

# PREMISES LICENCE

## Part A



Premises licence number:

LN/000001264

### Part 1 – Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:

Il Bacio Deli  
160 Queens Road,

Post Town:  
Buckhurst Hill, Essex

Post code: IG9 5BD

Telephone number: 0208 505 8611

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

The sale of Alcohol ON/OFF licence

The times the licence authorises the carrying out of licensable activities:

#### The Sale of Alcohol ON/OFF Sales

Monday to Sunday 10:00hrs – 20:00hrs within premises  
Monday to Sunday 10:00hrs – 19:30hrs outside area

The opening hours of the premises:

Monday to Sunday 08:00hrs to 22:00hrs within premises  
Monday to Sunday 08:00hrs to 20:00hrs outside area

Where the licence authorises supplies of alcohol whether these are on and / or off supplies:

On and Off

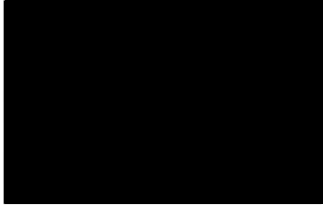
Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Il Bacio Deli Ltd  
C/O Hurkan Sayman and Co  
291 Green Lanes  
London N13 4XS

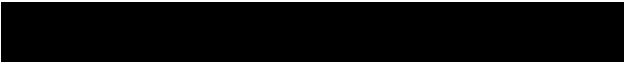
**Registered number of holder, for example company number, charity number (where applicable):**  
09223814

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Mrs Andreea Michela Mosteanu**



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**



## **Annex 1 – Mandatory conditions:**

1. No supply of alcohol may be made under the premises licence:-
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or when the designated supervisor has a licence suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence (see section 19 Licensing Act 2003)
3. Where a condition applies requiring a person to carry out a security activity at the premises, those individuals must be licensed by the Security Industry Authority (see section 21 Licensing Act 2003)
4. Where a premises licence authorises the exhibition of films, the admission of children to the exhibition of any film is to be restricted in accordance with section 20 Licensing Act 2003.

**Conditions 5, 7 & 9 do not apply to premises licences where it authorises only the sale by retail off the premises.**

5. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
    - (a) Games or other activities which require or encourage, or are designed to require or encourage individuals to–
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

For the purposes of these conditions a responsible person is

- the holder of a premises licence in respect of the premises,
- the designated premises supervisor (if any) under such a licence, or
- any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

10. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

11. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);

(b) “permitted price” is the price found by applying the formula—  **$P = D + (D \times V)$** , where—  
 (i) P is the permitted price,  
 (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and  
 (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or;
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and;

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(2).

- 12.** Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 13.** (1) Sub-paragraph (a) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule:**

### **The Prevention of Crime and Disorder.**

- Use and regular maintenance of already installed CCTV system.
- Signage highlighting the use of CCTV will remain in place.
- CCTV recordings to be kept for a 31 days and to be made available on request of the Police, Licensing Authority and Neighbourhoods Directorate
- A Personal Licence holder to be on the premises throughout the time that licensable activity is taking place to authorise any sales of alcohol.
- All ON licence sales of alcohol will be for consumption with a table meal
- All OFF licences sales shall be for consumption off the premises and will be sold in sealed containers.
- No super-strength beers, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

### **Public Safety**

- CCTV recordings to be kept for a 31 days and to be made available on request of the Police, Licensing Authority and Neighbourhoods Directorate
- The DPS will be responsible for all Fire Risk and Health and Safety assessments
- All notices in relation to public health and safety will be on display
- DPS and Premises Licence holder will be responsible for ensuring that all Health and Safety legislations are adhered to.
- All ON licence sales of alcohol will be for consumption with a table meal
- All OFF licence sales of alcohol shall be for consumption off the premises and will be sold in sealed containers.
- No super-strength beers, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

### **Prevention of Public nuisance**

- The DPS and Premises Licence holder are responsible for ensuring that the premises do not cause any nuisance to the local residents, other business operators or the general public.
- All members of staff to monitor of the external areas of the premises in relation to public nuisance or antisocial behaviour.
- CCTV recordings to be kept for a 31 days and to be made available on request of the Police, Licensing Authority and Neighbourhoods Directorate
- All ON licence sales of alcohol will be for consumption with a table meal
- All OFF licence sales of alcohol shall be for consumption off the premises and will be sold in sealed containers.
- No super-strength beers, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
- All deliveries and rubbish collections will only take place during normal business hours and are at the rear of the premises

### **The Protection of children from harm**

- The DPS shall ensure that all staff are fully aware of Challenge 25 and the licensing objectives. Including training and 6 monthly refresher training must be provided to all staff.
- A refusal book will be kept on the premises for inspection by the authorities
- Challenge 25 signage will be on display. 'No ID no sale' policy is in place
- Personal Licence holder will remain on duty during licensable activity
- All ON licence sales of alcohol will be for consumption with a table meal

- All OFF licence sales of alcohol shall be for consumption off the premises and will be sold in sealed containers.
- No super-strength beers, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

### **Annexe 3 – Conditions attached after a hearing by the licensing authority:**

#### **Conditions under the Prevention of Public Nuisance**

- The finish time for the service of ON/OFF alcohol will be 20.00hrs
- The conditions proposed by Mr Butt, Barrister on behalf of some of the objectors:
  - Customers shall not be permitted to smoke at the front of the premises
  - No drinks are to be consumed outside at the front of the premises
  - No customers are to eat or drink in the outside area at the rear of the premises after 19:30hrs.
  - The rear garden and the area at the front of the premises are to be cleared of customers by 20:00hrs, and the remaining areas comprising of the premises shall be cleared of customers by 22:00hrs.
  - All ON sales of alcohol are to be ancillary to a table meal as defined by Section 159 of the Licensing Act 2003
  - All alcoholic drinks to be consumed on the premises are to be served by waiter/waitress service
  - All doors and windows are to be closed at all times licensable activity takes place save for access/egress

**Annexe 4 – Plans:**

Plans held at Epping Forest District Council



\* required information

## Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

MR LUIGI

\* Family name

FUNEDDA

\* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Address**

\* Building number or name [Redacted]

\* Street [Redacted]

District [Redacted]

\* City or town [Redacted]

County or administrative area [Redacted]

\* Postcode [Redacted]

\* Country United Kingdom

**Agent Details**

\* First name NOEL

\* Family name SAMAROO

\* E-mail [Redacted]

Main telephone number [Redacted]

Other telephone number [Redacted]

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Is your business registered outside the UK?  Yes  No

\* Business name NTAD CONSULTANTS

\* VAT number - NONE

\* Legal status Sole Trader

\* Your position in the business CONSULTANT

Home country United Kingdom

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

### Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name	<input type="text" value="2"/>
* Street	<input type="text" value="SPRINGFIELD ROAD"/>
District	<input type="text"/>
* City or town	<input type="text" value="CRAWLEY"/>
County or administrative area	<input type="text" value="WEST SUSSEX"/>
* Postcode	<input type="text" value="RH11 8AD"/>
* Country	<input type="text" value="United Kingdom"/>

## Section 2 of 17

### APPLICATION DETAILS

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

### Postal Address Of Premises

Building number or name	<input type="text" value="160"/>
Street	<input type="text" value="QUEENS ROAD"/>
District	<input type="text" value="BUCKHURST HILL"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="IG9 5BD"/>
Country	<input type="text" value="United Kingdom"/>

### Premises Contact Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="17,000"/>

## Section 3 of 17

### VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

IL BACIO CAVES is a a delicatessen/tapas style premises where customers can try our various products with a glass of wine or light beer. Similar to a Spanish Tapas bar.the premises was granted almost 1 year ago and has had no recorded incidents or complaints. At the original hearing there were some concerns from local residents. THE COMMITTEE GRANTED THE LICENCE with some restrictions mainly the premises operating hours that were restricted to 20.00 the operator has struggled through for one year to keep the premises trading and paying its council rates but with all his nearby competition having normal restaurant core hours it is proving impossible for the premises to continue in the face of disadvantaged competition.

