

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub Committee Tuesday 1st August 2023

Place: Council Chamber - Civic Offices

Time: 10.15 am

Democratic Services: V Messenger, Democratic Services (Direct Line 01992 564243)
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5. APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE STANDARD, 126 HIGH ROAD, LOUGHTON IB10 4BE (Pages 3 - 10)

Please see attached an **updated Statement and Noise Management plan** that have been submitted by the applicant and replace those previously published.

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Agenda Item 5

The Standard, 126 High Road, Loughton, IG10 4BE
Noise Management Plan

Alongside the conditions on the premises licence that seek to prevent public nuisance, the following noise management plan should be followed with regard to management of the premises (including external area) and our customers to prevent and minimise disturbance or nuisance to neighbours, and minimal impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour and disorder. It is recognised that whilst the business has no direct jurisdiction outside of the boundaries of the premises we must continue to use our best endeavours to manage noise to the best of our control. The noise management plan is subject to review and shall be adapted as necessary to address problems and concerns as they are identified.

- The Duty Manager will risk assess management processes on high peak nights where the premises trade late to ensure appropriate measures are in place to mitigate against nuisance (including to risk assess need for door supervisors where appropriate on high-risk nights/events).
- Doors and windows to be kept closed (except for access & egress) when music is being played, and from 11pm at any other times, to prevent noise breakout and nuisance. Customer behaviour and playing of music will be monitored to prevent noise nuisance.
- The noise limiter device at the premises shall be used and any set limits adhered to.
- CCTV will cover the premises to allow for monitoring of customers and behaviour where appropriate particularly on high peak nights/ later trading hours.
- The licensee/ premises duty manager shall ensure they are contactable on the telephone number made available to local residents during trading hours and to promptly deal with and escalate as appropriate any complaints raised (including nuisance)
- The Duty Manager or nominated member of staff shall ensure that customers in entry queues or who have stepped outside to smoke are monitored to ensure they are not causing a noise nuisance. If necessary, a member of staff should be available to remind them to avoid disturbing neighbours.
- During last 30 mins of opening, lighting levels will be increased and where any music has been played the type/ levels should be adapted to encourage gradual dispersal of customers during last part of trading and drinking up time.
- Towards the end of the night, there will be increased movement and inspection through the premises by management to begin to encourage customers to move out of the premises in a quiet and orderly manner. The Duty Manager or nominated member of staff will monitor customers as they leave this will aid in “winding down” and assist in dispersal of customers, encouraging them to keep noise to a minimum and be considerate of residents by moving away from the immediate area.
- Upon close, the Duty Manager or nominated member of staff, or door supervisor where on duty, shall oversee the dispersal of customers, until all are safely away from the immediate vicinity of the premises. The Duty Manager or nominated member of staff shall, where necessary, ask customers to avoid waiting outside the premises, or loitering or chatting outside the premises unnecessarily. Once the last customer has left the Duty Manager and/or nominated member of staff should conduct a thorough check of all internal and external areas to ensure no customers remain within the venue. The immediate external vicinity will be checked before securing the venue.
- Details of local public transport and / or taxi services shall be available to customers to enable them to disperse easily.
- Signage displayed at the entrance/exit to request that customers respect our neighbours and leave the premises quietly on dispersal. Consider additional signage to request customers using smoking areas, customer vehicle users and taxi drivers to refrain from behaviour that could create a nuisance.

The Standard, 126 High Road, Loughton, IG10 4BE
Noise Management Plan

- The DPS/Duty Manager shall ensure reasonable steps are taken to ensure that no nuisance is caused to neighbours by litter being allowed to accumulate in the area immediately outside the premises.
- Arrangements for deliveries to the premises and the storage and disposal of refuse shall be conducted so as to not cause a nuisance to local neighbors.

