

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 5 September 2017

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 12.35 pm
High Street, Epping

Members Present: M Sartin (Chairman), L Hughes, D Sunger and B Surtees

Other Councillors: -

Apologies: -

Officers Present: R Ferriera (Assistant Solicitor), G J Woodhall (Senior Democratic Services Officer), D Houghton (Licensing Compliance Officer), K Tuckey (Licensing Manager) and H Ibrahim (Licensing Officer)

30. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

31. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

32. APPLICATION TO VARY A PREMISES LICENCE - EAST 15 ACTING SCHOOL & CORBETT THEATRE, HATFIELDS, RECTORY LANE, LOUGHTON

The three Councillors that presided over this item were Councillors Sartin (Chairman), Hughes and Surtees. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were: Mr M Spicer, Campus Facilities Manager at the Acting School; and Mr M Newman, the Solicitor representing the Premises. In attendance and objecting to the Application was Mr E Pace, a local resident. 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 Manager informed the Sub-Committee that an application to vary a Premises Licence had been received in respect of the East 15 Acting School in Rectory Lane, Loughton, along with representations from interested parties. The application had requested permission to vary the site area during the redevelopment of student facilities, with the server/bar area to be temporarily relocated to the new part of the building. There were no requested changes to the times and dates for the licensable activities.

The Licensing Manager stated that the application had been sent to the responsible authorities and had been properly advertised at the premises, as well as in a local newspaper. Seven representations had been received from local residents, relating

to the Prevention of Crime & Disorder, Public Safety, the Prevention of Public Nuisance, and the Protection of Children from Harm.

(b) Presentation of the Applicant's Case

Mr Newman informed the Sub-Committee that East 15 was an internationally renowned Acting School which was considered one of the top five Acting Schools in the country. This application was a temporary measure whilst construction works were undertaken and it was noted that there had been no representations from the responsible authorities, including Essex Police.

The School acknowledged the concerns that had been raised by local Residents, and the School had proposed a further four conditions to be added to the Licence to allay the concerns of Residents. These included an Incident Log to be kept at the Premises, clear signage requesting students to respect local residents and neither make unnecessary noise or litter, and customers to be advised verbally whilst on the Premises.

Mr Newman drew the attention of the Sub-Committee to the Supplementary Agenda which had been published as this included a statement from Ms A Buckell, the Catering & Bar Manager at the Premises regarding the Firework display at the School. Two points from Ms Buckell's statement were highlighted:

- (i) the display had been put on by a professional company and the School had hoped for a large turnout but in the end only 30 students attended; and
- (ii) the start of the display was slightly delayed as there were shows happening in the Dance Studio, but it lasted slightly more than 15 minutes and was completed by 8.00pm.

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

In response to questions from the Sub-Committee, Mr Spicer stated that 'Challenge 21' was already in operation at the Premises but this could be changed to 'Challenge 25' if the Sub-Committee wished. There had been no immediate issues arising from the temporary move, although it was acknowledged that the temporary Premises would be a little closer to the Hatfields estate, approximately 5 or 6 metres closer. Smoking would be permitted outside the buildings, and Mr Newman highlighted that the College was looking at measures to ensure neighbours were not unduly disturbed by anybody smoking outside the Premises. The proposed smoking area outside the temporary Refectory was outlined to the Sub-Committee using the map printed on page 36 of the agenda.

Mr Spicer added that there would be live and recorded music played on the Premises, but the College could look at temporary measures to prevent noise disturbance to neighbours from such performances during the move. Mr Newman clarified that all performances at the College would finish by 10.30pm at the latest. Mr Spicer explained that it was a historical accident that the hours of performance were until 12.00am but the sale of alcohol was restricted until 11.00pm; the College was happy for all such hours to be standardised at 11.00pm.

Mr Newman informed the Sub-Committee that there had been 4 noise complaints made against the College during the period 2013-17; however, no punitive measures were taken against the College as a result. Mr Spicer confirmed that the construction works were due to be completed in December 2017.

The Licensing Manager advised the Sub-Committee that the Premises would need to make a full application again when the construction works had been completed and that, in her opinion, the hours within the schedules could not be amended by the Sub-Committee unless offered by the Premises as part of the variation being applied for.

(d) Questions for the Applicant from the Objector

In response to questions from the Objector, Mr Newman stated that the Premises always had SIA registered Door Staff on duty during performances in the evenings and there was also CCTV installed at the Premises. The College was not expecting former customers of the Nu Bar or Luxe to start frequenting the Premises as there were other public houses in the area which stayed open later than the College. Mr Spicer added that although the Premises were open to the general public for Theatre performances, customers still needed tickets to enter. On all other occasions, it was a Students Union bar and not generally open to the public.