All our deli food will be authentic Italian meats, cheeses, breads, ect

We are submitting this Variation application to apply for the following:

a)Extend the hours for the sale of alcohol from until 22:00 within the premises.

b)Extend the hours for the sale of alcohol from until 22:00 outside area.

c)To replace condition proposed by Mr Butt, Barrister - Customers shall not be permitted to smoke at the front of the premises. With "smoking is permitted within the designated smoking area provided for Patrons".

#### Section 4 of 17

##### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 17

##### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

### Section 6 of 17

#### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes

No

### Section 7 of 17

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

### Section 8 of 17

#### PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

### Section 9 of 17

#### PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

### Section 10 of 17

#### PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

### Section 11 of 17

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

### Section 12 of 17

#### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises             Off the premises             Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

To extend the hours for the sale of alcohol in the rear garden from 10:00 until 22:00

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

### Section 14 of 17

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

### Section 15 of 17

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Monday to Sunday 08:00 to 22:00 (outside rear garden area)

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Customers shall not be permitted to smoke at the front of the premises.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.



**Continued from previous page...**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

All existing conditions on the existing premises licence to remain with the exception of the variations sought through this application.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

**Section 17 of 17**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

*Continued from previous page...*

Capacity 15000-19999 £4,000.00  
Capacity 20000-29999 £8,000.00  
Capacity 30000-39000 £16,000.00  
Capacity 40000-49999 £24,000.00  
Capacity 50000-59999 £32,000.00  
Capacity 60000-69999 £40,000.00  
Capacity 70000-79999 £48,000.00  
Capacity 80000-89999 £56,000.00  
Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

NOEL A SAMAROO

\* Capacity

DULY AUTHORISED AGENT

\* Date

13 / 11 / 2015

dd

mm

yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

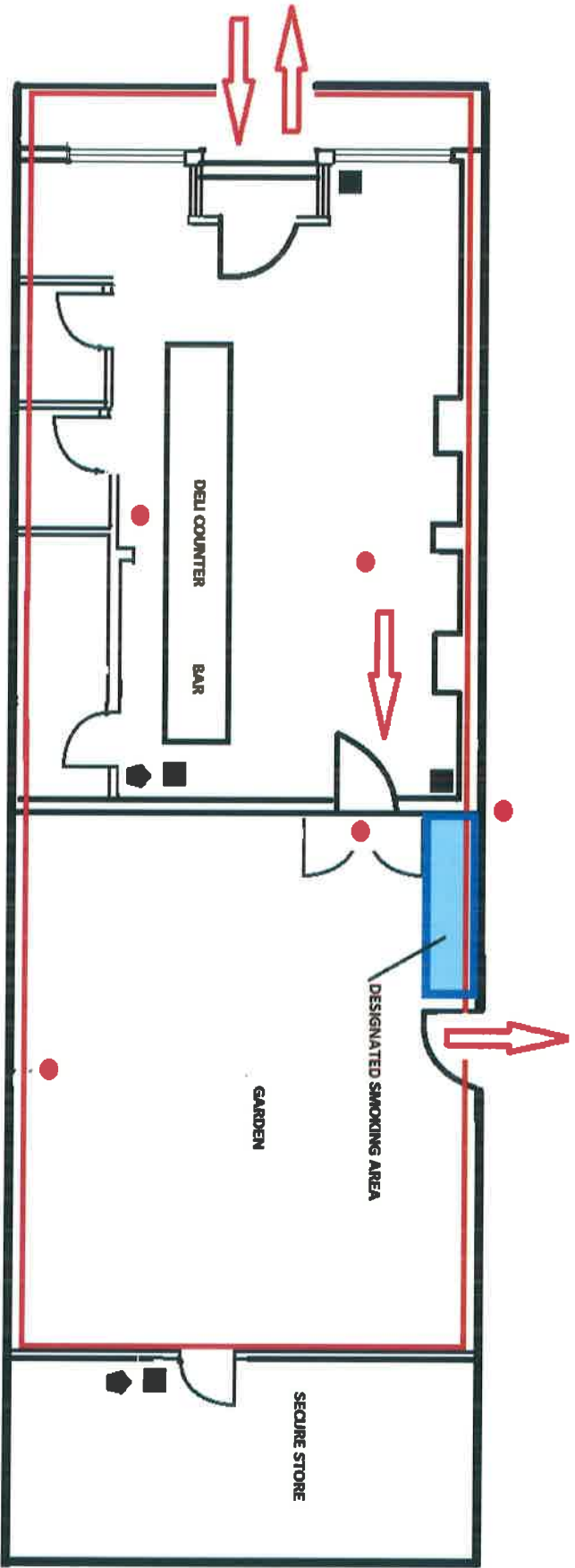
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/epping-forest/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
En message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>



**PROPOSED LICENSING PLAN**

**E BADO CAVES**  
 160 QUEENS ROAD  
 BUCKHURST HILL  
 IG9 5BD

**EPPING FOREST DISTRICT COUNCIL**

**KEY**      **SCALE 1:400 ON A2**

**FIRE EXIT** →

**FIRE EXTINGUISHER CO2** ■

**LICENSABLE AREA** —

**FIRE EXTINGUISHER H2O** ■

**CCTV** ●

**DESIGNATED SMOKING AREA** ■



Mrs K Tuckey  
Licensing Department  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
CM16 4BZ



Licensing Department  
Loughton Police Station  
158 High Road  
Loughton  
IG10 4BE  
Tel: 01279 625 405  
Email: [7706@essex.pnn.police.uk](mailto:7706@essex.pnn.police.uk)  
20 November 2015

Dear Mrs Tuckey,

**LICENSING ACT 2003 – PREMISE LICENCE VARIATION S.34**

**PREMISE: Il Bacio Caves, Buckhurst Hill**

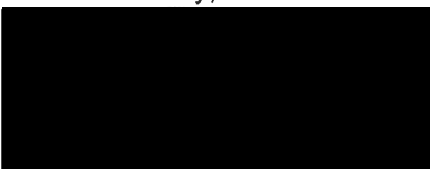
**APPLICANT: Mr Luigi Funedda via Noel Samaroo, NTAD Consultants**

Further to the Variation received on 13 November 2015, I write to inform you that as the premises are located within close proximity of residential dwellings Essex Police would like the following points taken into consideration to prevent public nuisance.

1. We do not oppose the increase of hours for the sale of alcohol for consumption within the premises.
2. We do oppose the increase of hours for the sale of alcohol for consumption in the outside areas.
3. We do not oppose the amendment to the condition relating to smoking, but would seek alternative wording. 'The external areas of the premises to be closed to customers from 20:00 daily save for smokers using the bonafide smoking area.'
4. We would seek the additional conditions:
  - i) The number of persons permitted to use the smoking area after 20:00 daily shall be restricted to 5 at any time.
  - ii) No drinks or glassware to be permitted in the outside areas including the smoking area after 20:00 daily.

Please advise me of when the Licensing Panel will be meeting to hear this so I can be in attendance.

Yours sincerely,

  
Mr Peter Jones MIOL, ABII  
Epping & Brentwood Licensing Officer  
West LPA

Cc. **Mr N Samaroo**  
**NTAD Consultants**  
**2 Springfield Road**  
**Crawley**  
**West Sussex**  
**RH11 8AD**

To: Corporate Support Services  
Licensing Section  
Kim Tuckey

From: Neighbourhoods Directorate  
Mike Richardson  
Environment & Neighbourhoods Officer

Date: 9 December 2015

Your ref:

Our ref: WK/201548086



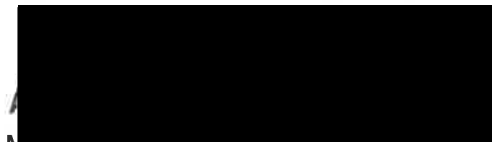
**Epping Forest  
District Council**

**Licensing Act 2003  
11 Bacio Caves, 160 Queens Road, Buckhurst Hill, Essex, IG9 5BD**

I refer to an application made under the Licensing Act 2003 regarding the above mentioned premises that I received on 16th November 2015.