Terraced area (roof garden)

- The Duty Manager or nominated member of staff shall ensure use of the terraced area (roof garden) shall be restricted in accordance with licence conditions including restrictions on hours of use and that only incidental/ low level background music shall be permitted in the terraced area (roof garden) and only until 10pm. Related noise levels will be regularly monitored to prevent noise nuisance.
- Regular monitoring. When the terraced area (roof garden) is used under the premises licence the Duty Manager or nominated member of staff shall ensure customers using this area are managed carefully and shall arrange for a member of staff (or door supervisor where on duty) to undertake regular monitoring of customer behaviour and noise levels during later hours of use to ensure they are not causing a noise nuisance and prevent any problems from escalating. And consideration should be given to stationing member of staff in the area at busy times.
- CCTV shall cover the terraced area (roof garden) to assist with monitoring of customers and behaviour.
- Notices shall be displayed in the terraced area (roof garden) to remind customers to be respectful of neighbours and not cause a nuisance.

I hereby confirm I have read and understood the above noise management plan

Name	Signed	Date

The Standard, 126 High Road, Loughton, IG10 4BE

Statement on behalf of the Premises Licence Holder (Updated)

Introduction

This statement is made for and on behalf of Peach Entertainment Limited who are the holder of the Premises Licence for The Standard at 126 High Road, Loughton, Essex, IG10 4BE.

This statement is made in support of the Premises Licence Holder's application to vary the Premises Licence. The variation application is intended to facilitate the removal of some of the more onerous conditions on the licence, and the replacement of those conditions with others which have been agreed with the Responsible Authorities, namely the Council's Licensing team, Environmental Health Officer and, indeed, the Police.

Background

The key operational personnel within the Premises Licence holding company are Navin and Keeran Iyapah, who are family, together with Michelle Purvis Iyapah who is Navin's wife. Keeran is the Designated Premises Supervisor of the premises, but will unfortunately be unable to attend the forthcoming Licensing Committee hearing as a result of contracting COVID-19.

The family have historic experience of running nightclubs in London, which duly led into their acquisition of "Luxe" which was essentially a late night bar which ran for 4 years from 2013 to 2017 within the building now known as "The Standard". The business operated well for a number of years without any significant concerns. Unfortunately, it became popular with a client base largely drawn from Tottenham, Chingford, Walthamstow and Leytonstone, which are all approximately a 10-15 minute drive away from the premises in the later part of the evening.

Unfortunately, as a result of attracting this particular client base, the premises encountered some significant problems and was the subject of a licence review. This was in 2017.

This whole experience was a significant wake up call to the family in terms of whether they really had any desire to continue to be in the late night business, due to the inherent difficulties experienced within the late-night economy and the specific problems which had arisen at Luxe.

The Police at the time were asking for a reduction of the trading hours to 01:30, but the family decided to change the direction of the premises completely, invest significantly in it and turn it into a high-end eatery. In their negotiations with the Police, the family offered to reduce the hours further beyond what the Police had suggested and were left with the terminal hours which currently appear on the licence those being 23:00 for licensable activities Sunday to Thursday, and midnight Friday and Saturday. They felt that these hours were entirely suitable for the business model that they envisaged.

The current licence conditions

The family are well aware that at the time of their stated intention to change the business into a high-end food led endeavour that there would be a certain amount of scepticism as to

whether they would indeed follow through on their plan. As a result, and understandably, the licence retained a number of late night bar style conditions in order to ensure that the licensing objectives were promoted.

Nearly 6 years have now passed and the family have done what they said they would do, and created a popular and successful business which has won numerous restaurant awards and, in their submission, simply is what it says on the tin.

Navin, in particular, has undergone a significant period of consultation with the relevant authorities to agree the removal of some now disproportionate conditions and the amendment of others. Those agreements are reflected in the application which has been submitted.

The proposals in relation to the conditions are dealt with in more detail later in this statement.

The Standard

Historically the building was a pub known as The Royal Standard, and the family decided to resurrect the name (in part) and invested approximately £600,000 in refurbishing the building, including revitalisation of much of the original signage and the introduction of a full commercial kitchen.

They hired the Executive Chef from the Tate Modern Group and, with his help, created a venue which offers high end food, wines and Champagne.

The kitchen is open daily from 11:00 to 21:00, and services not only the premises but also customers who wish to dine at home via platforms such as Deliveroo and Just Eat. This development became particularly prevalent during the pandemic.

The premises is also privately hired approximately 3-4 times per week for events such as “baby showers”, Engagement Parties, Birthdays etc, again with the kitchen providing the food. The kitchen also provides an external catering service for those wishing to enjoy a catered dinner at home.

The premises have earned numerous awards and particularly the Open Table Best Local Restaurant Award in both 2021 and 2022. The family are hoping to make it three in a row this year.

The overall wet / dry split at the premises is 40 / 60, with the average dining spend being £55 per person at the weekend and £25 - £30 during the week.

Relevant Attachments

Attached to this statement can be found some photographs of the interior and exterior of the premises, some food and drinks menus, some Trip Advisor reviews, some of the restaurants awards, details of the Executive Chef who helped transform the business, updated plans showing the roof terrace and the Noise Management Plan.

Proposed Condition Changes

Condition 7

This condition requires a rigid two members of door staff from 21:00 until close on Fridays and Saturdays. This costs the business approximately £800 per week.

Whilst the family understand fully the reason why this condition was imposed upon review of the previous late night bar licence, it is submitted that this is unnecessarily onerous and not in keeping with a food led operation trading no later than midnight on those days.

In any event, the family have offered a risk assessed condition as an alternative, which requires them to assess whether door supervisors are required on any given occasion. They must also take cognisance of any Police advice.

The reality is that the business will continue to employ door staff on a risk assessed basis during higher risk periods such as the run up to Christmas, for example. This would also undoubtedly include Bank Holiday weekends.

It is further worthy of note that a condition has been offered whereby no live sport will be shown at the premises, which considerably reduces the risk profile of any licensed business.

Of course, this proposed change has been endorsed by the Police, following consultation with officer prior to submission of this application.

Condition 9

This is really linked to condition 7, and provides a specific requirement that door staff monitor any queue which forms at the premises. Again, the imposition of this was understandable at the time of the review, but it is totally inappropriate for a food-led operation. In fact, the family have told me that the only time that a queue ever forms outside their premises is during their very popular Sunday lunch offering when people are waiting for tables.

Conditions 11 – 13

These are conditions which effectively prohibit the premises from offering any kind of entertainment whatsoever. Again, the family understand why these conditions were imposed at the time of the review when the business was quite rightly still seen as some form of late night venue, despite the reduction in their trading hours.

The business has clearly evolved and the family simply seek to remove those conditions to allow for the ability to provide musical entertainment for ambience or a band or a singer playing to customers whilst they dine and / or have a drink.

Notably, the premises have provided such musical entertainment through use of Temporary Event Notices on numerous occasions in recent years without issues or substantiated complaints, which demonstrates if the conditions were relaxed to allow entertainment it will be managed effectively without causing nuisance. It is commercially important for the premises to have the flexibility to provide such entertainment so they can provide a competitive customer offer, given nearby premises are permitted musical entertainment to similar trading hours.

It is also worthy of note that a stringent noise limiter condition has been offered up in agreement with Environmental Health, such that no noise breakout may be caused from the premises alongside a bespoke Noise Management Plan.

Again, these proposed changes to permit musical entertainment have been endorsed by the Council's Environmental Health Community Resilience Team, following consultation with officer prior to submission of this application.

Condition 14

What is proposed is effectively a minor amendment to the existing polycarbonate / toughened glass condition, allowing an exception for wine, Champagne and gin glasses.

The premises will always use toughened glass by preference, as those glasses are more durable and safer for customers. The pragmatic reality is that these particular glasses are more difficult to get hold of in a toughened format, therefore the premises simply want to be able to avail themselves of alternatives should the need arise.

Condition 18

This relates to the lack of use of the roof terrace and further details of intended use of this part of the premises will be dealt with separately later within this statement.

Condition 21

A last entry condition is clearly one which is appropriate for a late night venue and not a food-led business. The condition is unnecessarily onerous to enforce for this style of operation and the premises simply want to be accessible to customers who may have eaten elsewhere and seek a night cap whilst they are passing on their way home.

The reality is that the number of arrivals at the premises after 23:00 is anticipated to be very low. The premises staff are aware of their duties to serve alcohol responsibly and on refusal of service and there is nothing to suggest removal of this condition would lead to nuisance or disorder.

