the table; and
 - (iii) Where alcohol must not be sold, supplied or consumed on the premises otherwise than to the persons who are taking substantial table meals and provided that the consumption of alcohol by such persons is ancillary to taking such meals.
- (2) Service of alcohol shall be by waiter/waitress only.
- (3) Alcohol sold for consumption off the premises must be sealed and wrapped.

The representations relate to:

- The prevention of Crime and Disorder;
- The prevention of Public nuisance; and
- The protection of Children from Harm.

(b) Presentation of the Applicant's Case

The co-owner, Mr Gubskis advised the Sub-Committee that the Eight Rocks Deli and Wine was currently a coffee shop and they now wanted to open all day as a restaurant and build a reputable business in Loughton.

Mr Gubskis stated that alcohol would only be served by waiters/waitresses at tables to customers having a meal. No standing guests would be allowed or would be served alcohol and that they would not be operating as a pub or nightclub. There would be background music only played so that customers could talk amongst themselves. Families with children would be welcomed and he stated that they would not encourage young people to visit the premises for alcohol. Mr Gubskis further advised that all staff would be trained to operate the Challenge 25 policy.

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

Councillor Morgan asked if it was necessary to have a music license from 07:00-08:00 hrs. Mr Gubskis replied that they opened at 7:00 hrs to catch the passing trade to the station for breakfast and takeaways.

Councillor Morgan asked who would be the designated premises supervisor. Mr Gubskis said that he would.

Councillor C P Pond asked why they had applied for an off-sales licence. Mr Gubskis replied that if a customer had a bottle of wine with their meal, liked the wine and

wanted to take a bottle home, the licensing of off-sales would enable them to provide this service to their customers.

Councillor Jennings asked if the licensing hours ended at 23:00 hours what time would the premises close. Mr Gubskis replied that the premises would close to customers at 23:30 hours but staff would still be on the premises to clean and tidy.

(d) Closing Statement from the Applicant

The Applicant stated that he had nothing further to add.

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

The Chairman requested that the Applicant and Officer withdraw from the Chamber while the Sub-Committee 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 variation of an existing Premises Licence for Eight Rocks Deli and Wine, 238 High Road, Loughton IG10 1HA, be refused in respect of the application to play recorded music between 7am-8am, which in the opinion of the Sub-Committee were reasonable, proportionate and in the public interest for the promotion of the licensing objectives.

- (i) In relation to the prevention of public nuisance the Sub-Committee considered that the proximity of residential properties means that playing recorded music between 7am and 8am would be a public nuisance;

(2) That the application for a variation of an existing Premises Licence for Eight Rocks Deli and Wine, 238 High Road, Loughton IG10 1HA, be granted in respect of the sale of alcohol on and off of the premises this be granted, subject to the following conditions which in the opinion of the Sub-Committee were reasonable, proportionate and in the public interest for the promotion of the licensing objectives.

- (i) Subject to the existing conditions on the licence in respect of the sale of alcohol both on and off the premises; and
- (ii) The conditions as set out in the email from Essex Police Licensing Officer on page 45 of the agenda, which had previously been agreed by the Applicant.

CHAIRMAN