

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 26 June 2017

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 12.30 pm
High Street, Epping

Members Present: B Surtees (Chairman), K Chana, C P Pond and B Rolfe

Other Councillors:

Apologies:

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

10. DECLARATIONS OF INTEREST

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

11. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

12. PREMISES LICENCE APPLICATION FOR THE CART SHED RESTAURANT AND FARM SHOP, WEALD PLACE, 9 DUCK LANE, THORNWOOD, EPPING, CM16 6NE

The three Councillors that presided over this item were Councillor B Surtees (Chairman), C P Pond and K Chana.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application. In attendance on behalf of the application was Mrs I Alldis, the applicant, Mr W Alldis the premises supervisor and his partner. Also in attendance objecting to the application were Mr A Peck and Mr A Whitehead.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer, N Clark introduced the application to the Sub-Committee. The application for a New Premises Licence had been made By Mrs I Alldis for a New Premises Licence at The Cart Shed Restaurant and Farm Shop, Weald Place, 9 Duck Lane, Thornwood, Epping, Essex CM16 6NE, as set out below:

In the restaurant:

- (i) The sale of alcohol Tuesday to Saturday 18:00 to 24:00, Sunday 12:30 to 24:00 for both on and off sales.
- (ii) Late night refreshment: Tuesday to Sunday 23:00 to 24:00.

- (iii) Live music: Tuesday to Saturday 19:00 to 23:00, Sunday 12:00 to 23:00.

The Farm Shop:

- (i) The sale of alcohol Tuesday to Sunday 10:00 to 17:00.
- (ii) The application was received on 3 May 2017.

All responsible authorities had been notified and the Licensing Authority had received six representations from local residents. Essex Police and Essex County Fire & Rescue Service made no representations.

(b) Presentation of the Applicant's Case

The premises supervisor Mr Alldis advised the Sub-Committee that the Farm was a family business and his family had owned the farm since 1920.

Restaurant

Mr Alldis stated that the restaurant had been open for approximately 18 months and customers were able to bring their own alcohol to which the restaurant had no control over how much they drank. As this was proving to be a popular and successful business the family had decided that it would be more prudent to regularise the alcohol intake if they were to obtain a license to sell alcohol. The music played in the restaurant was mostly background music from a radio but occasionally they would like to have live jazz music. Mr Alldis stated that they would never entertain putting on a festival or concert.

Mr Alldis advised that they would however like to consider hosting weddings in a marquee in the grounds up to 12 times a year. These wedding events may include a band but all amplified music would stop at 23.00 hours.

Farm Shop

Mr Alldis advised that the farm produced home made sloe gin and liquors which they would like to sell in the shop.

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

Councillor Surtees asked if they had live or recorded music at the restaurant and was it relayed outside. Mr Alldis advised that it was recorded background music from a radio and it was not relayed outside of the building.

Councillor Pond asked how many people would the restaurant seat. She was advised that it would seat approximately 22-24 customers to maintain a family atmosphere and we only have a small kitchen.

Councillor Surtees asked how many staff would be on duty in the restaurant. He was advised that there would be 1-2 waiting staff, himself, his partner Victoria and his mother Mrs Alldis, the applicant.

(d) Questions for the Applicant from the Objector

Mr Whitehead advised the Sub-Committee that he resided 60-70 yards away from the farm garden and his major concern was planned outside events to be held in a

marquee in the curtilage of the Farm and the level of noise this would bring from the music and people talking outside and getting in and out of cars into the early hours.

Mr Alldis replied that they had no plans, at this time, to host outdoor events, but this could be something they would want to do in the future and they would be held in the driveway and not the garden.

Mr Peck asked the applicant if they were aware that the majority of people living in the area were elderly.

Mr Alldis replied that he was aware of the age of the residential area and that most of the properties were double glazed.

Mr Peck advised that the neighbouring properties may be double glazed but double glazed windows have vents and they do not sound proof a property.

Mr Peck asked the applicant to explain why he was applying for an alcohol licence and why did he open a restaurant in a quiet residential area.

Mr Alldis replied that he was a passionate chef, the Farm was a small family business and he wanted to make good use of the farm foods that they produced. He also stated that they had the building and the land therefore all of our customers can park on our property.

(e) Presentation of the Objector's Case

Mr Peck advised that his main concern was events held outside the restaurant as the music from a marquee could not be sound proofed. He informed the Sub-Committee that his bedroom backed onto the restaurant. If you grant this application for a wedding venue then it would hold up to 80 people, it would be in a built up residential area which was not suitable for this sort of event.

Mr Whitehead advised the Sub-Committee that he lived even closer to the farm than Mr Peck, it was a peaceful residential area. He had no issues with the restaurant serving alcohol but his main concern was the live music at wedding events and parties, the music from a marquee would be unbearable and would cause a public nuisance.

(f) Questions for the Objectors from the Sub-Committee

Councillor Pond asked the objectors if they heard noise when people dined outside since the restaurant had opened. Mr Whitehead replied that he didn't but he was worried about outside music in the future. Mr Peck agreed with what Mr Whitehead had to say as his concerns was also about the outside music.

