

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 15 August 2017
Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 12.00 pm
High Street, Epping

Members Present: J Jennings (Chairman), S Neville, D Sunger and B Surtees

Other Councillors:

Apologies:

Officers Present: J Leither (Democratic Services Officer), K Tuckey (Licensing Manager),
L Cole (Legal Services Officer), R Gardiner (Environment and Neighbourhoods Manager) and D Houghton (Licensing Compliance Officer)

26. DECLARATIONS OF INTEREST

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

27. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

28. NEW PREMISES LICENCE FOR THE GREEN OWL CANTEEN, 12-14 THE BROADWAY, LOUGHTON, ESSEX IG10 3ST

The three Councillors that presided over this item were Councillor J Jennings (Chairman), Councillor S Neville and Councillor B Surtees.

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 Mr S Gibson, Agent for the Applicant. There was one objector in attendance Councillor P Abraham representing Loughton Town Council.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer, K Tuckey introduced the application to the Sub-Committee. The application for a New Premises Licence had been made by Mr M Linch for The Green Owl Canteen Limited, 12-14 The Broadway, Loughton, Essex IG10 3ST for the sale of alcohol Monday to Sunday 10.00 to 23.00 hours and was received on the 28 June 2017.

The responsible authorities had received a copy of the application, it was advertised at the premises and in a local newspaper. All residences and businesses within 150 metre radius of the premises were individually consulted. There had been no

representations received from the responsible authorities, one letter of support and one representation from Loughton Town Council.

The Licensing Compliance Officer advised the Sub-Committee that a Designated Premises Supervisor (DPS) had not yet been appointed and if the Sub-Committee were to grant the application the licence could be issued but the premises would not be able to sell alcohol until a DPS was appointed.

(b) Presentation of the Applicant's Case

Mr Gibson gave apologies for the applicant Mr Linch not being attendance as he was currently on holiday but stated that if the licence was granted today the nominated DPS and would be resolved before the premises opened.

Mr Gibson stated that the premises would be run as a café/restaurant, a café during the day and a restaurant in the evening where there would be full waiter/waitress service. The premises would never be considered as a pub and there would be no vertical drinking. Food would be the main concern but customers would be served alcohol without purchasing food, they would be seated and served by a waiter/waitress.

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

Councillor Jennings expressed concern that the premises was very near to Epping Forest College and that most of the college students would pass the door on their way to and from college. She was advised that the premises would operate Challenge 25 and proof of age identification would be required. All staff would be fully trained and retrained every 6 months.

(d) Questions for the Applicant from the Objector

The Objector had no questions for the Applicant.

(e) Presentation of the Objector's Case

Councillor Abrahams, representing Loughton Town Council, advised that the Town Council objected to this application on the grounds that this was a predominantly residential location and for the prevention of public nuisance. He stated that the licensing hours should cease at 10.30pm and alcohol should only be served with meals.

Councillor Abrahams offered his own opinion on many other aspects as to why a new premises licence should not be granted.

Councillor Abrahams was asked by the Chairman not to introduce new evidence as this was of his own opinion and not those of the Town Council.

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

Councillor Neville asked if the concerns were from residents and if so did they attend the Town Council meeting. He advised that they were not concerns of the residents and they did not attend the meeting, it was just his opinion.

(g) Questions for the Objector from the Applicant

The Applicant's Agent had no questions for the Objector.

(h) Closing Statement from the Objector

The Objector reiterated that the objections from the Town Council were prevention of public nuisance and that the licensing hours should cease at 10.30pm.

(i) Closing Statement from the Applicant

The Applicant's Agent advised that all new evidence from the objector should be disregarded as it was not submitted before the meeting. He also advised that the application should be considered as it stood and that the licensing hours applied for should be granted as there was no evidence to support that it should close at 10.30pm.

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

The Chairman requested that the applicants withdraw from the chamber while they considered the application in private session. 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 Green Owl Canteen Limited, 12-14 The Broadway, Loughton, Essex IG10 3ST be granted subject to the following conditions being applied which the Sub-Committee consider are reasonable and proportionate for the promotion of the licensing objectives:

(a) That a Designated Premises Supervisor be nominated and that application be granted.

29. NEW PREMISES LICENCE FOR 160 QUEENS ROAD, BUCKHURST HILL, ESSEX

The three Councillors that presided over this item were Councillor J Jennings (Chairman), Councillor D Sunger and Councillor B Surtees.

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 applicant, Ms A Mosteanu and her Agent, Mr C Hopkins. In attendance on behalf of the Council's Environment & Neighbourhoods was Mr R Gardiner. In attendance were objectors Mr D Wilson, Mr N Cohen, Mr K Lucas and Mr G Ash. Also in attendance on behalf of the Epping Forest Guardian was Mr T Barnes.

(a) The Application before the Sub-Committee

The Licensing Compliance Officer, K Tuckey introduced the application to the Sub-Committee. An application for a New Premises Licence had been made Ms A Mosteanu at 160 Queens Road, Buckhurst Hill, Essex IG9 5BD, for the:

- On/off sales of alcohol, Monday to Sunday 11:00 – 23:00 hours; and
- Live and recorded music, Monday to Sunday from 11:00 – 23:00 hours.

The responsible authorities had received a copy of the application, it was advertised at the premises and in a local newspaper. All residences and businesses within a

150 metre radius of the premises were individually consulted. The Council had received representations from Essex Police and they had negotiated conditions with the applicant as attached to the agenda. There were also representations from the Epping Forest District Council Neighbourhoods Team, Councillor G Chambers and local residents.

(b) Presentation of the Applicant's Case

Mr Hopkins advised the Sub-Committee that his client, Ms Mosteanu had now disassociated herself with the restaurant Il Bacio at 182 Queens Road and as a result was opening a new Italian family restaurant at 160 Queens Road called Il Petalo. Ms Mosteanu had over 20 years experience in catering and many of her staff had been with her for many years. Queens Road was a mixed commercial and residential area and there were a number of concerns expressed from Epping Forest District Council's Environment & Neighbourhoods Team and Essex Police all of which had been agreed by Ms Mostineau.

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

Councillor Jennings expressed concern about the noise from clients exiting the premises late at night. Mr Hopkins assured the Sub-Committee that the applicant would ensure appropriate signage was put up asking patrons to respect the residents and leave the premises in an orderly manner.

Councillor Surtees commented on the noise that would emanate from the back of the premises and the effect it may have on the residents and asked that self closing doors could be fitted to the back of the premises. Mr Hopkins advised that the premises already had self closing doors fitted to the back of the premises.

Councillor Jennings asked the applicant to clarify that patrons would be sitting at tables and not able to go to the bar to purchase alcohol. Mr Hopkins clarified that there would be table service only and no vertical drinking.

(d) Questions for the Applicant from the Environment & Neighbourhoods Officer

The Officer had no questions at this time for the Applicant.

(e) Questions for the Applicant from the Objectors

The Objectors had no questions at this time for the Applicant.

(e) Presentation of the Objectors Case

Statements from the Objectors

Mr D Wilson advised the Sub-Committee that he lived opposite the premises and he was concerned with the refuse storage. In the past the refuse was stored at the front of number 158 Queens Road and was an eyesore having to look out at it every day, he added that it caused him and his family a lot of stress. Mr Wilson also expressed concerns over the lack of space for the kitchen and extraction and was not sure how this would work. Finally he stated that there was a large resident objection to this application as the premises was very close to the residential area of Queens Road.

Mr N Cohen advised the Sub-Committee that he had lived in Queens Road for over 20 years and was dismayed at the amount of licensed premises there were in a

largely residential area. In 2015 the premises opened and was licensed until 8pm, a year later another application was submitted to increase the licensing hours until 10pm which was granted and now we are back again with yet another application to increase the licensing hours until 11pm. Since 2015 there have been 12 official complaints against 160 Queens Road and the applicant today was the same applicant back in 2015. Mr Cohen stated that the premises had no curtilage at the front and he lived 12 metres from the front door of the premises. There were 19 objections from residents to this application and most were concerned about the disturbance caused in the street outside with people leaving the premises, smoking outside and chatting and minicabs pulling up, hooting and leaving their engines running. Mr Cohen added that he owned restaurants and he knew, as a fact, that however many signs or notices that are put up, patrons leaving a restaurant after a night out make a lot of noise.

Mr K Lucas advised the Sub-Committee that he lives at the back of the premises in Princes Road and his main concern was the noise from the garden of the premises late at night. He stressed that he and his wife slept at the back of their house which backed onto the garden of 160 Queens Road and they usually retired around 10am each evening. He further added that now the premises would have a kitchen he was concerned with the extraction noise and smells which would come from the premises and if this would affect the use of his garden by his family.

Mr G Ash advised the Sub-Committee that he had nothing further to add as all his concerns had been addressed by the other Objectors.

(f) Presentation of the Environment & Neighbourhoods Case

The Environment & Neighbourhoods Officer advised that their main concerns were the Prevention of Public Nuisance with regard to:

- noise disturbance from the garden area
- noise and disturbance at the front of the premises; and
- deliveries and waste collection days and times.

The applicant has agreed to our conditions which are on pages 78 and 79 of the agenda.

(g) Closing Statement from the Applicant

Mr Hopkins advised that a designated space for the waste had been allocated in the garden area along with a smoking area where no more than five people would be allowed to go outside and smoke at one time. The waste would be collected every two days as agreed with the Council's Environment & Neighbourhoods team.

As for the concerns of residents regarding the extraction and kitchen area planning permission had been granted and the kitchen is bigger than that at 182 Queens Road.

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

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

The Chairman stressed that the Sub-Committee had listened to all of the objectors concerns but that this application had to be treated as an entirely new application and

they could not take into consideration anything that the applicant had been involved in previously. Any breaches in the future to this application can come back to this Sub-Committee to be considered

RESOLVED:

(1) That the application for a New Premises Licence for the premises at 160 Queens Road, Buckhurst Hill, Essex IG9 5BD be granted subject to the following conditions being applied which the Sub-Committee consider are reasonable and proportionate for the promotion of the licensing objectives and the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003:

- (a) That the garden area at the back of the premises be closed daily at 9pm;
- (b) That the premises closes on Christmas eve at 11pm; and
- (c) That the premises be allowed to open until 12.30am on New Years Eve.

CHAIRMAN