

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 9 May 2017

Place: Council Chamber, Civic Offices, **Time:** 10.00 - 11.55 am
High Street, Epping

Members Present: B Surtees (Chairman), D Dorrell, R Gadsby and C P Pond

Other Councillors:

Apologies:

Officers Present: R Perrin (Democratic Services Officer), K Tuckey (Licensing Manager),
L Cole (Legal Services Officer) and S Moran (Licensing Compliance Officer)

74. DECLARATIONS OF INTEREST

Councillor R Gadsby declared a personal, non-pecuniary interest in agenda items 6 Premises Licence Application for LL Rare Cow at Waltham Abbey LTD and 7 Premises Licence Application for Waltham Abbey Driving Range, Brooker Road, Waltham Abbey, EN9 1JH by virtue of being the Ward Councillor. Councillor R Gadsby declared that she would not take part in the consideration or decision making of these applications and would leave the meeting.

75. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

76. A VARIATION TO AN EXISTING PREMISES LICENCE FOR TESCO THEYDON BOIS EXPRESS COPPICE ROW THEYDON BOIS EPPING CM16 7EU

The three Councillors that presided over this item were Councillor B Surtees (Chairman), C P Pond and R Gadsby. 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 applicant were a legal representative and Licensing Compliance Trainer.

(a) The Application before the Sub-Committee

The Licensing Manager, K Tuckey introduced the application. The application had been made by Tesco's Stores Limited for Tesco Theydon Bois Express, Coppice Row, Theydon Bois, Epping. The applicant had requested a variation to the existing premises licence, to amend the licensable hours to 06.00 to 23.00 Monday to Sunday and to remove the Good Friday and Christmas day trading restrictions. The Police and Essex Fire Service had responded with no objections and there had been one representation from a local resident but no objectors were present.

(b) Presentation of the Applicant's Case

The Legal representative made a short presentation in support of the application to change the licensable hours to reciprocate the premises opening hours and remove the trading day restrictions that related to Good Friday and Christmas Day.

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

Councillor R Gadsby asked what time the staff arrived at the premises. The legal representative advised that the Store Manager probably arrived around 5 a.m. and other staff around 5.30 a.m. although these arrangements would not be effected by the application. The variation of the premises licence was simply to allow the purchase of alcohol to be inline with the opening hours of the premises.

Councillor R Gadsby asked whether they had consulted the residents. The legal representative advised that they always tried to talk to residents and resolve any issues of concern.

Councillor C P Pond asked whether the shop opened on Good Friday and Christmas Day already. The legal representative advised that the premises opened on Good Friday and although the premises did not currently open on Christmas Day, the variation was to ensure that the opening hours and licensing hours matched.

Councillor B Surtees asked that if sales of alcohol were not the main attraction of the shop, why it appeared that a large proportion of the shop floor space had been made an available to displace of alcohol. The legal representative advised that on average 10% of the shop floor space would be dedicated to alcohol to accompany the food products they sold in the stores.

(d) Closing Statement from the Applicant

The legal representative advised that the variation of the premises licence was to ensure the sales of alcohol matched with the opening hours and there was no evidence to suggest any issues would be caused in relation to the licensing objectives.

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

The Sub-Committee asked everyone to leave 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 the variation to the existing premises Licence for Tesco Theydon Bois Express, Coppice Row, Theydon Bois, Epping be granted subject to the conditions set out in the application.

77. PREMISES LICENCE APPLICATION FOR THE LAZEPPE 74-76 HIGH STREET EPPING ESSEX CM16 4AE

The three Councillors that presided over this item were Councillor B Surtees, D Dorrell and R Gadsby.

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 the owner, Mr Temez, a business colleague and Mr Temez spokesperson and the objector, a Mr Keegan.

(a) The Application before the Sub-Committee

The Licensing Compliance Office K Tuckey introduced the application. The application had been made for a new premises licence at Lazeppe, 74-75 High Street, Epping for the sale of alcohol Monday to Saturday 9:30 to 23:00 and Sunday 12:00 to 22:30. Two representations from local residents had been received and responses from the Police and Planning department had resulted in negotiated conditions being accepted and add to the licence if granted.