(g) Questions for the Objectors from the Applicant

The Applicant had no questions for the Objectors.

(h) Closing Statement from the Objector

The objectors were both in agreement that they had no concerns with the alcohol licensing for the Farm Shop and Restaurant their main concerns were the application for a licence for live music events such as weddings and parties and the noise that would emanate from such events.

(i) Closing Statement from the Applicant

Mr Alldis said that he had listened to the objectors and understood the residents concerns with live music being played outside. He advised the Sub-Committee that his primary interests were the Restaurant and Farm Shop and that he would be happy with the live music events being removed from the application. He would however like to play recorded background music in the restaurant.

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

The Sub-Committee withdrew from the chamber while they 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 New Premises Licence for The Cart Shed Restaurant and Farm Shop, Weald Place, 9 Duck Lane, Thornwood, Epping CM16 6NE, be granted subject to the following conditions which the Sub-Committee considered were proportionate, appropriate and necessary for the promotion of the Licensing objectives:

- (i) The application of licensing for special events was refused;
- (ii) The licence for live music was granted only in respect of the restaurant building;
- (iii) The application for the alcohol licence in the Farm Shop shall be granted only for an off-licence; and
- (iv) The licensing hours shall be those as set out in the report to the agenda.

These modifications were made because the Sub-Committee considered that these were necessary and proportionate for the prevention of public nuisance.

(2) The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003.

(3) The conditions which have previously been agreed with the Police which are attached to the Sub-Committee agenda.

(4) 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.

13. PREMISES LICENCE APPLICATION - VIVALDI, 236 HIGH ROAD, LOUGHTON, IG10 1RB

The three Councillors that presided over this item were Councillor B Surtees (Chairman), C P Pond and B Rolfe.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application. In attendance on behalf of the application were: Mr I Tas, the owner of Vivaldi Restaurant/Café, a business colleague, and Ms Etee representing the owner. In attendance and objecting to the application was Mr A Kite.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim introduced the application to the Sub-Committee. The application for a New Premises Licence had been made by Mr I Tas for Vivaldi, 236 High Street, Loughton, IG10 1RB, for the supply of alcohol from 9am to 11pm Monday to Thursday, 9am to 12am Friday and Saturday and 9am to 11pm Sunday. The authority had received the application on the 10th May 2017.

All responsible authorities had been notified and the Licensing Authority had received four representations one from the Town Council, one from Councillor J Jennings and two from local residents. Essex Police, Essex County Fire & Rescue Service and EFDC Environment and Neighbourhoods made no representations.

(b) Presentation of the Applicant's Case

The applicant's representative Ms Etee advised the Sub-Committee that following the representations submitted to the Sub-Committee the owner Mr Irfan had agreed for the licensing hours of business to be reduced to Monday to Sunday 9am to 11pm and that the premises would close at 11.30pm.

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

Councillor Pond asked the applicant to clarify at what time would the sale of alcohol finish each day. She was advised that the applicant had agreed to stop the sale of alcohol at 11pm and close at 11.30pm from Monday to Sunday.

Councillor Surtees asked how many people would the restaurant seat. He was advised that it would seat approximately 50- 60 customers seated inside and on the terrace outside.

Councillor Surtees asked how many staff would be on duty each day. He was advised that there would be 7-8 staff on duty each day.

(d) Questions for the Applicant from the Objector

Mr Kite asked the applicant if there would be live music playing on the premises. Ms Etee consulted with the applicant and answered that there would be no live music.

(e) Presentation of the Objector's Case

Mr Kite advised the Committee that he was speaking on behalf of a number of local residents and their main concerns were late drinking and live music which would be disturbing and cause a public nuisance. He was satisfied with the applicants response that there would be no live music and that the applicant had agreed to alter the licensing and opening times of the restaurant/café.

(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

The Applicant had no questions for the Objector.

(h) Closing Statement from the Objector

The Objector had no more to add to his statement.

(i) Closing Statement from the Applicant

The applicant stated that he was happy to reduce the opening hours of the restaurant/café and to confirm that there would be no live music. He emphasized that he was not looking to have a pub/club type of venue.

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

The Chairman requested that the public and officers to 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:

The Sub-Committee considered that the application satisfied the necessary requirements in order to be considered as on the prescribed form, it has been advertised and relevant notifications given. The application only related to the restaurant building shown on the plan and the decision of the Sub-Committee related only to the restaurant building. The Sub-Committee had taken into account the relevant representations, the four licensing objectives and the Council's Licensing Policy.

(1) That the application for a new premises licence for Vivaldi, 236 High Road, Loughton, IG10 1RB be granted subject to the follow conditions which the Sub-Committee considered were proportionate, appropriate and necessary for the promotion of the Licensing objectives:

(i) The licensable activities requested on the application shall only take place between the hours of 09.00 to 23.00 hours. The hours that the premises are open to the public are 09.00 to 23.30 hours.

(2) The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003.

(3) The conditions which have previously been agreed with the Police which are attached to the Sub-Committee agenda.

(4) 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