

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 6 November 2018

Place: Council Chamber, Civic Offices, **Time:** 10.05 am - 1.05 pm
High Street, Epping

Members Present: R Morgan (Chairman), S Heather, B Rolfe and M Sartin

Other Councillors: P Keska and P Stalker

Apologies:

Officers Present: R Ferriera (Assistant Solicitor), D Houghton (Licensing Compliance Officer),
H Ibrahim (Licensing Officer), J Owen (Licensing Compliance Officer) and
A Hendry (Senior Democratic Services Officer)

20. DECLARATIONS OF INTEREST

Pursuant to the Council's Member Code of Conduct, Councillors R Morgan, S Heather, B Rolfe and M Sartin declared an interest in agenda item 6, Club Premises Licence Application for Ongar Community Sports Trust, Jubilee Park Pavillion, Love Lane, Ongar, by virtue of knowing one of the objectors and a supporter of the application. The Councillors had determined that their interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

21. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

22. APPLICATION FOR A NEW PREMISES LICENCE - GEM OF ESSEX, CONNAUGHT HOUSE, 112/120 HIGH ROAD, LOUGHTON, IG10 4HJ

The three Councillors that presided over this item were Councillors R Morgan, B Rolfe and M Sartin.

The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed Mr Cemal Albay the applicant. With him was the landlord of this current restaurant in Islington to act as a character witness.

(a) Application before the Sub-Committee

The Licensing Compliance officer introduced the application for a new premises licence for a restaurant at Connaught House, 112/120 High Road, Loughton, IG10 4HJ. The application was for a new premises licence to include:

The provision of recorded music:

- Monday to Thursday 08:00 to 23:00;
- Friday to Saturday 08:00 to 23:30; and

- Sunday 08:00 to 22:30.

The sale of alcohol:

- Monday to Thursday 12:00 to 23:00;
- Friday to Saturday 12:00 to 00:00; and
- Sunday 12:00 to 22:30: and

Hours the premises will be open to the public:

- Monday to Thursday 08:00 to 23:00;
- Friday to Saturday 08:00 to 00:00; and
- Sunday 08:00 to 22:30.

The Officer noted that the newspaper advertisement had to be amended due to mistakes being made to the original one.

There had been a representation received from Loughton Town Council and two local residents. Essex Police had agreed some extra conditions with the applicant and other responsible authorities were content with the application as it stood. There were no other objection.

(b) Presentation of the Applicant's Case

The Applicant Mr Albay advised the Sub-Committee that he had another restaurant in Islington and he had with him his current landlord to vouch for his character. He noted that he would be serving food along with wine and beer. As they were a small place, they did not want a bar; the drink would be served at the tables with the food. He reminded the Sub-Committee that the person who had the place before him had the same type of licence.

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

The sub-committee enquired if Mr Albay would be the owner. He replied that he was the owner and also the licence holder. He had a restaurant in Islington where he had never experienced any problems.

The Sub-Committee asked why he had applied for an off-sales licence, did he need this. The Licensing Compliance officer confirmed that he had to have it and said that any bottles taken out of the restaurant had to be packaged. Also she added by way of explanation that although the previous owner had run it as a restaurant he had surrendered his licence so the applicant could not just take it over.

The Sub-committee expressed concern about the off sales of alcohol and asked how he would control it. The applicant said that he had been in the business for 19 year and was very experienced. The off sales was a service to their customers; if they had paid for a bottle of wine with their meal, they should have the right to take it away with them. They only sold wine by the bottle. Shots and beer were sold by the glass.

It was noted that it had been agreed with the police that any wine taken away had to be in a sealed container and had been sold with food.

The Sub-Committee remarked that his hours for the supply of alcohol were the same as his opening hours. Normally the sale of alcohol would stop half an hour before closing time to give some "drinking up" time. The Applicant said that he did not want this, as he stopped taking new customers by 11pm which enable the existing customers to finish by closing time.

(d) Closing Statement from the Applicant

The Applicant had nothing more he wished to add.

