

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 2 August &
6 September 2016

Place: Council Chamber, Civic Offices, **Time:** 10.00 - 11.27
High Street, Epping 10.00 – 10.45

Members Present: A Boyce (Chairman), P Keska, L Mead and C P Pond

**Other
Councillors:** J Jennings

Apologies:

Officers Present: A Mitchell (Assistant Director (Legal Services)), K Tuckey (Licensing Manager), S Moran (Licensing Compliance Officer), H Ibrahim (Licensing Officer), J Leither (Democratic Services Officer), A Hendry (Senior Democratic Services Officer) and R Ferriera (Assistant Solicitor)

17. DECLARATIONS OF INTEREST

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

18. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

19. NEW PREMISES LICENCE - RIVER PALACE CAFE, DOBBS WEIR ROAD,
HODDESDON, ESSEX EN11 0AZ

2nd August 2016 Meeting

The three Councillors that presided over this item were Councillors A Boyce, P Keska and C P Pond. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. The Applicant was not present but Mr Saricom attended as owner of the premises. Also present was Peter Jones the Essex Police, Epping and Brentwood Licensing Officer.

The Sub-Committee noted that efforts to contact the Applicant had not been successful and at a previous Licensing Sub-Committee meeting held on 7 July 2016, the Applicant also did not attend and the application was deferred until 2 August 2016.

The Sub-Committee agreed that they would hear the application in the absence of the Applicant. 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 had been made by Personal Licence Training (UK) Limited on behalf of the applicant Mr Ali Erdogan trading as River Palace Café, for a new premises licence. The Applicant was not in attendance.

Mr Saricom, the owner of the premises advised that he would like to withdraw this application as he wanted to make an application for a premises licence in his own name.

Mr Saricom was advised by the Sub-Committee that he would not be able to withdraw the application as the Applicant Mr Erdogan would have to withdraw his own application and Mr Saricom would then have to make a new application. Mr Saricom advised that Mr Erdogan was currently in Turkey.

(b) Presentation of the Objectors Case

Mr Jones, representing Essex Police, had expressed that Essex Police would make representations under the prevention of crime and disorder, prevention of public nuisance and public safety.

Mr Jones advised that this premises was in close proximity to residential dwellings and open water and Essex Police had concerns about the availability of alcohol without additional measures being put in place. He also advised that Essex Police had emailed the applicant's agent and had subsequently spoken to them where they verbally agreed to the additional measures. However he informed the Sub-Committee that Essex Police had not received any formal response to the measures that were required as noted below:

- Alcohol consumed on the premises must be ancillary to a table meal;
- Alcohol consumed off the premises must be in a sealed container;
- Staff training to be carried out and documented;
- CCTV system to be installed covering the internal and external of the premises;
- The external areas of the premises be cleared at 21:00 hours and no drinks or glassware shall be permitted outside after 21:00 hours;
- Smoking area be monitored from 21:00 hours.

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

The Sub-Committee left the Council Chamber to consider the application. During their deliberations the Sub-Committee received no further advice from the Officers present.

Resolved:

That the Application for a new Premises Licence at River Palace Café, Dobbs Weir Road in Hoddesdon be adjourned until the next scheduled meeting of the Sub-Committee on 6 September 2016. The Sub-Committee felt that they did not have enough information after hearing the testimony from Mr Peter Jones as the applicant was not at the meeting for questions to be asked in relation to the prevention of public nuisance.

Meeting adjourned at 11.27am on 2 August 2016.

Meeting was reconvened at 10.00am on 6th September 2016.

Councillors Boyce, Keska and Pond again presided over this meeting. Councillor Boyce, the Chairman, welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance was the Applicant, Mr A Erdogan, he was accompanied by Mr Saricom. To aid the applicants, Ms H Ibrahim (Licensing Officer) attended to act as an interpreter. Also present was Peter Jones the Essex Police, Epping and Brentwood Licensing Officer.