I would like to make the following representations with regard to the Licensing objective – prevention of public nuisance, as detailed in the attached letter to the applicant dated 9 December 2015.

If you wish to discuss any of my comments please contact me on (01992) 564422.



Mike Richardson  
**Environment & Neighbourhoods Officer**

Date: 8 December 2015

Our Ref: WK/201548086

Your Ref:

Mr Noel Samaroo  
NTAD Consultants  
2 Springfield Road  
Crawley  
West Sussex  
RH11 8AD

**Neighbourhoods Directorate**

Civic Offices High Street  
Epping Essex CM16 4BZ

Telephone: 01992 564000  
DX: 40409 Epping

Director of Neighbourhoods  
and Deputy Chief Executive  
Derek Macnab

Enquiries to:

Mike Richardson (01992) 564422  
email:mrichardson@eppingforestdc.gov.uk

Dear Sir or Madam:

**Licensing Act 2003**

**Il Bacio Caves, 160 Queens Road, Buckhurst Hill, Essex, IG9 5BD**

On behalf of the Council's Environment & Street Scene Directorate, I confirm receipt of a copy of your application dated 13 November that I received on 16th November 2015 regarding the above mentioned property, in relation to the Licensing objective the Prevention of Public nuisance.

I have no concern regarding the extension of the provision of alcohol within the premises, per se, particularly in light of the premises currently being open until 22.00 hours. I am of the opinion that allowing the service of alcohol until 22.00 hours will not have a significant impact on neighbouring residential premises, providing the current condition requiring the front door to be closed remains (and I have no indication that this is to be removed).

I do, however, have concerns regarding the potential public nuisance where the rear garden is used until 22.00 hours. It is clear that this area should be considered to be a more residential in character, when compared to the mixed residential and commercial area at the front of the premises; particularly as there are residential properties directly to the rear of the premises.

Whilst I appreciate the applicant's view that their garden is well shielded by "high walls and out buildings" (as shown in the attached email correspondence with Jose Alonso), the wall will only provide limited attenuation for noise as there is a direct line of sight between the noise source and receiver. From the centre of the garden, there is a clear line of site to a number of habitable rooms in neighbouring properties, both to the rear and to the side of the garden.

As such, I have concerns that customers outside in the rear garden may cause a public nuisance to the neighbouring properties, particularly as the night draws on, for those who are in the close vicinity (approx. 10m away from the centre of the garden). These properties are somewhat shielded by the activities on Queens Road by the shops between them, and therefore the majority of the noise that they may experience would be from Il Bacio Caves.

The normal level of noise from customers in the garden (ie. talking, laughing etc) is likely to have an adverse impact on the occupiers of neighbouring residents. This is particularly due to the residential character at the rear of the premises, and it is unrealistic to expect the applicant to impose an abnormal level of control on customers normal and reasonable activity.



I would, therefore, recommend that the outside area is closed to customers, except for smokers, after 21.00 hours, and that a member of staff is stationed outside after 19.30 hours (similar to the conditions applied at the restaurant at 182 Queens Road).

I would, therefore recommend the following conditions:

- 1) **No food or drink to be consumed in the rear garden after 21.00 hours.**
- 2) **The DPS or representative shall be stationed in the rear garden from 19.30 hours until 2100 hours, and carry out regular inspections of the smoking area between 21.00 hours and 22.30 hours when customers are present in the garden.**
- 3) **The 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.**

These conditions should restrict the likely occurrence of a public nuisance from customer noise in the rear garden.

Regarding the designation of the smoking area, I welcome such a designation, enabling customers to smoke whilst on the premises, and removing the confusing condition regarding the front of the premises. This would enable the front of the premises to be clear of patrons, and remove the likelihood of them standing on the pavement outside the restaurant and other properties to smoke whilst at the premises.

However, adequate control over these patrons will need to be exercised by the staff at the premises. This may be controlled by the above Condition 3, however, as a further control, a restriction on the numbers of the customers allowed to be outside smoking at any one time would be beneficial.

Mr Alonso and I have been in discussion about this, and unfortunately have been unable to agree on the number. I have suggested a maximum of 4 customers, and he has suggested 6. As such, I believe that this should be decided by the licencing sub-committee when this application is heard.

However, as a draft, I would recommend the following condition:

**No more than XX customers are allowed to be in the rear garden, and in particular the designated smoking areas after 21.00 hours.**

This condition should restrict the likely occurrence of a public nuisance from smokers in the rear garden. The maximum number of smokers should be between 4 and 6 customers, and determined by the panel.

If you would like to discuss the matter or have any written comments, please do not hesitate to contact me.

**I should be happy to withdraw the representations if the operating schedule is amended accordingly or if you agree to a suitable conditions being imposed as part of the licence, or if you provide sufficient evidence to confirm that the representation can be withdrawn.**

Please confirm your comments in writing (by letter or email). I will inform the Council's Licensing Section if satisfied that the representations can be withdrawn.

Yours faithfully

A black rectangular redaction box covering the signature of Mike Richardson.

Mike Richardson  
**Environment & Neighbourhoods Officer**

c.c. Licensing Section  
Luigi Funedda, Il Bacio Caves

**Joanne Owen**

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**From:** [REDACTED]  
**Sent:** 19 November 2015 10:42  
**To:** Licensing  
**Subject:** Licence application - Mr Luigi Funedda - Il Bacio Caves

Dear Sir/Madam,

I write to object to the licence application referred to above on the grounds of the prevention of public nuisance and/or the prevention of crime and disorder.

I live at [REDACTED] close to Il Bacio Caves.

I note that an application made by Mr Funedda for the same terms was considered by the Licensing Sub-Committee in September 2014 and that the licence was permitted in its current form following review by the Sub-Committee of a large number of representations made by local residents concerned by the public nuisance and/or prevention of crime and disorder implications.

No circumstances have changed since the 2014 application (except perhaps that we had a relatively cool summer and less outside drinking as in previous summers and so the council's Environmental Health department may have received fewer complaints in relation to the applicant's sister venture, Il Bacio, located at 182 Queens Road).

The top of Queens Road is still heavily residential and still hosts three premises (Catch, Il Bacio and Adelphi) that are licensed until 10pm or later.