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

The Chairman advised that the Sub-Committee would withdraw from the chamber whilst they considered the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

That the application for a new premises licence for Gem of Essex, Connaught House, 112/120 High Road, Loughton be granted subject to the following conditions which we consider are reasonable and proportionate for the promotion of the licensing objectives:

1. The conditions consistent with the Operating Schedule as modified by the conditions which have previously agreed between the applicant and Perter Jones (Essex Police Licensing Officer) as set out in an email dated 2 October 2018 at 14:40 on pages 36 and 37 in the Agenda.
2. The mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

23. NEW PREMISES LICENCE APPLICATION, MR TODIWALA AT PETISCOS, 75 QUEENS ROAD, BUCKHURST HILL, ESSEX

The three Councillors that presided over this item were Councillors R Morgan, S Heather 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. The Chairman welcomed Mr S Schaffer the applicant and Michelle Schaffer his business partner and wife.

(a) Application before the Sub-Committee

The Licensing Compliance Officer introduced the application for a new premises licence at 75 Queens Road, Buckhurst Hill. The operating schedule was for both on and off sales of alcohol, provision of recorded music and provision of late night refreshment.

The responsible authorities had received a copy of the application and it had been advertised at the premises and in a local newspaper. All residences and businesses within 150 meters radius of the premises were individually consulted.

Four representations from local residents had been received, they related to the prevention of public nuisance and the prevention of crime and disorder. The responsible authorities had made no objections, the Parish Council had not made an objection but had submitted some comments and the District Council's Environment and Neighbourhoods Officer had agreed some extra conditions with the applicant.

(b) Presentation of the Applicant's Case

The applicant, Mr Schaffer advised the Sub-Committee that premises had not been a restaurant before. He clarified that the name 'Petiscos' meant tapas in Portuguese and that would be what they would be serving. They would have no bar in the restaurant; all drinks would be served at the tables. All their wines were sourced from small family vineyards in Portugal. Customers would be allowed to take the bottles home with them if they did not finish it at the time. As proof of concept they had run it as a pop up restaurant for some time, and it had proved very popular.

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

The Sub-Committee enquired about the staff at the premises. They were told that Mr Schaffer would be there everyday along with the service and kitchen staff. This was the only premises that he looked after. He had been in catering for 35 years and had come up with this concept about four years ago and it proved to be successful in London.

The Sub-Committee queried the off-sales element to the licence. Mr Schaffer said that their customers would buy a bottle of wine and if unfinished it could then be taken home.

The Sub-Committee noted that the applicant had agreed with the District Council's Environment and Neighbourhoods Officer the following conditions:

- 1) The number of seated diners on the front terrace shall not exceed 8 at any time. This area was to be cleared of diners by 22.00 – except for smokers;
- 2) Between 22.00 hours and when the premises was closed to the public, the outside area shall only be used by customers to smoke. No food or drink to be consumed in the outside area after 22.00 hours;
- 3) A member of staff shall ensure that any patrons eating, drinking and/or smoking outside the premises do so in an orderly manner and do not cause a public nuisance;
- 4) All external doors and windows shall be closed by 21.00 hours to minimise the noise from the premises, other than entry and exit of patrons and staff; and
- 5) No deliveries or refuse collections shall be taken at or dispatched from the Site outside the hours of 07.00-19.00 hours, Monday to Friday, 08.00-14.00 Saturday nor at any time on Sundays, Bank or Public Holidays.

(d) Closing Statement from the Applicant

The Applicant had nothing more he wished to add.

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

The Chairman advised that the Sub-Committee would withdraw from the chamber whilst they considered the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

That the application for a new Premises Licence for Mr Todiwala at Petiscos, 75 Queens Road, Buckhurst Hill be granted subject to the following conditions which were considered reasonable and proportionate for the promotion of the licensing objectives:

1. That the conditions consistent with the Operating Schedule together with the conditions that were previously been agreed between the applicant and Michael Richardson, Environment & Neighbourhood Officer, Neighbourhood Directorate (now known as the Commercial & Regulatory Services Directorate) of Epping Forest District Council as set out in an email dated 10th October 2018 at 09:20 on page 72 of the agenda for the prevent of public nuisance, namely:

(i) The number of seated diners on the front terrace shall not exceed 8 at any time. This area was to be cleared of diners by 22.00 – except for smokers;

(ii) Between 22.00 hours and when the premises was closed to the public, the outside area shall only be used by customers to smoke. No food or drink to be consumed in the outside area after 22.00 hours;

(iii) A member of staff shall ensure that any patrons eating, drinking and/or smoking outside the premises do so in an orderly manner and do not cause a public nuisance;

(iv) All external doors and windows shall be closed by 21.00 hours to minimise the noise from the premises, other than entry and exit of patrons and staff; and

(v) No deliveries or refuse collections shall be taken at or dispatched from the Site outside the hours of 07.00-19.00 hours, Monday to Friday, 08.00-14.00 Saturday nor at any time on Sundays, Bank or Public Holidays.