Other officers present were Sarah Moran, Licensing Compliance Officer and Alison Mitchell, Assistant Director Legal Services.

The Chairman noted that this Sub-Committee had started to hear this case at the meeting held on 2 August 2016 when they had heard the case of Essex Police in connection to this application. But, due to the absence of the applicant they had adjourned the meeting to enable the applicant to attend at a later date.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer informed the Sub-Committee of the application made.

(b) Presentation of the Applicant's Case

Mr Erdogan said that he had applied for this licence to enable them to serve alcohol at their restaurant/café which they had been running for the last one and a half years.

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

Councillor Keska noted that under their planning consent their hours of opening were restricted to protect the amenities of their adjacent neighbours. How would this application affect their neighbours? Mr Erdogan replied that he had found out later about this. They have now noted this and the proposed Police conditions and were now willing to reduce their hours to comply with the planning restrictions.

Councillor Pond verified that they would abide by the Planning Conditions and so would not reapply for planning permission. Mr Erdogan replied that they were happy to comply with the Planning hours conditioned.

(d) Questions from the Objector to the Applicant

Mr Jones said that he had no questions for the applicant.

(e) Additional comments by the Objector

The Chairman asked if Mr Jones had anything to add to his previous statement. Mr Jones said that he had put in a number of conditions which had not formally been agreed by the applicant. He had also been informed that the lease to the premises had a clause stating that this was a non-alcoholic premises.

The Legal adviser said that it was not appropriate for this Licensing Sub-Committee to take into account the conditions of the lease when making their decision.

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

Councillor Pond asked if Mr Jones had received a formal response to his proposed conditions. Mr Jones said that he had received verbal agreement from the applicant's agent but they had not formally agreed to it.

Councillor Keska asked if the proposed conditions, if agreed, would satisfy him. Mr Jones said they would.

(g) Closing statement from the Objector

The objector had nothing to add to his statement.

(h) Closing statement from the Applicant

The applicant had nothing to add to his statement.

The Chairman asked the applicant if he was happy to accept the added Police conditions. Mr Erdogan replied that he was happy to accept them.

(i) 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:

That the application by Mr A Erdogan trading as River Palace Café, Dobbs Weir Road, Hoddesdon, EN11 0AZ, for a new premises licence be granted subject to the following conditions which the Sub-Committee considered were proportionate, appropriate and necessary for the promotion of the Licensing objectives:

(1) The conditions which are consistent with the operating schedule together with those that have been amended, namely:

(a) That the conditions agreed between the applicant and the Essex Police, that:

i) Alcohol for consumption on the premises shall only be ancillary to a table meal as defined by section 159 of the Licensing Act 2003;

ii) Alcohol for consumption off the premises must be in a sealed container and not opened or consumed on the premises.

iii) Staff training shall be carried out and documented. These training records will be kept for a minimum of 12 months and be made available to Police and responsible authorities for inspection upon request. The training should include sale of alcohol to underage persons, persons over 18 purchasing for underage, drunkenness and age verification.

iv) The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a

period of not less than 31 days with correct time and date stamping. Recordings shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player. A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.

- v) Notices shall be prominently displayed at all exits requesting patrons to leave quietly.
- vi) The external areas of the premises shall be cleared of customers no later than 21:00 every night save for those using the designated smoking area.
- vii) No drinks or glassware shall be permitted outside the premises after 21:00.
- viii) from 21:00 staff shall monitor and manage persons in the smoking area to ensure noise is kept to a minimum.

(b) Conditions on opening times, namely:

- i) The Café use hereby permitted shall not be open to customers outside the hours of 07:00 to 22:00 on Monday to Saturday from April to October;
- ii) 08:00 to 16:00 Monday to Saturday from November to March; and
- iii) 09:00 to 20:00 on Sundays and Public Holidays.

20. EXCLUSION OF PUBLIC AND PRESS

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

CHAIRMAN