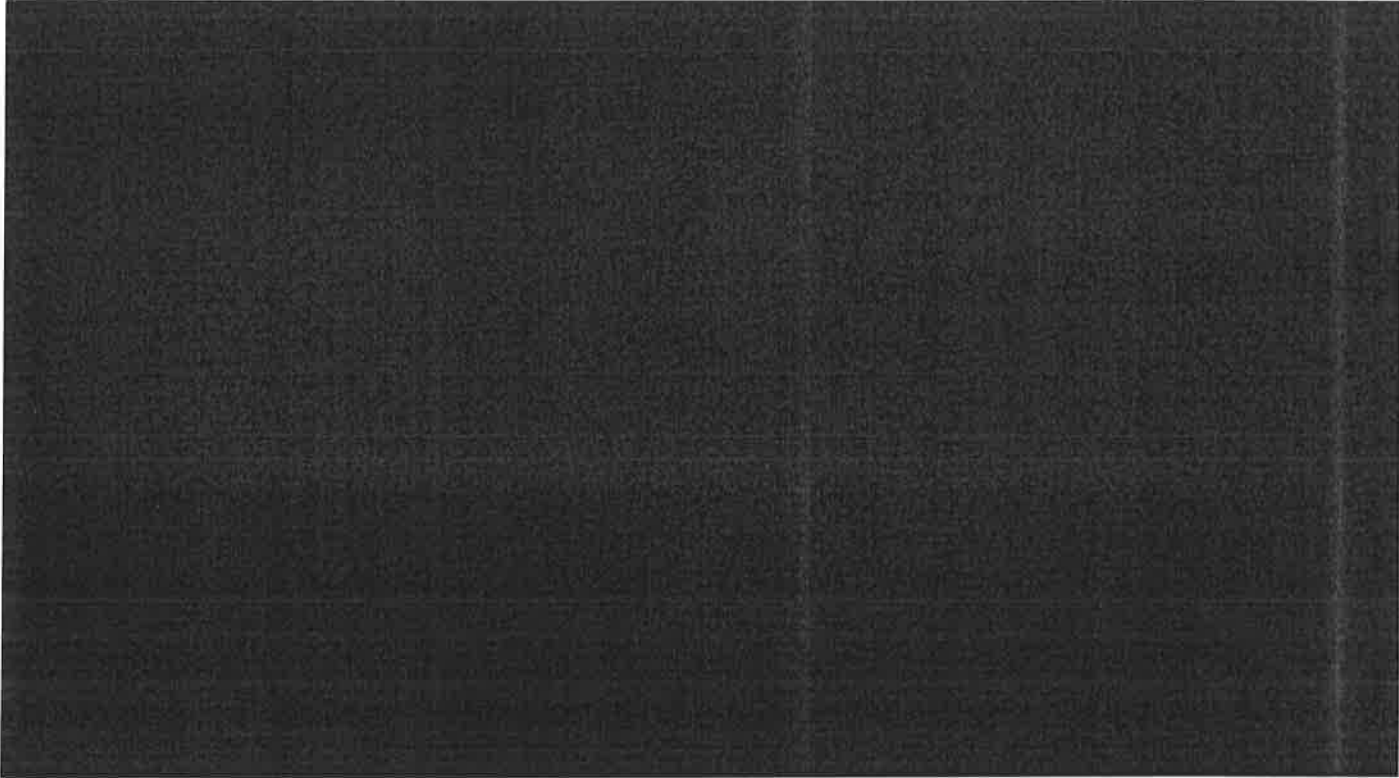
In addition to the question of whether a further premises with outside late licensing is required in such a small concentration in a residential area, the council will be aware of the great number of complaints regarding noise, public nuisance and anti social behaviour caused by Il Bacio patrons late at night (including well beyond normal licensed hours) both while on the premises (especially in the smoking area) and when leaving the premises. I would invite all such complaints to be carefully considered before deciding on the current application.

You will note from these complaints that the current licensed premises at the top of Queens Road are already contributing to a public nuisance and disorder. It is almost guaranteed that adding (i) another late licence to serve alcohol outside the premises and (ii) a smoking area in close proximity, and run by the same licensor as one of them, will increase the existing problem with public nuisance and disorder.

I understand from discussions with Joanne Owen last year that Mr Funedda claimed to be open to working with local residents and displayed what she believed was genuine concern about the impact of Il Bacio on them. However, you will also note from the council Environmental Health department's files that they have

previously spoken to him about the problems caused by Il Bacio and, outside of the forum of the Licensing Sub-Committee, he has not exhibited any such concern and has shown himself to be unwilling to make changes to his current operation that would alleviate the problem for his neighbours. If an extension to Il Bacio Caves' licensed hours causes, as his current venture does, public nuisance and disorder, I do not believe he will be receptive to complaints and the Sub-Committee will be adding to an issue that Environmental Health already struggles with.

I also understand that Mr Funedda asked for local business owners to provide representations in favour of his application in 2014. I would ask the Sub-Committee to consider whether non-resident owners of businesses that close at or around 6pm are qualified to make a judgement on whether public nuisance then takes place later in the evening.



**Joanne Owen**

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**From:** BENJAMIN DUNN <[REDACTED]>  
**Sent:** 19 November 2015 10:07  
**To:** Licensing  
**Subject:** Il Baceo Cave Licence Consultaion

Dear Kim

Regarding the application for licence amendment for Il Baceo Caves please accept this email as my response to the EFDC Notification of Consultation.

I am making representation to dispute the granting of amendments to their licence on the grounds of Public Nuisance.

After the long and protracted problems suffered as a result of how Il Baceo restaurant was managed with repeated events of breaches of their licence and public nuisance I strongly contend that the same problems will occur at Il Baceo Caves, should they be allowed to sell alcohol on the exterior of the premises.

I would ask that the committee simply look at the history of all the problems at the restaurant and how we as residents had to make large numbers of complaints and go through an exhaustive process to reign the Il Baceo operations in and that these amendments would allow the same problems to repeat at the Caves.

Regards

Ben Dunn  
[REDACTED] Queens Road  
Buckhurst Hill  
[REDACTED]

Sent from my iPad

Licensing Unit  
Epping Forest District Council  
High Street  
Epping  
ESSEX  
CM16 4BX

3 December 2015

Dear Sirs,

**Re: IL BACIO CAVES 160 QUEENS ROAD BUCKHURST HILL IG9 5BD  
PROPOSED AMENDMENT TO ON/OFF SALES HOURS AND LICENSE**

I write as a Director of RichRoch Investment Limited we own the property at 162 Queens Road Buckhurst Hill.

We have almost finished building the two houses to the rear of 162 Queens Road and will be refurbishing the vacant shop and have planning permission to carry out a loft conversion of the residential unit above the shop at 162 Queens Road.

Our intention is to sell the two house and rent the shop and residential unit.

I have complained of NOISE NUISANCE during the summer months and spoke to Mrs Richardson. I also complained that the rear of 160 has an outdoor area built to extend the premises for outdoor eating and drinking. I was told that it would be investigated and someone would get back to me. Unfortunately no one did!

The rear of 160 backs on to the development of the two houses and I am concerned that the proposed amendment will cause public disorder for the new purchasers.

If this extension is granted it would lead to a subsequent request to obtain hours which mirror those of his restaurant 100m away.

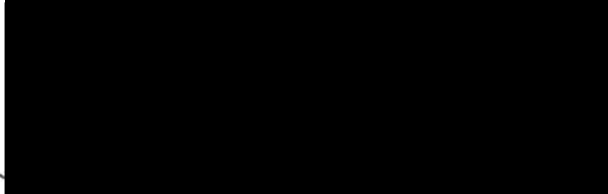
I do hope that the Council take into account the connection between Mr Funedda two businesses, both within 100m from each other.

I do hope that the Council take into account the very close proximity of the two new houses, and the residential let of the accommodation at 162 Queens Road and the residential accommodation above 160A Queens Road.

In the light of these clearly related issues I hope that the licensing committee takes my concerns into account.

I look forward to hearing from you.

Yours sincerely,



Mrs Fleur Conway  
RichRoch Investments Limited  
9 High Street  
Wanstead  
London  
E11 2AA

██████████, Prince's Road,  
Buckhurst Hill,  
Essex, ██████████

copy.

1 October 2014

Dear Licensing Team,

Il Bacio Caves

In response to the consultation notice which you kindly sent to us on 10 September 2014, we wish to object to the application for a licence to sell alcohol for consumption on and off the premises at 160 Queen's Road, Buckhurst Hill.

We do so on the grounds that this would be extremely likely to cause an increase in public nuisance in the area. There are already three restaurants at the top of Queen's Road serving alcohol until late in the evening (and a further five, plus two public houses) just a short distance away down the hill. It is evident from the number of cars parked nearby and the taxis waiting for clients that these restaurants are catering not just for local residents but also people from further away. There is therefore no obvious need for yet another restaurant/wine bar.

This influx of people with no local ties is already causing problems. Although we do not live in Queen's Road we are already experiencing unreasonable noise levels from the existing restaurants, in particular from the Catch Restaurant which seems to have no consideration for local residents. In addition it is by no means unusual to hear shouting and singing late at night. We consider that one more set of premises serving alcohol will be bound to exacerbate an already unsatisfactory situation.

We note that no. 160 Queen's Road has a garden behind and a sizeable outbuilding behind that. If the licence application includes provision for the use of the garden or the outbuilding as part of the wine bar - either now or in the future - then the direct impact of the proposal would be extended to many more households adjoining or near to the premises. With the proposed licensing hours extending from 1000hrs to 2200hrs seven days a week this adverse impact would be felt throughout the weekend when we are entitled to expect a measure of peace and quiet.