Mr Spicer also stated that there were no windows in the Theatre. It had been built approximately 60 years ago, was a Grade II Listed Building and there had been no noise complaints received concerning the Theatre. There was a 30 minute drinking up period after 11.00pm at the Premises.

(e) Presentation of the Objector's Case

Mr Pace stated that local residents had concerns about the wording of the Application, which could indicate there would be functions or parties seven nights a week; added to this was the recent closures of the Nu Bar and The Luxe Bar and the use of the wording "*Open to the general public*", so residents wanted assurances from the College regarding its long-term plans. Would the Premises become a nightclub? Mr Pacer informed the Sub-Committee that currently the main noise disturbance for residents came from smokers outside the Premises.

(f) Applicant's Closing Statement

Mr Newman reminded the Sub-Committee that the College was an internationally renowned Acting School with very responsible management in place. There had been no objections to the Application from the responsible authorities and the Premises would put measures in place to manage the smoking area.

Mr Spicer highlighted an anomaly in Schedule L, hours premises are open to the public, and that this should be amended to read until 23:30 Mondays to Saturdays and 23:00 on Sundays to allow a period of 30 minutes drinking up time.

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

The Sub-Committee received legal advice that the Application was considered a major variation, and that therefore the conditions within the Schedules could be modified if the Sub-Committee so desired.

On the basis of this legal advice, and after having listened to the concerns of the Objector, the Sub-Committee felt it would be prudent to standardise the hours of all types of performance such that they would be 12:00 to 23:00 on Mondays to Saturdays and 14:00 to 22:30 on Sundays. The hours permitted for the sale of alcohol should remain as outlined in the Application, i.e. 11:00 to 23:00 on Mondays to Saturdays and 12:00 to 22:30 on Sundays, but that the Premises should be

permitted to open for an additional 30 minutes until 23:30 on Mondays to Saturdays and 23:00 on Sundays to allow for a 'drinking up' period.

The Sub-Committee accepted the four additional conditions offered by the Applicant in his email dated 1 September 2017, and felt that the 'Challenge 25' scheme should also be implemented at the Premises.

Decision:

(1) That the application to vary a Premises Licence for the East 15 Acting School in Rectory Lane, Loughton be granted, subject to the additional conditions and variation of existing conditions outlined below;

(2) That the following additional conditions suggested by the Applicant be agreed and form part of the Premises Licence:

(a) An incident log shall be kept at the Premises and made available to an authorised Officer of Epping Forest District Council or Essex Police, which will record the following:

- (i) all crimes reported to the venue;
- (ii) any complaints received;
- (iii) any incidents of disorder;
- (iv) any refusal of sale of alcohol; or
- (v) any visit by a relevant authority or emergency service;

(b) There shall be clear signage requesting students and customers to respect the local residents and vacate the Premises quietly and promptly;

(c) Prominent signs in place to encourage customers and students to be courteous to neighbours and respect their properties and refrain from littering; and

(d) Verbal advice to customers and students be given (as necessary) to encourage them to keep noise down whilst on the Premises;

(3) That the 'Challenge 25' scheme be implemented at the Premises with immediate effect;

(4) That the following schedules within the Premises Licence be amended to permit licensable activities from 1200 to 2300 on Mondays to Saturdays and 1400 to 2230 on Sundays:

- (a) A – Plays;
- (b) B – Films;
- (c) E – Live Music;
- (d) F – Recorded Music; and
- (e) G – Performance of Dance;

(5) That Schedule L – Hours Premises are open to the public – be amended to permit the Premises to open from 1100 to 2330 on Mondays to Saturdays and 1200 to 2300 on Sundays; and

(6) That all other schedules and conditions within the current Premises Licence, not already referred to in this decision, be unchanged.

33. APPLICATION FOR A PREMISES LICENCE - LIGHT TREE BISTRO, 262 HIGH ROAD, LOUGHTON

The three Councillors that presided over this item were Councillors Sartin (Chairman), Hughes and Sunger. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was Mr R Banks, a Licensing Consultant acting on behalf of the Premises. 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 Enforcement Officer informed the Sub-Committee that an application had been received for a Premises Licence at the Light Tree Bistro situated at 262 High Road in Loughton, along with representations from interested parties. The application had requested permission for the Premises to supply alcohol from 1200 to 2300 on Mondays to Sundays, play Live Music from 1800 to 2200 on Mondays to Sundays, play Recorded Music from 0800 to 2300 on Mondays to Sundays, and be open to the public from 0800 to 2330 on Mondays to Sundays. Eleven conditions had also been attached with the Application to form part of the Operating Schedule.