(b) Presentation of the Applicant's Case

Mr Temez spokesperson advised that the owner had recently purchased the premises following the previous owner running into difficulties. Mr Temez had decided to apply for a new premises licence and not to transfer the previous licence, to establish if there were any local concerns regarding the restaurant. The applicant had considered the objections that had been raised regarding the rear area and had confirmed that there was no intention to use the space as an outdoor seating area and had compiled with the conditions set out by both the Police and Planning department.

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

Councillor R Gadsby asked what the opening times were going to be. The spokesperson advised Monday to Saturday 09:30 to 23:00 and Sunday 12:00 to 22:30.

Councillor D Dorrell asked the applicant what the intentions were for the rear area as this space had been cleared. The spokesperson advised that they had cleared the area of rubbish and had no plans for the future of the space at this time, although a cold store had been built in the area as well.

Councillor B Surtees asked the applicant what experience they had in the licensing trade. The spokesperson advised that they did not have any licensing experience but had successfully ran a distribution service and would employ and train staff accordingly.

Councillor B Surtees asked the applicant how he had considered the licensing objectives. The spokesperson advised that they had compiled with the conditions requested by the Police and Planning Department and would employ and train staff adequately.

Councillor B Surtees asked whether the applicant had any other premises licences. The spokesperson advised that Mr Temez did not have any previous premises licence.

(d) Questions for the applicant from the Objector

The Objector had no questions for the applicant.

(e) Presentation of the Objector's case

Mr Keegan advised that he had objected to the application based on the previous premises license application submitted, as there had been no information on the new premises licence until after the deadline for objections to be submitted. He had concerns about the rear area, as it had been recently cleared (photographs were

hand to the Sub-Committee and applicant). He had no objection to the restaurant and after hearing the spokesperson comments about the rear area not being used for anything at present and would have to be applied for, he was quiet happy.

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

There were no questions to the Objector from the Sub-Committee.

(g) Closing Statement from the Objectors

The Objector had nothing further to add.

(h) Closing Statement from the Applicant

The spokesperson advised that they would like the restaurant to open as soon as possible and caused no concerns to residents.

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

The Chairman asked everyone to leave 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 Premises Licence for The Lazeppe at 74-76 High Street, Epping be granted subject to the application and additional conditions agreed with the Police and Planning department.

78. PREMISES LICENCE APPLICATION FOR LL RARE COW AT WALTHAM ABBEY LTD

The three Councillors that presided over this item were Councillor B Surtees (Chairman), C P Pond and D Dorrell. 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 applicant was his legal representative, Mr Alderman, Office Manager, G Webb and Designed Premises Supervisor (DPS) A Muresan. There were no objectors present.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer, S Moran introduced the application. The application had been made by Mr A Zeka, trading as LL Rare Cow at Waltham Abbey Ltd for a new Premises Licence with the proposed operating schedule;

Proposed Operating Schedule.

Supply of Alcohol (On & Off)

Mon – Wed	11:00 – 00.00
Thurs – Sat	11.00 – 01.00
Sun	12.00 – 00.00

Live and Recorded Music

Mon – Wed	12.00 – 22.00
Thurs	12.00 – 23.00

Fri – Sat	12.00 – 00.00
Sun	12.00 – 22.00

Late night refreshments

Mon - Wed	23.00 – 00.00
Thurs – Sat	23.00 – 01.00
Sun	23.00 – 00.00

There had been no representation received from the responsible authorities and 2 representations from interested parties.

(b) Presentation of the Applicant's Case

Mr Alderman advised that applicant had not been present as he felt that as his first language was not English, this could impact on the Sub-Committee's decision. Mr Alderman stated that Mr Zeka had gained ownership of the premises in November 2016 and had invested a huge amount of money and time into improving the premises. There had been a late additional supplement for Members, which included a statement from the applicant and information on the current premises menu and facilities.

Mr Alderman advised that the premises had been brought as an ongoing concern following the bankruptcy of the previous owner and this had resulted in the lapse of the premises licence. The new application had requested the same as the previous operating schedule, with the main purpose of the premises being the restaurant and that alcohol was an accompaniment to the meal. Mr Alderman stated that with the steps and conditions set out in the application to promote the four licensing objectives, he could see no reason for the licence not to be granted. There had been no reported incidents of anti social behaviour since 2015 and the pricing of the alcohol was much higher than an off licence and therefore intended not to create a drinking environment.