Yours faithfully,

ALAN TRAYHERN

ROWENNA TRAYHERN

To:

The Licensing Team,  
Epping Forest District Council,  
Civic Offices,  
High Street,  
Epping,  
Essex CM16 4BZ



Licensing Unit  
Epping Forest District Council  
High Street  
Epping  
ESSEX CM16 4BX

2<sup>nd</sup> December 2015

Dear Sirs

**RE: IL BACIO CAVES 160 QUEENS ROAD BUCKHURST HILL IG9 5BD  
PROPOSED AMENDMENT TO ON/OFF SALES HOURS AND LICENSE**

We are concerned about the prospect of later opening hours for alcohol sales at this business. Also, we would be opposed to the use by customers of exterior areas at both front & rear of the premises for smoking as it is certain that many of these customers will continue to drink whilst smoking. This is certain to cause public nuisance issues in what is primarily a residential street.

If this extension is granted it would surely lead to a subsequent request to obtain hours which mirror those of the other Il Bacio business 100m away.

It seems only fair that the council take into account the connection between the two businesses.

The potential for public nuisance in relation to Il Bacio Caves is the **ONLY** reason for our concerns. We have used the restaurant many times and the manager has always been very polite and friendly. However, the manager is not the applicant but an associate of the applicant & licensee Mr Funedda.

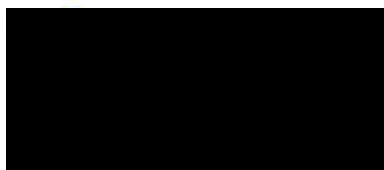
For the record Mr Funedda has also been polite to me and I have no personal issues with him.

The council is aware that during the summer months tables outside and in front of Mr Funedda's other restaurant (Il Bacio premises approx. 100m away) continue to cause fallout from rowdy late night customers, and this causes persistent and significant disturbance for the residents close by.

It seems neither the licensee nor EFDC has been willing to address this ongoing public nuisance issue and in view of this, residents have very justifiable concerns that the same problems do not arise from a second business in the same street run by the same licensee.

In light of these clearly related issues it seems only fair that the licensing committee takes residents' concerns into account.

Yours faithfully



Mr & Mrs GD Ash

Queens Road

Buckhurst Hill

**Joanne Owen**

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**Subject:** FW: Re IL Bacio Caves, 160 Queens Road, Buckhurst Hill, Proposed amendment to on/off sales hours and Licence.

-----Original Message-----

From: Marilyn Bloor [REDACTED]

Sent: 10 December 2015 13:26

To: Joanne Owen

Subject: Re: Re IL Bacio Caves, 160 Queens Road, Buckhurst Hill, Proposed amendment to on/off sales hours and Licence.

Dear Miss Owen

Thank you for your email below and I apologise for not making my objection clear. Please see below my concerns.

**PUBLIC NUISANCE**

I Live in Queens Road and we have had some very bad noise problems with IL Bacio in the past. Since the time restrictions it has been bearable. My concern is that if IL Bacio Caves gets an extension, then IL Bacio will apply for an extension there, and so on and so on, and encourage late drinking and noise.

I hope this makes my objection clear.

Kind regards

Marilyn Bloor (Mrs)

Resident of Queens Road

Sent from my iPhone

Princes Road,  
Buckhurst Hill,  
Essex

7 December 2015

The Licensing Team  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex  
CM16 4 BZ

Dear Mrs Tuckey,

**Il Bacio Caves - 160 Queens Road, Buckhurst Hill**

I refer to your letter dated 16<sup>th</sup> November regarding the licensing application in respect of Il Bacio Caves and wish to object in the strongest terms possible to this.

When the original licensing application was made for Il Bacio Caves in September last year I objected to that proposal for the following reasons: -

- *The top end of Queens Road already has three restaurants, two of which cause considerable noise and disruption, namely "Il Bacio" and "Catch". Both allow customers to smoke outside their premises with the inevitable loud conversations and laughter until late in the evening.*
- *During the summer months "Catch" opens its large street facing windows, which means the restaurant interior noise is clearly audible by all residents in the surrounding area. On occasions they have live music and private parties, which increases the noise to an intolerable level late at night.*
- *In the evenings when there are no parking patrols, the clientele of the existing restaurants park their cars wherever they want including on the pavement to such an extent that there have been occasions when it has been impossible to walk along the pavement.*
- *In addition to the three restaurants there are also two take-away restaurants, which add to the parking difficulties.*
- *The granting of a licence to Il Bacio Caves, which would be situated within yards of "Catch", will only serve to increase the existing noise and parking nuisance.*

Despite the restrictions imposed within the licence granted by the council last year, they did nothing to alleviate my original concerns noted above and, as expected, have made matters worse.

Earlier this year the boxing club in Queens Road (Club KO) was allowed to add a second storey which is used as some sort of workout studio. Frequently, but especially in the summer the windows / skylights for this studio are opened so that local residents are subjected to loud music and shouted workout instructions.

The latest proposals for Il Bacio Caves to extend the use of its outdoor space until 22.00hrs will simply increase the already considerable noise pollution that these businesses in Queens Road subject the local residents to.

Yours sincerely

Kevin Lucas

Licensing Unit  
Epping Forest District Council  
High Street, Epping  
ESSEX CM16 4BX

6 December 2015

Dear Sir/Madam

**RE: Your Reference WK201547675**

**IL BACIO CAVES 160 QUEENS ROAD BUCKHURST HILL IG9 5BD  
PROPOSED AMENDMENT TO ON/OFF SALES HOURS AND LICENCE**

We are writing to express our concern about the licence application received from Mr Luigi Funedda regarding Il Bacio Caves, 160 Queens Road, Buckhurst Hill, Essex IG9 5BD. We would like to oppose this application on the grounds of prevention of public nuisance.

We are firstly concerned about the extension of the opening and licensing hours. We are especially unhappy about the proposal to serve customers **outside** of the premises until 22:00. This is a largely residential street and the noise from customers sitting outside on the pavement until at least 10pm at night, plus the additional noise of customers leaving the premises even later in the evening is likely to be a public nuisance.

We also oppose the withdrawal of the restriction to smoking outside the front of the premises. We fear that any gathering of customers outside of the premises until 10pm will create an unacceptable amount of noise in the vicinity.

Although our property is a short distance away from the premises, we already suffer from noise as customers leave nearby premises, we do not wish to be subjected to even more which is almost certain to occur if opening hours are extended.

We are aware that our neighbours slightly further up Queens Road have been subjected to considerable noise from Il Bacio restaurant at 180 Queens Road, especially as a result of customers dining and drinking outside the restaurant. We do not wish to see this extended to their other site.

We having noticed that the proposal includes a name change from Il Bacio Cicchetti to Il Bacio Caves. This name change implies that the management are proposing to change the emphasis from that of a deli to a premises with more emphasis on wine and alcohol. If this is the case, it is even more troubling news, as this would increase the likelihood of disorderly conduct by the customers and an increased public nuisance.

We hope that you will take into consideration the views of the local neighbours when making the decision about this licence application.

Yours faithfully

Mr and Mrs Fowler

██████████ Queens Road

Buckhurst Hill, Essex ██████████

## Licensing Application Representation from [REDACTED] Queens Road. 7<sup>th</sup> December 2015

This representation is to oppose the licensing application raised on 13<sup>th</sup> November 2015 for

Il Bacio Caves, 160 Queens Road, Buckhurst Hill, Essex IG95BD.

This representation is submitted by Mr David Wilson and Mrs Yana Wilson of [REDACTED] Queens Road. Our property is directly across the road from Il Bacio Caves.

This representation opposes the following areas of the application:

- A) Extension of hours for Sale of Alcohol (On and Off) and extension of opening hours (Mon – Sun)
- B) Removal of clause prohibiting smoking in front of the premises,

on the grounds of:

- 1) The prevention of public nuisance
- 2) The protection of children from harm
- 3) The prevention of crime and disorder.