The Licensing Enforcement Officer stated that a representation had been received from Essex Police, with two further suggested conditions for the Application. These had been agreed by the Applicant and the objection from Essex Police had been subsequently withdrawn. A further objection had been received from a local resident in Habgood Road regarding the possible permission to play loud music until 2300 at weekends, which they felt would result in unacceptable noise pollution.

(b) Presentation of the Applicant's Case

Mr Banks stated that the Premises was a small café on the ground floor of a terrace in the High Road, with bi-fold opening doors. The floors above the café were residential flats, and the surrounding area was a mixed residential, commercial and shopping region. The café currently had 30 covers inside the Premises and 16 covers on the patio area at the front of the Premises. The café currently served breakfasts, lunches and evening meals, together with cakes and pastries, and the aim of the Application was to allow the Premises to serve wine to customers with their evening meals and play background music throughout the day.

Mr Banks pointed out that the Premises had had a number of Temporary Event Notices recently and there had been no objections from any of the flats above the café regarding any of the events. There would be an experienced Designated Premises Supervisor on site who was the Manager of the Premises.

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

Mr Banks informed the Sub-Committee that there was no intention of Live Music being performed regularly at the Premises; the Application was mainly to allow the

occasional live singer or instrumentalist to play at the Premises. There was no room at the Premises for a band to set up and perform, and there were no plans for such events. There would definitely not be any Live Music outside the Premises nor any loud speakers situated outside on the terrace. Any live singers would be positioned in the inside seating area in front of the toilet cubicle, approximately midway through the Premises.

Mr Banks confirmed that the sale of alcohol would extend to those customers eating on the patio area outside the Premises. The Premises would be happy to keep the bi-fold doors closed after 2100; they would probably only be open anyway after 2100 at weekends, not weekdays.

It was highlighted that the resident of Habgood Road who had objected to the Application did not actually live particularly close to the Premises. Mr Banks stated that it would take 8 minutes to walk to Habgood Road from the Premises, and emphasised that no objections to the Application had been received from any of the residential apartments above the Bistro.

Mr Banks clarified that the Premises had agreed the two suggested conditions from Essex Police, and that any sale of alcohol at the Premises would be for consumption on the Premises only – including the patio area. There was CCTV in place at the Premises and recordings could be made available upon request by responsible authorities.

(d) Applicant's Closing Statement

Mr Banks made a short closing statement in support of the Application.

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

The Sub-Committee received legal advice which clarified that the total area of the Premises included the patio area at the front of the Premises. On the basis of this advice, the Sub-Committee felt it would be beneficial to add an informative to the Licence that alcohol could only be consumed on the Premises, which included the outside Patio area.

The Sub-Committee felt that there were no justifiable reasons to refuse the application; however, the Sub-Committee felt that the bi-fold doors at the front of the Premises should be kept closed after 9.30pm each evening, and the conditions previously agreed with Essex Police should be added do the Licence.

Finally, the Sub-Committee decided to amend condition 6 on the Operating Schedule such that any recordings made by the CCTV system should be retained for 31 days and be made available to responsible authorities upon request.

Decision:

(1) That the Application for a Premises Licence at the Light Tree Bistro at 262 High Road, Loughton be granted subject to the additional conditions and variation of existing conditions outlined below;

(2) That the following additional conditions suggested by Essex Police be agreed and form part of the Premises Licence:

(a) The Premises must operate as a restaurant:

- (i) in which customers must be seated at a table;
 - (ii) which provides substantial table meals that were prepared on the Premises and were served and consumed at the table;
 - (iii) which did not provide any take-away service of food or drink for immediate consumption; and
 - (iv) where alcohol must not be sold, supplied or consumed on the Premises otherwise than to persons who were taking substantial table meals and provided always that the consumption of alcohol by such persons was ancillary to taking such meals; and
- (b) the serving of alcohol shall be by waiter / waitress only;
- (3) That condition (6) of the Conditions consistent with the Operating Schedule be amended to read as follows:
- ‘(6) The Premises Licence Holder shall ensure that the Premises shall install and maintain a Closed Circuit Television (CCTV) system, *and that all recordings made by the system should be kept for a minimum period of 31 days and be made available upon request by Essex Police or other authorised Officers.*’;
- (4) That the bi-fold doors at the front of the Premises should be kept closed after 9.30pm each evening, subject to access to / from the interior of the Premises;
- (5) That, following legal advice, an informative be added to the Licence such that the outside patio area at the front of the Premises be included as part of the Premises for the purposes of supplying alcohol; and
- (6) That all other schedules and conditions within the Premises Licence Application, not already referred to in this decision, be agreed.

34. EXCLUSION OF PUBLIC AND PRESS

The Sub-Committee noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN