

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub Committee Tuesday, 5th July, 2022

Place: Council Chamber - Civic Offices

Time: 10.15 am

Democratic Services: Deomocratic Services (Direct Line 01992 564243)
Email: democraticservices@eppingforestdc.gov.uk

8. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE FOR SHISH MEZE, 18 MARKET PLACE, ABRIDGE, RM4 1UA (Pages 3 - 18)

To consider the attached supplementary evidence from Essex Police.

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**ESSEX POLICE REPRESENTATION REGARDING APPLICATION FOR A
PREMISES LICENCE (LICENSING ACT 2003)**

SHISH MEZE

18 MARKET PLACE, ABRIDGE, ESSEX, RM41UA



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Essex Police Objection Notice to New Grant Application:
Licensing Department
Epping Forest District Council
Civic Offices
High Street

Essex Police
Epping
CM16 4BZ

Licensing Department
Braintree Police Station
Blyths Meadow
Braintree
CM7 3DJ

7th June 2022

OBJECTION NOTICE TO NEW GRANT APPLICATION

In respect of the New Grant application for 'Shish Meze' Essex Police make representations under the licensing objectives of:

- Prevention of Crime & Disorder
- Public Safety
- Prevention or Public Nuisance.

Essex Police feel that if the premises is granted the licence then the above licensing objectives would be undermined.

Essex Police spoke to a staff member at the premises on 01/06/2022 who stated that the upstairs area was going to be a club and the downstairs area was the restaurant area. Essex Police contacted the premises following up on an Public Instagram post that advertised a Jubilee party taking place at the premises on Thursday 2nd June including DJs. The advertisement stated entry was free if booking to have a meal otherwise £10 entry fee was applicable. It should also be noted that the upstairs of the premises is not currently licensed.

Essex Police were alerted to an incident that took place at the premises on 02/06/2022 at 22:28 whereby a member of the security team was assaulted. Essex Police are concerned as to why the premises would need door staff when they are operating solely as a restaurant.

When Essex Police spoke to the agent working on behalf of the applicant (James Hoffelner at Complete Licensing) regarding New Grant Application Essex Police were told that the premises was solely a restaurant where people attend and have sit down meals. Essex Police were further told that people could not just attend the premises to drink. He stated that it was an experience of Turkish cuisine with Turkish entertainment where some people dance at their tables. Essex Police have concerns that what is being applied for is not necessarily how the premises will operate

moving forward. Essex Police are happy to be involved in the negotiation for any premises licence but need to be fully sighted on the applicants Intentions.

Essex Police are concerned that as a night club patrons would be spilling onto the street which could lead to crime and disorder given the limited dispersal in that area at 1am in the morning (Monday-Sunday). There is no public transport supporting the area at this time of the morning and so patrons would rely on taxis and private vehicles. If the premises is going to use the 1st floor as a club this could also increase the chance of public nuisance to the residents.

Essex Police have been called to the venue on a few occasions to reports of fighting in the street outside of the premises and issues relating to Anti-Social Behaviour from people leaving the premises. One of these calls were made by security staff at the premises themselves.

Essex Police were furthermore alerted on 26/05/2022 by Epping Forest District Council to a complaint that they had received regarding the premises stating:

“They are building an additional building for the restaurant garden located at the address of the restaurant, without a license, and they serve drinks to the restaurant on the balcony to the second floor and inside on Fridays and Saturdays..”

Essex Police have concerns regarding Public Safety as to whether the upstairs of the premises is safe to be used as a restaurant. This is because the premises does not have planning permission to use that area and has not applied for planning permission. Essex Police were informed on 06/06/2022 that the planning department is investigating several breaches at the premises (regarding planning). Essex Police understand that the premises does not have to have planning permission to apply for a premises licence but there are concerns regarding the safety of the structure.

Please advise when the Licensing Panel will be meeting to hear this so representatives of the Chief Officer of Police can be in attendance.