### **Grounds for representation**

The points below set out the reasons why we oppose this licensing application. In general we would like to note that the license conditions were put in place as a result of the original application by Il Bacio Caves in 2014 and there has been no change in the circumstance to warrant the requested extensions.

#### **A. Extension of hours for Sale of Alcohol (On and Off) and extension of opening hours (Mon – Sun)**

##### **1) The prevention of public nuisance**

Il Bacio is located in a premises not formerly allocated to a licensed business and is surrounded on all sides bar one by residential properties. In the original application hearing of 29<sup>th</sup> October 2014 it was stated that the establishment was to be a “delicatessen/tapas style of premises” incorporating four tables and four stools at the bar. Such an establishment can reasonably be expected to fit into and function within a residential area. With the latest application for a late licence and prolonged opening hours, however, this description is called into question. There is a lack of clarity as to whether this establishment will continue as a delicatessen or will turn into a wine bar. Either of these is inappropriate for the location as they will cause significant and constant aggravation and nuisance to local residents late into the night due to drunken revellers entering, leaving and being driven away. A late licence will give carte blanche to either current or future owners that a wine bar could be run here.

The small footprint of the premises should also be noted as it would not allow having a substantial kitchen to provide substantial meals to accompany the alcohol in order to mitigate its effects. In essence it is more likely than not that if the application is successful this establishment will turn into a bar. The establishment of a late drinking bar is likely to lead to increase in public nuisance and may potentially require additional policing.

Il Bacio has two other premises, in Buckhurst Hill and Theydon Bois. The level of public complaints against Il Bacio establishments should also be noted as part of the approval of this application as they have a history of breaking the conditions of the current license, and in particular in respect of serving alcohol past the allowed hours and related noise.

Below is the summary of the occurrences supplied by Epping Forest District Council on 07/12/15

- Il Bacio Caves at 160 Queens road: 12 complaints since October 2014 , 7 of which relate to breaches of the license conditions and/or noise
- Il Bacio in Theydon Bois: 52 complaints since October 2013, 48 of which relate to breaches of the license conditions and/or noise
- Il Bacio at 182 Queens road: 21 complaints since March 2012, 19 of which relate to breaches of the license conditions and/or noise

There is no reason to believe that the current location would be any less antagonistic towards its neighbours given similar licensed operating hours. We are a young family and have purchased this house in January so are not very familiar with the local restaurants, but have anecdotally heard from the local business owners that Il Bacio in Theydon Bois is known for lock-ins where customers are allowed to drink inside after the hours which appears to be supported by the number of complaints noted above.

Additionally the existing problem of across-pavement parking and rubbish dumping by Bacio staff in full view of the street would be sure to be exacerbated. This brings down the tone of the neighbourhood and is a constant source of irritation and frustration to us. Attached below is a photograph typical of the current situation (this one taken on 30/11/15):



## **2) The protection of children from harm**

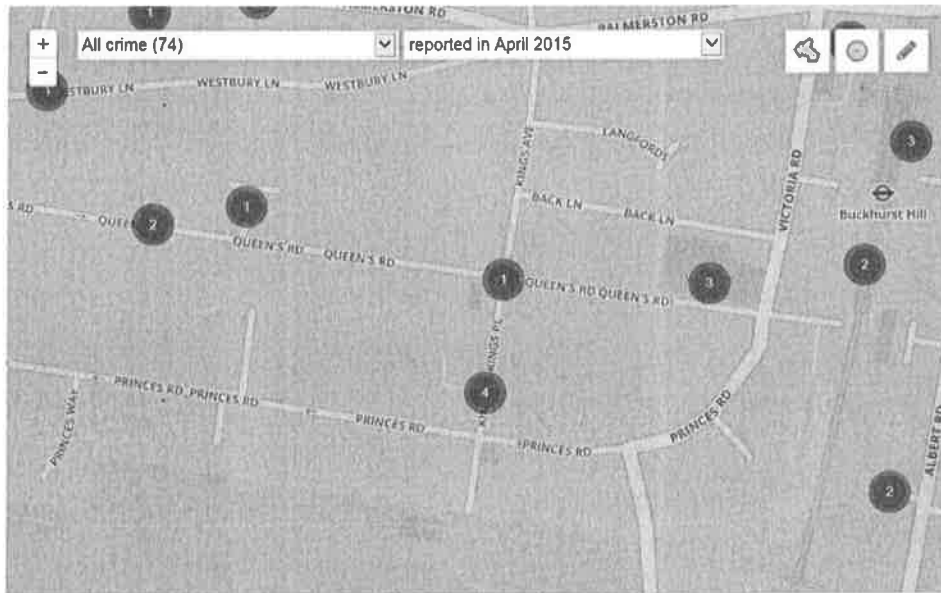
The area houses a number of families with young children, including our own. There are infant nurseries a short distance up and down the road. The proposed relaxation of the licensing hours would attract drinkers during the whole day, resulting in increased danger crossing Queens Road. Additionally the constant exposure to the noise and attention of drinkers would be stressful for small children.

## **3) The prevention of crime and disorder**

The institute of Alcohol Studies have performed a number of studies that link alcohol consumption to criminal activity. In particular, their website states that: *“Alcohol-related crime and social disorder is estimated to cost UK taxpayers £11bn per year, at 2010/11 prices. This aids the public perception of alcohol as one of the major causes of crime in urban Britain today.*

*Several studies of crime and social disorder in city centres have observed a direct relationship between the density of night time outlets licensed to sell alcohol – otherwise known as “high-risk premises” – and the prevalence of criminal activity, especially violent crimes committed. Successive Governments have been committed to tackling the problem by a variety of legislative means. Policies to combat alcohol-related crime and social disorder include the tightening licensing regulations for night time outlets permitted to sell alcohol, and the imposition of tough custodial penalties for criminal behaviour linked to alcohol.”*

The recent stabbing in Loughton supports this assertion as also does a sample map of the crimes committed in Buckhurst Hill in April 2015:



Regular nuisance and occasionally serious crime is likely to rise in our area if a later licence is granted which will alter the Il Bacio establishment into a more dedicated drinking establishment.

## **B. Removal of clause prohibiting smoking in front of the premises**

### **1) The prevention of public nuisance**

To allow smoking in front of the premises is to permit customers of Il Bacio to smoke on the pavement. The tiled area in front of the premises is around 1m wide and includes two steps to the street. Smokers would without doubt spill onto the pavement which is narrow at this point. This represents a significant obstruction to passers-by and a continual disruption to neighbours going about their lives. Blockage to the pavement will result in people walking into the street and risking accident. If a delicatessen requires a smoking area then provision should be made on its property.

In addition, this requests puts even more in doubt the nature of the establishment that the owner is wanting to run from this location. It is highly unlikely that the success of a delicatessen with 4 tables depends on the ability of the patrons to smoke in the dedicated area in front of the building especially in today's health conscious environment.

### **2) The protection of children from harm**

We have a nine month old baby, whose bedroom looks over the street towards Bacio. The distance from our property to the front of Bacio is approximately 10m. A smoking area there poses a significant risk of smoke and sound pollution to us. We therefore perceive the use of a smoking area in front of the building to be a severe threat to the health and wellbeing of our baby daughter.

It should also be noted that the Queens nursery is located nearby and parents pass by Il Bacio Caves picking up and dropping their children off multiple times a day. Given the narrow size of the sidewalk it is inevitable that children will be exposed to second hand smoke if this license restriction is removed. This would cause direct harm to children in Buckhurst Hill.



## **Conclusion**

Granting of a late licence and to a delicatessen suggests that the premises will evolve into a wine bar either immediately or in the near future. The original licence was approved twelve months ago and there is no basis on which to change the conclusions drawn at that hearing. This application risks a slippery slope towards a late night bar which local residents do not want but may be powerless to prevent. The application to allow smoking in front of the premises further supports that notion that the owner's intention is to turn this into a drinking establishment which is likely to lead to public nuisance and increase in crime in the area. Furthermore, permitting smoking in front of the premises will directly cause harm to children given the proximity of Queens nursery and the residential nature of the area where many families have young children.