2. That the Premises as outline in red on the Lease Plan of which the forecourt forms part was not consent under the Highways Act. (The applicant pointed out to the Chairman that the forecourt was not highways land but their own);

3. The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003.

24. NEW PREMISES LICENCE APPLICATION FOR ONGAR COMMUNITY SPORTS TRUST, JUBILEE PARK PAVILLION, LOVE LANE, ONGAR, ESSEX CM5 9BL

The three Councillors that presided over this item were Councillors R Morgan, S Heather and M Sartin.

The Chairman introduced the members and officers present and outlined the procedures that would be followed for the determination of the application. The Chairman welcomed three of the applicants John Reynolds, Derek Perch and Andy Bacon.

Also in attendance were Brian and Marie Hatch local residents; Sheila Jackman a local resident and the local ward Councillor, Councillor P Keska.

(a) Application before the Sub-Committee

The Licensing Officer introduced the application for the determination of a new Club Premises Certificate for Ongar Community Sports Trust, Jubilee Park Pavilion, Love Lane, Ongar, Essex.

The application was for the following licensing activities,

The Provision of Live Music

Monday to Thursday 10.00 – 23.00pm
Friday to Saturday 10.00 to 00.00
Sunday 10.00 to 22.00pm

The Provision of Recorded Music

Monday to Thursday 10.00 – 23.00pm
Friday to Saturday 10.00 – 00.00am
Sunday 10.00 – 22.00pm

Supply of Alcohol on the premises only

Monday to Thursday 11.00 – 23.00pm
Friday to Saturday 11.00 – 00.00am
Sunday 11.00 to 23.00pm

The responsible authorities had received copies of the application and had no representations to make. Residents and businesses within 150 meters of the premises were individually consulted. The authority had received 8 representations from residents. Objections related to the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

It was noted that there was already a current premises licence at the Jubilee Pavilion in the name of Ongar Town Council.

In consultation with the applicants the opening times of the premises had been modified to reflect when the premises opened to accommodate the sporting activities of the building. The premise opening time will now start from 8am.

The Legal Officer asked the Licensing officer to confirm that as a private club they had at least 25 members and if they had an updated plan of the area to be licensed. The Licensing Officer replied that they did indeed have more than 25 members and that she had a revised plan of the building showing the licensed areas which she distributed to the members and officers present.

(b) Presentation of the Applicant's Case

The applicant, Mr Reynolds advised that they had taken over the running of the premises from Ongar Town Council. They had made significant changes to the premises and had installed new CCTV and booking system.

They had agreed to keep doors closed during events and near neighbours were to be informed of any upcoming events.

They would keep a close eye on under age drinking and will have a 'challenge 25' scheme. They would also liaise with the Police to keep on top of any Anti Social Behaviour in their vicinity and deal with it on a proactive basis.

The Manager and one member of staff would hold a personal licence.

The Legal Officer asked him to clarify that this would be a member's only sports club. Mr Reynolds said that yes it would be members only.

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

The Sub-Committee enquired about the use of the fire exit as that was raised as a concern by residents. The applicant confirmed that during events the doors would be shut and the bar staff would ensure that it stayed that way.

The Sub-Committee asked how visiting sports teams would be affected by the member only rule at the bar. They were told that the licence would cover any visiting club teams.

The Sub-Committee asked what was the criteria for membership and would they be vetted. They were told that individual applicants would fill in a membership form and agree to abide by the membership rules.

The Sub-Committee noted that the end time for the sale of alcohol was the same as closing time; there was no "drinking up" time, usually a half hour. Would they have any objections bringing this forward by half an hour. The applicants agreed to this revision of the end time for the sale of alcohol.

(d) Questions to the Applicant from the Objectors

Mrs S Jackman asked why it was called a Community Sports Club when you had to be a member. She was told that they had to be a member or a guest to gain entrance, but the users would be the same as previously. It was for users of the sports facilities.

Mrs Jackman then asked why have memberships; Ongar Town Council did not have this system. She was told that that they had now put in place a vetting system. They were not barring people from joining, but the Council had strict financial controls on it, now set up as a charity they had access to apply for grants etc. Before, they had to welcome everyone one who turned up; by bringing in membership they could now govern how it was run and who came in. It allowed the charity to control the building and its facilities. The charity could become self financing and by having members they would have a set amount of money coming in per year.

Mrs Jackman asked them to correct what they said about money available from the Town Council. She was told that the grant availability was minimal for a Town Council, but the premises needed a 6 or 7 figure sum in investment to enable it to expand, which was not available to a Town Council.

Mrs Hatch asked for a clarification on their membership. She was told that everyone had the opportunity to join the club and the charity would be assessing membership fees to make them fair rates.

Mr Hatch postulated that they might have a party booked, would the attendees be given a day membership or be made the responsibility of the organisers. He was told that as part of the licence they did not need to do either.

(e) Statement by Ward Councillor

Councillor P Keska, the ward councillor commented that he was largely supportive of the application and of the conditions put in to protect residents of Love Lane. They were the same for Ongar Town Council. He noted that there were some concerns raised about youths and drug taking in the area but observed that there was now a local beat officer who was being proactive and there was also the additional resource of the three extra police officers funded by the District Council that could be called upon.

(f) Presentation of the Objectors

Mrs Jackman said that considerable concern had been raised by the local residents to this application due to possible noise disturbances and unnecessarily longer opening hours. If the Sub-Committee were minded to grant this could they look to adding some of the suggested conditions put forward by other objectors.

Mr Hatch had raised concerns about noise, especially from persons exiting the premises after midnight and hanging around for some time after. This had always been a problem and granting an alcohol licence until midnight was too much and he would like it curtailed.

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

The Sub-Committee asked Mrs Jackman about the conditions raised by an objector, Mr Fieldsend and his point about having a point of contact between the Club managers and local residents by way of a telephone number. Mrs Jackman said that would be better than nothing. The phone number should be publicised as widely as possible.

(h) Questions to the Objectors from the Applicant

There were no questions to the Objectors.

(i) Closing statement from the Objectors

The Objectors had nothing more to add to their statements.

(j) Closing Statement from the Applicant

The Applicants had nothing more to add to their statements.

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

The Sub-Committee requested clarification on the terrace and if the licence would cover this area and if they would be amenable to curtailing it to close earlier than had been asked for.

The Chairman advised that the Sub-Committee would withdraw from the chamber whilst they considered the application in private. During their deliberations the Sub-Committee received no advice from the officers present.

RESOLVED:

That the application for a new Club Premises certificate for the Ongar Community Sports Trust, Jubilee Park Pavilion, Love Lane, Ongar, Essex CM5 9BL be granted subject to the following conditions were considered reasonable and proportionate for the promotion of the licensing objectives:

1. That the Operating Schedule be modified as follows:
 - (i) That the provision of Recorded music be amended to the following times:

Monday to Saturday 10.00 to 23.00; and

Sundays 10.00 to 22.00.

(ii) That the provision of alcohol be amended to the following times:

Sunday to Thursday 11.00 to 22.30; and
Friday and Saturday 11.00 to 23.30.

(iii) That the opening time be amended to the following times:

Monday to Sunday from 08.00.

(iv) That the words “and authorised officers of the Council” to be added after “police” with regards to CCTV on pages 96 and 97 of the agenda .

2. The mandatory conditions contained in Section 74 of the Licensing Act 2003 ; and

3. That the additional conditions for the prevention public nuisance included:

(i) No food or alcohol be consumed on the patio area after 22.00;

(ii) All windows to be closed after 22.00 and any time regulated entertainment takes place; and

(iii) A direct contact phone number to be publicised to all residents in the vicinity.

CHAIRMAN