Yours sincerely,

Kelsey Dott

Essex Police Licensing Officer

Cc Licensing, Epping Forest District Council, Civic offices, High street, Epping CM16 4BZ

PLEASE NOTE:

The address of the Chief Officer of Police, to whom all correspondence and applications must be sent is: Licensing Department (Alcohol & Gambling). Essex Police. Blyth's Meadow. Braintree. Essex. CM7 3DJ or Licensing.applications@essex.police.uk

1. Reasons for representation regarding the New Grant application:

- 1.1 Essex Police made representations regarding the New Grant application for Shish Meze due to inconsistencies. Essex Police found a social media advert stating that people could enter the premises to drink over the Jubilee event for a fee of £10. This went against what Essex Police were told regarding the premises solely being a restaurant.
- 1.2 Essex Police, further, had concerns that the premises had been using the upstairs area which had not been licensed and the premises did not have planning permission to use. Essex Police understand that planning and licensing are separate, but the concerns were more regarding the safety of the upstairs area due to complaints made.

2. Meeting at the premises:

2.1 Essex Police had a meeting with Complete Licensing (company working on behalf of the application), new DPS and a manager at the premises to discuss concerns regarding the premises and how the premises wanted to operate.

This meeting took place on 17/06/2022 at the venue.

2.2 Points that came from that meeting were that:

- The premises will operate as a restaurant with the top part of the premises operating as an overflow (people can drink there while either waiting for their table or after they have eaten their meal).
- They wish to have music upstairs as part of the experience at the premises.
- People do drink at the bar but the premises is mainly food led.
- The premises is not a club and does not have the facility to be one upstairs. There are 3 small rooms which would not be able to hold the capacity to be a club and space is limited (chairs and small tables would be in the way). The upstairs is also carpeted and there is no dance floor.
- Upstairs terrace area is used as a smoking area only.
- Children are not allowed in the premises after 5pm – on their website.
- The premises has been in talks with planning regarding getting planning permission to use the upstairs part of the building.
- Premises would not be putting on an event like they did for the Queen's Jubilee. This was a one off and would not be happening again.

Meeting letter sent to premises and agent (Complete Licensing) working on behalf of the applicant:

IMPORTANT NOTICE CONCERNING YOUR PREMISES LICENCE

Please do not ignore

REF: SHISH MEZE, 18 MARKET PLACE, ABRIDGE, ESSEX, RM41UA

Dear Guner,

Please see below a summary of our meeting Friday 17th June 2022.

In attendance were:

Kelsey Dott – Licensing Officer Essex Police

Ronan McManus – Senior Licensing Officer (via TEAMS)

Robert Sutherland – Complete Licensing

Jim – Complete Licensing

Muammer Gul – Business Partner

Gokhan Guner – New DPS of the premises

This meeting was arranged due a new grant application being made and Essex Police putting in a representation. Essex Police wanted to speak to those involved with the venue to discuss what their intentions were regarding what they envisioned the premises being and how they wanted to operate it. The meeting took place inside of the venue in the downstairs restaurant area.

Essex Police discussed with all present how the premises wanted to operate. Essex Police were informed that the premises is and would be a restaurant downstairs for dining and they intended to use the upstairs area for people to drink alcohol whether this be before their food/whilst waiting for their table or after they have had their meal. They also wanted to continue to have DJs at the premises as part of the experience. The premises will essential be a restaurant and a bar that plays music but has no dancefloor.

Mr Gul stated that the DJs they had used on a few occasions seemed to bring in a bad crowd and so they have stopped using them. It was discussed about the incident that took place at the premises on 2nd June 2022 and the fact that the premises was advertising £10 entry or free entry for those who had booked a table. Mr Gul stated that this was a 1 off event and it would not be happening again. Mr Gul said that the premises wants to be more food led but they would allow smartly dressed people to attend the premises to drink alcohol.

Essex Police Licensing stated that this could possibly be discriminatory.