We request that the application be rejected for the reasons given above.

D.Wilson

Y.Wilson

07/12/15

## Joanne Owen

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**From:** alisonjayme [REDACTED]  
**Sent:** 08 December 2015 19:19  
**To:** Kim Tuckey; Joanne Owen  
**Subject:** OBJECTION TO IL BACIO 160 QUEENS ROAD BUCKHURSTHILL IG9  
5BDAPPLICATION TO EXTEND LICENSING HOURS AND OPENING TIME

Dear Kim, Joanne.

Please receive my objection to the aforementioned application.

Please confirm you have received my letter of objection.

To who it may concern,

Approximately one year ago Il Bacio Caves (the applicant) applied for a liquor licence which was decided based on representations from them and local residents along with a long history of problems caused by the applicant in the two other restaurants they operate which resulted in the liquor licence being granted until 8pm as long as alcohol is served with a full table meal, with all customers having to vacate by 10pm and, the condition that they are not permitted to allow any congregation of customers at the front to eat, drink or smoke.

It is arguable that technically Il Bacio caves (cicchetti) is by its very own admission is a restaurant serving small plates of food contrary to the liquor licence they have been granted which states a full plated main course.

Evidentially looking at the history of the complaints this year it would not be fair to residents to permit any extension of these hours when considering the very many issues that have occurred by the operator this past year.

My objections are on the following grounds...

**It should be understood the geographical location of this restaurant is directly opposite two houses less than 12 meters away (because queens road is so narrow), immediately behind two new homes less than 3 meters away and, next to dwellings above on both sides. In the past this site would never have been approved for A3 use.**

**NOISE NUISANCE** - Given previous issues of noise nuisance it is clear the operator is less interested in a harmonious relationship with residents but more interested in making money at the expense of the residents peace and quiet and, therefor opening later can only exasperate any noise nuisance issues. I understand the application to use the front for smoking and drinking has now been withdrawn as the applicant accepts this would not be granted.

**PUBLIC DISORDER** - The idea that the operator wants to open later will only add to risk there will be public disorder.

**SAFETY** – Given the geographical layout of the Restaurant in relation to where it opens onto a very narrow pavement and, considering the speed the traffic flows down Queens ANY later use has further potential to cause serious safety issue with the increased likelihood of car on pedestrian accident.

**ILLEGAL BEHAVIOUR** - As yet there have been no issues in respect of known illegal behaviour but, the restaurant is serving hot food when they originally stated it would only be cold food and there is no extraction, in addition the refuse is a problem as its left on the street, both of these issues can only get worse IF the site is open for longer.

**LOOKING FORWARD** - IF IL Bacio get the extension they are after what's stopping them applying to get later hours? What happens if they sell to a bar operator, residents showed up in great numbers to limit there hours a year ago, its clear the operator is not as busy as they wish to be which is why they want to extend there hours but, because its so small when they are busy its bound to have an adverse impact on the residents!

Please see all the complaints for the past two years attached for your convenience.

**Il Bacio Caves 160 Forest Drive, Buckhurst Hill from 7<sup>th</sup> December 2013 to 7<sup>th</sup> December 2015**

Summary of complaints to EFDC - Environment & Neighbourhoods				
Alleged breaches of licence conditions, primarily related to the door being left open. This was witnessed. Appears to have been rectified after issue raised with DPS. No public nuisance witnessed. Concerns also raised regarding waste storage at the front of the property.				
Worksheet ref:	Date	Complainant ref:	Noise/ allegation	Action/comment (not complete history)
201548071	16/11/15	A	Alleged Il Bacio closed after 23.00 hrs on 13/11/15	Email complaint
201533452	3/8/15	Internal	Record of visits in August 2015 to check on front door open?	2 x door open, 3 x door closed. No significant impact.
201531635	21/7/15	A	Door is being left open and concerned re waste disposal from the property	Some discussion on enforcement of technical breaches vs breaches that have an actual impact in terms of licensing objectives. Issue raised with DPS. Door closed most of the time. Door witnessed open and shut. Mostly closed after intervention.
201530374	14/7/15	B	Enquiry re waste storage	
201532424	2/7/15	A	front door being propped open	Email complaint
201528011	29/6/15	C	Noise from garden	OOH complaint - Alleged party till 22.30hrs. Off now.
201531899	21/6/15	A	Waste being placed on adjacent land - sometimes in bags sometimes in bins.	Telephone call.
201512145	15/4/15	A	door is being left open and they are staying open later than their licence hours	Raised with DPS. Diary sheet not returned NFA.
201511716	14/4/15	A	As above to Licensing	As above
201505457	16/2/15	A	On valentines night stayed open past 11pm and the licensee is breaking his licence conditions	
201440382	16/11/14	A	Possible breaches of premises licence	
201440214	16/10/14	B	Construction noise at restaurant	

Due to the Data Protection Act, the name and address of each complainant is not permitted to be revealed. However, for clarity regarding who has complained (and the property) each address is detailed as a letter. If there are multiple complainants at the property, (either change in residents, or other occupiers) they have been denoted as a numeric (eg A1, A2, etc).

Date of action	Out of Hours	Complainant/Person Spoken to	Nature of complaint	Visit made	Action Taken
30/03/12	N	A1	Noise from customers outside & parking	No	Advice cannot deal with parking if parking legally. Advice given re customer noise
27/05/12	Y – 20.56	A1	Customer noise	No	Unable to contact complainant at time of call
06/12/12	N	B1	Loud music	No	Complaint via landlord of affected property. Contacted restaurant & discussed issues. No further complaints
20/06/13	N	B1	Loud music	No	Complaint via landlord of affected property. No response when trying to speak to tenant
01/07/13	N	A2	Customer noise, parking, restaurant open beyond permitted hours, chairs on pavement.	No	Ref to planning enforcement re opening hours. Advised nothing can be done about parking. Letter sent to restaurant re customer noise and chairs. Chairs brought in. No more complaints re other issues.
02/08/13	N	C	Customer noise	No	Issue with customer noise on patio and in near vicinity. D/S sent.
08/11/13	N	D	Customer noise as leaving	No	Diary sheets sent – not returned
17/01/14	N	C	Customer noise as leaving	Yes	Pre arranged visit re customer noise. Not an issue as people left
27/02/14	N	B1	Loud music	No	No further complaints
28/03/14	Y – 00.15	B2	Loud music	No	Letter to restaurant.

Date of action	Out of Hours	Complainant/Person Spoken to	Nature of complaint	Visit made	Action Taken
09/04/14	Y – 23.58	B2	Loud music & customer noise	No	No visit – as not passed through.
13/04/14	N	C	Customer noise	No	Pre-emptive complaint about future noise issues from customers on the forecourt and in the vicinity.
27/04/14	Y – 23.08	B1	Loud music	No	No visit reqd. Wanted a call to the restaurant. Duty noise officer tried, but no answer
24/05/14	Y – 01.59	B2	Loud music	No	Held over. Letter sent to restaurant on 17/06/14
24/05/14	N	D	Customer noise	No	Dealt with in other investigations.
26/09/14	N	D	Customer noise	Yes	Pre arranged visit re customer noise. Some noise witnessed. Worse with front doors and windows open. –but not deemed to be unreasonable
24/09/14	N	E	Customer noise	No	Enquiry re customer noise. Advice given.
27/09/14	Y – 23.38	E	Customer noise and alcohol beyond permitted hours	No	Complainant does not live in near vicinity – noticed when walking by. Advice given.  Met with restaurant on 13/10/14 to discuss allegations and review requested about licence. Letter sent to restaurant on 22/10/14.
10/10/14	N	D	Early morning refuse collections	No	Issue with early morning waste collections before 7.00am during the week. Raised matter with restaurant and collection company.
27/10/14	N	Review	Review of premises licence	No	Review called by Parish Cllr. Hours and conditions amended at Licencing sub-committed on 08/12/14
30/03/15	N	D	Pre arranged visit re early morning waste collections	Yes	Monitoring carried out due to ongoing allegations of early morning waste collections before 07.00 hrs. Noisy collection witnessed at 06.01, causing a statutory noise nuisance. Noise abatement notice being served on both parties, to control hours of collection.
05/06/15	N		Alleged breach of licence condition	No	WK201528448 – Concluded - Alleged breaches on 16 June, 26 June, and 4 July 2015, whilst technical breaches of the notice were witnessed, Mr Gardiner and I were not satisfied that any disturbance caused by these incidents were causing either a public or a statutory nuisance. Therefore, the impact of these alleged breaches was not significant enough to pursue further, in light of the restaurant apparently now complying with the conditions of the licence. It would not be in the public interest to pursue the matter further at this time.
5/6/15	Y – 23:15		Restaurant allegedly selling alcohol past 11:00PM	No	See above ref. WK201522720
16/6/15	Y – 21.16		Loud music from opera singer and breaches of premises licence	Yes	See notes for WK201528448 5/6/15 – technical breach of condition. No significant disturbance.
26/6/15	Y – 20.29		customer noise from inside because doors & windows open	Yes	See notes for WK201528448 5/6/15 – technical breach of condition. No significant disturbance.
13/7/15	N		Alleged breach of licence - diners still out on patio after 22.00 hours at 22.15	No	Email complaint – see above.
20/7/15	N		Noise from misfiring intruder alarm	No	Email complaint, resolved informally.