Condition 22

This is the current noise limiter condition, and its removal is sought to be replaced by a more onerous and detailed condition agreed with Environmental Health.

Issues raised in representations received

The family have read the representations received and have identified the following primary issues which have been raised, and will endeavour to deal with each of them in turn:

1. **The history of the premises.** Several of the representations make reference to the problems which gave rise to the review in 2017. The family submit most strongly that whilst fear of a return to such a business model may be understandable, there is simply no way that that is going to happen.

This business is now a successful food led enterprise. There is no intention to do anything significantly different moving forward than has been done in the preceding six years.

2. **The roof terrace.** The family understand completely why an external area is likely to be of greater concern than almost anything else, with regards to issues relating to nuisance. Although their application requests use of this area until 23:30 and for last orders for sale of alcohol to be 22:30, they are quite happy to offer concessions to limit that usage to 22:00 with last orders for drinks and food being at 21:00 daily.

Additionally, although the initial condition 5 proposed in the application has been amended following further consultation with the Council's Environmental Health Community Resilience Team such that "Only incidental / background music shall be played on the terraced area (roof garden) and is to cease at 23:00", again the family are happy to amend this further in-line with the other concessions made such that only incidental/ background music shall be played in the terraced area and only until 22:00 rather than 23:00. This amended condition would permit only low-level background music within the terraced area, and only until 10pm, and no regulated entertainment in the form of recorded music or live music will be permitted at any time in this area.

Within the application the family have also offered a further condition as to the use of the terraced area which will primarily be an external dining space, such that there will be a minimum of 28 dining covers at all times.

The family are well aware of the need to be good neighbours, and of the risk of causing disturbance from an external area. It will be appropriately managed and monitored, and any music will be at a low level in accordance with the Noise Management Plan submitted together with the correspondence to those who made representations.

As per the offered conditions, the terraced area will only be in use in the event that planning permission is successfully secured. Such an application has not been embarked upon at this stage due to the presence of condition 18 on the current licence.

In summary, given the concessions made, the following conditions are offered relating the use of terraced area sought to replace condition 18 on the premises licence:

- Last orders for food and alcoholic drinks shall be 21:00 for those customers being served on the terraced area (roof garden). (*amendment to condition 4 box d) of application*)
- The terraced area (roof garden) shall be cleared of and closed to members of the public by 22:00. (*amendment to condition 6 box d) of application*)
- Only incidental / background music shall be played on the terraced area (roof garden) and is to cease at 22:00 (*amendment to condition 5 box d) of application*)

- A minimum of 28 dining covers will be made available at all times on the terraced area (roof garden). (*existing condition 2 box d) of application*)
 - No use shall be made of the terraced area (roof garden) other than for access until such time as appropriate planning permission is in place. (*existing condition 1 box d) of application*)
3. **Noise.** The primary concerns with regard to noise relate to the roof terraced area which has already been addressed above.

In addition, the premises have offered up a robust and tailored Noise Management Plan and, of course, a detailed noise limiter condition agreed with Environmental Health.

4. **Last entry and dispersal.** These issues have been adequately addressed within the Noise Management Plan and this statement.

Conclusion

The presence of some of the more onerous conditions on the current Premises Licence are entirely understandable given the licence review which took place in 2017.

The premises have evolved considerably since then, and flourished to become an asset to the local community.

The conditions imposed in 2017 are no longer relevant or proportionate to the style of operation which “The Standard” has become and are stifling the business’ commercial viability and preventing it from providing a competitive customer offer, particularly as premises nearby have the permissions The Standard are seeking such as use of external areas and provision for music.

The family have worked diligently with the authorities towards the acceptable modification of the conditions, have explained their operation and intentions clearly within this statement and, indeed, have made concession in respect of the use of the external roof terrace should planning be granted to enable its use in due course.

Finally, the family assure the Committee that they will always seek to be good neighbours in their local community and will maintain open channels of communication with their nearest neighbours and take on board any of their communicated concerns.

In all of the circumstances, the family would request that the Committee grant the application as applied for.