As the meeting progressed Mr Sutherland informed Essex Police Licensing that the downstairs area was laid out with tables and chairs. Essex Police Licensing saw this during the meeting. Mr Sutherland stated that the décor may change but the layout wouldn't. The premises allows for 2-hour bookings for people who are eating at the

venue. People use the upstairs as an overflow, if they are waiting for their table or to continue their night once they have consumed their food. This is so that the premises can continue to serve food to customers.

Essex Police Licensing saw the upstairs area and there was no dancefloor, all of the rooms had carpet and were small in size. Mr Sutherland said people could dance at their table but there was no room otherwise for people to dance and they wanted to have DJ's as part of the experience whilst at the venue. A condition was discussed with Mr Sutherland to potential add a condition regarding customers having to have a substantial meal after a certain time.

Essex Police Licensing asked about children being present at the premises and concerns regarding children being around adults drinking at bars. Essex Police were shown by Mr Gul their company policy on their website regarding children being at the venue. On their website it stated: No children under 16 after 5pm. Essex Police do not feel then that this needs to be a condition because this is something the premises already does and has a policy regarding.

It was asked if a noise limiter was in place at the venue to which Essex Police Licensing were told it was. The venue has CCTV which records for 28 days and covers most of the inside areas. Furthermore, there are 3 cameras which covers the outside area and 2 cameras at the back of the restaurant. Essex Police Licensing were informed that management have access to the CCTV cameras on their phones.

Essex Police Licensing spoke about the terrace area and were told that this is used for people who are smoking only. No music is played in the terrace area and customers cannot take their drinks onto the terrace area. The venue does have security on the stairs to stop people taking drinks onto the terrace. Essex Police Licence were informed by the new DPS that the venue would shut the restaurant at 11pm with no one being allowed in after 12am. Some conditions were discussed with Mr Sutherland and Ronan McManus regarding a possible condition to have the premises vacated at after a certain time after the licensed hours. It was mentioned for this time to be 01:30am save in exceptional circumstances.

Essex Police stated that they would be in contact with Mr Hoffelner who is the person working for the premises and dealing with conditions.

Should you wish to discuss any matters raised within this letter, please contact this office.

Kind regards,

Kelsey Dott

Essex Police Licensing Officer

Cc Licensing, Epping Forest District Council, Civic offices, High street, Epping CM16 4BZ

PLEASE NOTE:

The address of the Chief Officer of Police, to whom all correspondence and applications must be sent is: Licensing Department (Alcohol & Gambling). Essex Police. Blyth's Meadow. Braintree. Essex. CM7 3DJ or Licensing.applications@essex.police.uk

3. Essex Police Conditions Sought:

- 3.1 These conditions have been agreed with the agent working on behalf of the applicant – Mr Hoffelner from Complete Licensing. Essex Police wish for these to be attached onto the licence.

Prevention of Crime and Disorder

- The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:
 - I. Equipment must be maintained in good working order;
 - II. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request.
- An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.
- All customers to have vacated the premises by 01:30, save in exceptional circumstances.

Prevention of Public Nuisance

- Written dispersal policy shall be in place and implemented at the premises to move customers from the premises and immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. This policy will detail:
 - I. How patrons leaving the premises shall be directed away from the premises;
 - II. How patrons will be informed of the services of taxi and private hire operators;
 - III. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - IV. Any 'wind' down periods;
 - V. Methods to prevent re-entry to the premises.The dispersal policy must be agreed in writing with EFDC and subject to regular review (minimum 6 monthly intervals.) If no notice of disagreement is received in 14 days, the document is deemed "Agree".

Protection of Children from Harm

- The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.

- At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
- All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.

Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

- A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

Shish Meze revised conditions sent to Essex Police by Mr Hoffelner from Complete Licensing (working on behalf of the applicant):

Conditions

1. When regulated entertainment is provided after 2200 on a Thursday, Friday, Saturday, and Sunday SIA door supervisors will be employed at the premises in such numbers as are appropriate based on a risk assessment.
2. Body Worn Video will be in use by all SIA door supervisors.
3. When SIA door supervisors are employed at the premises after 2200 on a Thursday, Friday Saturday and Sunday 1 SIA Door Supervisor is dedicated to patrolling the area (street) outside the venue. EFDC agree
4. No open containers of alcohol are to be removed from the venue. No glassware to be taken outside at any time, save as for off sales.
5. After 2200 all external windows and doors are to be kept closed, except for persons' immediate access and egress.
6. Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
7. Patrons will be encouraged to wait inside the venue for transport onward.
8. Written dispersal policy shall be in place and implemented at the premises to move customers from the premises and immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. This policy will detail:
 - i. How patrons leaving the premises shall be directed away from the premises;
 - ii. How patrons will be informed of the services of taxi and private hire operators;
 - iii. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
 - iv. Any 'wind' down periods;
 - v. Methods to prevent re-entry to the premises.

The dispersal policy must be agreed in writing with EFDC and subject to regular review (minimum 6 monthly intervals.) If no notice of disagreement is received in 14 days, the document is deemed "Agree".

9. No rubbish including bottles to be placed in external bins after 23:00, save as for food waist.
10. The area outside the venue will be swept clean at the end of the night and for 5 metres on either side.
11. Notices are put up around the premises to remind the customers to leave quietly.
12. All outside areas are to be cleared of customers by 22:00. After this time people can only be outside for smoking.
13. At all times that regulated entertainment is taking place all doors and windows are to remain closed.
14. Supply of alcohol until midnight Sunday – Thursday, except for Bank Holidays
15. Live music to cease at 23:00pm Monday – Sunday
16. No speakers to be placed outside the premises.
17. The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system that at all times complies with the below requirements:
 - i. Equipment must be maintained in good working order;
 - ii. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request, providing the request complies with the Data Protection Act and/or any other primary legislation.
18. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.

The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

19. All customers to have vacated the premises by 01:30, save as for in exceptional circumstances.

20. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.

Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

21. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.

All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.

The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

22. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.

4. Reason why representation maintained:

4.1 The application requirements and hearing regulations make reference to 'representations'.

The Chief Officer of Police will be maintaining his representations at this time as we are not the only respondent to the consultation who has made representation and thus a Hearing is required. He does not withdraw his representation (Reg 10 Hearing Regulations).

We have found previously that if we withdraw representations; agreed conditions with the applicant may not be adequately considered in the light of other representations and sometimes overlooked or indeed frustrated by other conditions (and on occasion an applicant asking that agreed conditions are not included in the light of other representations) and in this case the Chief Officer intends to be represented to support those representations already made. Thus Regulation 9 of the Hearing Regulations is not satisfied and a hearing should still be held and having made a representation the Chief Officer remains a 'party to the hearing' and thus has a legal right to be represented at the hearing.

Regulation 2 specifically states that a "party to the hearing" means a person to whom the notice of hearing is to be given in accordance with regulation 6(1) and "party" and "parties" shall be construed accordingly. A notice must be given to any person making a representation in accordance with Section 18(6) LA 2003 and in particular attention is drawn to Section 18(7)(b) of the LA 2003 which provides that if a representation is withdrawn, then the person etc. can no longer be a party to the hearing. As a responsible authority the representations cannot be considered as frivolous or vexatious.

Should all others withdraw their representations ahead of the hearing date and the Chief Officer of Police is left as being the only one making representations and the applicant still agrees to police proposals then we would inform the licensing authority that the hearing no longer appears necessary under Regulation 9.

However, it is currently in the public interest that the Chief Officer of Police is able to articulate his concerns and how these may be assuaged by any proposed conditions (agreed or not with the applicant) so that the licensing sub-committee is in full possession of relevant information; it also means the Chief Officer of Police representatives can (via the Chair) make observation upon any proposal put at the hearing or give 'expert' testimony if asked by the Chair to do so.

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