END

**II Bacio, 19B Forest Drive, Theydon Bois from 1<sup>st</sup> January 2012 to 7<sup>th</sup> December 2015**

Summary of complaints to EFDC - Environment & Neighbourhoods

Complaints primarily from one household regarding noise from customers inside the property and outside on patio area to the front. Complaints also regarding loud music. A noise abatement notice was served on 12/6/15 re music and amplified sound. Officers recently witnessed an alleged breach of the noise abatement notice re music and amplified sound on 21/10/15 and 25/11/15. These incidents are still under investigation (formal PACE interview(s) being carried out) before a final decision is made on the next course of action.

Worksheet ref:	Date	Complainant ref:	Noise/ allegation	Action/comment (not complete history)
201549117	25/11/15	A	l/m live singer	<b>Alleged breach of noise abatement notice witnessed.</b>
201546714	6/11/15	A	l/m	Email complaint
201545612	21/10/15	A	Pre-Arranged visit - Live singer, Frank Sinatra tribute	<b>Alleged breach of noise abatement notice witnessed.</b>
201545610	14/10/15	A	Pre-arranged visit re noise	No nuisance
201536625	21/8/15	A	Doors are open & lots of noise and l/m	OOH (out of hours) but no reply from complainant.
201534450	5/8/15	E	Noise from rear of restaurant	Tel. complaint after the incident.
201528434	1/7/15	A	Customer noise as bi-folds are open	OOH (out of hours) but noise ceased.
201527335	26/6/15	E	People smoking around the back of the restaurant and noise from kitchen.	Tel. complaint after the incident.
201527037	15/6/15	A	l/m in restaurant, shouting and singing	Email complaint
201545596	10/6/15	A	l/m	Pre-arranged OOH – nuisance established. <b>Noise abatement notice served 12/6/15 re music and amplified sound.</b>
201518311	24/5/15	A	l/m	Email complaint
201517010	17/5/15	A	l/m	OOH – officer visit, no nuisance but potential licence and planning condition breach. (PACE interview – licence breach not established, <b>planning issue proceeding</b> ).
201516467	13/5/15	A	l/m live singer	OOH (out of hours) but off when officer visited.
201513784	30/4/15	A	l/m	Email complaint
201513769	29/4/15	A	l/m live singer	OOH (out of hours) but call too late to catch
201512371	20/4/15	A	l/m	Email complaint
201511773	15/4/14	A	l/m	Email complaint
201511777	11/4/15	A	l/m	Email complaint
201508446	16/3/15	A	l/m and other noise	Email complaint
201504797	10/2/15	A	l/m	Email complaint
201500147	5/1/15	A	l/m	Email complaint
201443567	15/12/14	A	Noise from Restaurant - music, shouting etc	Email complaint
201442290	15/12/14	A	l/m & noisy diners left the restaurant around 21.30.	Email complaint
201440775	30/11/14	A	l/m	OOH call but music off.
201434890	13/10/14	A	l/m	OOH (out of hours) but call too late to catch
201431802	13/9/14	A	Customer noise	OOH (out of hours) but call too late to catch
201431799	12/9/14	A	Customer noise	OOH but call too late to catch
201430071	30/8/14	A	Customer noise	OOH but call too late to catch
201426052	31/7/14	A	Customer noise and loud music (l/m)	OOH – cancelled on way
201425936	31/7/14	A	Glass collection	Telephone complaint logged
201424677	13/7/14	A	Customer noise	OOH logged, no visit
201423814	8/7/14	A	Customer noise	OOH call but too late to catch/door

				closed.
201423642	8/7/14	B	Shrieking customer	Telephone complaint logged
201423063	8/7/14	C	l/m and general noise	Email logged
201422680	7/7/14	D	Customer noise	Email logged
201422587	2/7/14	A	People noise	OOH too late to visit and catch
201421984	28/6/14	A	l/m	ENO visited – nothing witnessed
201419001	7/6/14	A	l/m	Advised to call OOH
201417418	28/5/14	A	Noise in general	Email complaint
201417392	26/5/14	A	Noise	OOH held over till next working day
201416294	19/5/14	A	Customer noise	Email complaint
201413332	22/4/14	A	l/m	Email complaint
201411105	31/3/14	A	l/m	Email complaint
201411301	30/3/14	A	Staff noise	OOH held over
201411297	29/3/14	A	l/m	OOH now stopped
201409563	16/3/14	A	l/m	OOH held over
201405021	7/2/14	A	l/m	ENO visited, but site closing, nothing witnessed. Letters sent
201404245	3/2/14	A	l/m	Telephone call logged
201404184	2/2/14	A	l/m	OOH (Out of hours) held over
201338580	16/12/13	A	l/m staff radio	Letters sent
201335222	18/11/13		Overflowing bin	Telephone call logged
201331099	14/10/13	D	Concern re potential extractor fan noise	Telephone call logged

Yours Sincerely

Neil Cohen

Resident at [REDACTED] Queens Road, Buckhursthill, Essex, [REDACTED]

## Joanne Owen

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**From:** Joanne Owen  
**Sent:** 10 December 2015 16:24  
**To:** Joanne Owen  
**Subject:** Cllr Sylvia Watson - Application to Vary premises licence for Il Bacio Caves

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**From:** Sylvia Watson [REDACTED]  
**Sent:** 10 December 2015 09:50  
**To:** Joanne Owen (GCSX)  
**Subject:** RE: Application to Vary premises licence for Il Bacio Caves

Dear Joanne,

I have been approached by residents in Queens Road objecting about this application consider they have reasonable grounds to object. I have heard only one person speak favourably and as they live a mile away I don't believe their comments can carry the same weight.

Having given this matter some thought I would now like to add my objections and trust that you will bring these to the attention of the licensing panel.

The first thing that needs to be borne in mind is that the premises are located, not in the main shopping area of Queens Road but in a part that is mixed with both houses and flats as well as shops. There has always been some controversy over the granting of C3 use licenses in parts of Queens Road.

The issue here is the extension of hours for an existing license.

In considering this it would be appropriate to look at whether the existing licence is being complied with. My understanding was that the original application was for a delicatessen and tapas bar. However I can confirm that meals, including hot food, are being served.

As regards the extension of hours I think the close proximity to residential property, both houses and flats, on Queens Road and Princes Road would be detrimental to the living conditions of residents. In particular I would have to object to the extension of hours for outside areas in a very constrained site that would almost certainly lead to unacceptable levels of noise for residents in neighbouring properties in the evening and at weekends.

Kind regards,  
Cllr Sylvia Watson