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

Councillor C P Pond asked whether the restaurant was currently closed. Mr Akerman advised that it was open but only served food with the occasional temporary license applied for events.

Councillor D Dorell asked why they required an off the premises licence. Mr Alderman advised that this allowed customers to take away any alcohol they had not finished i.e. a bottle of wine. He also added that this was in no way an off licence as the price of alcohol was much higher and therefore envisaged this would be a very small element of sales.

Councillor B Surtees asked whether the applicant had any previous licensing experience. Mr Alderman advised that the applicant did not have any previous experience although he had employed a Manager and DPS, whom had previously worked at the premises for four years. Mr Alderman advised that the applicant was currently training to become a DPS as well as A Muresan.

Councillor B Surtees asked about the need for door supervisors. Mr Alderman advised it was part of the risk assessment and normal procedure, if private events were held in the function room. G Webb advised that a private party over 40 people would require a door supervisor.

Councillor C P Pond asked about the requirement of live and recorded music every evening. Mr Alderman advised that it was there more for back ground music.

(d) Questions for the applicant from the Objector

There were no objectors present.

(e) Closing Statement from the Applicant

Mr Alderman advised that the applicant was sorry that the licence had lapsed but that he was a responsible person and training for his staff was a priority and clear records were kept. He believed that there was no cause for concern and that the business benefited the local community by employing people and was an asset to the area.

(f) 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 Premises Licence for LL Rare Cow at Waltham Abbey Ltd, 58 Sun Street, Waltham Abbey be granted subject to the conditions set out within the application.

79. PREMISES LICENCE APPLICATION FOR WALTHAM ABBEY DRIVING RANGE, BROOKER ROAD, WALTHAM ABBEY, EN9 1JH

The three Councillors that presided over this item were Councillor B Surtees, C P Pond and D Dorrell.

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 the applicant H Paris and his spoke person A Reynolds.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer, S Moran introduced the application. The application had been made by Mr Harry Paris for Waltham Abbey Driving Range Ltd, Brooker road, Waltham Abbey. The applicant was requesting a new premises licence for the supply of alcohol on and off the premises Monday – Sunday 12:00 – 23.00. There had been no representation from the responsible authorities and 1 representation from an interested party. There were no objectors present.

(b) Presentation of the Applicant's Case

A Reynolds advised that the driving range had opened in August 2015 and was a family run business, which provided a driving range for all ages and refreshments, provided in a lounge area. The clientele was predominantly 70% male; professionals, 30-65 year olds and they also provided children's golf sessions. A Reynolds advised that customers had suggested that the range would benefit by having a premises licence to allow users to have a drink after they had played. The refreshments would be mainly bottled beers and wine. A Reynolds advised that the objections raised by Waltham Abbey Town Council about anti social behaviour around the area, were incorrect as the anti social behaviour had actually decreased since they had taken on

the driving range. The range had been secured and was regularly checked, with offers made to the adjacent diamond pitch and Essex Arrows; to help secure their area. The applicant had also offered to extend their CCTV and power supply to the Essex Arrows.

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

Councillor C P Pond asked whether the driving range was open to only members. A Reynolds advised that it was open to both members and the general public.

Councillor D Dorrell asked about the request for the off licence part of the application. The Licensing Compliance Officer advised that as the premises had a patio, where customers could sit with their drinks, this was now covered in the requirements for an on and off licence premises. H Paris also advised that they sold gift packages where they would like to add a bottle of beer or brandy to the package.

Councillor B Surtees asked who was going to be the DPS. A Reynolds advised that H Paris would under take the training required and would be the DPS.

(d) Closing Statement from the Applicant

A Reynolds advised that it was a family run business and the driving range had reduced anti social behaviour. The staff would take the relevant training and the application had taken the licensing objectives into consideration.

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

The Sub-Committee asked the applicant to leave 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 Premises Licence for Waltham Abbey, Driving Range, Brooker Road, Waltham Abbey be granted subject to the conditions set out within the application.

CHAIRMAN