

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 9 July 2019

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 - 11.40 am

Members Present: J Jennings (Chairman), A Lion, C P Pond and P Stalker

Other Councillors: P Keska

Apologies: -

Officers Present: R Ferriera (Assistant Solicitor), D Houghton (Licensing Compliance Officer), H Ibrahim (Licensing Compliance Officer) and G Woodhall (Senior Democratic Services Officer)

7. DECLARATIONS OF INTEREST

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

8. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the procedure for the conduct of business for the Sub-Committee, as outlined in Article 8 in the Constitution.

9. NEW PREMISES LICENCE APPLICATION - WO FAT RESTAURANT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB

The Licensing Enforcement Officer informed the Sub-Committee that the Applicant had requested an adjournment for this application, to enable their newly appointed Legal Team to prepare. Consequently, this application would be considered at a future meeting of the Sub-Committee.

10. VARIATION OF EXISTING PREMISES LICENCE - BAYLIS FOOD & WINE, 159 HIGH ROAD, LOUGHTON IG10 4LF

The three Councillors that presided over this item were Councillors J Jennings (Chairman), A Lion and C P Pond. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was the Applicant, Mr A K Balamir. There were no objectors in attendance. The Chairman then introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application.

The Application before the Sub-Committee

The Licensing Enforcement Officer informed the Sub-Committee that an application to vary the Premises Licence had been received in respect of Baylis Food & Wine at 159 High Road in Loughton.

The application had requested permission to vary the hours for the supply of alcohol and the hours the premises were open to the public as follows:

	<u>Sale of Alcohol</u>	<u>Premises Opening Hours</u>
Monday to Thursday	8.00am – 11.00pm	7.00am – 11.00pm
Friday & Saturday	8.00am – 1.00am	7.00am – 1.00am
Sunday	10.00am – 11.00pm	8.00am – 11.00pm

The application had been properly advertised and the Council had received six representations relating to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Essex Police Licensing had also responded and offered a number of recommended conditions which had been agreed with the Applicant and would be added to the Licence if the application was approved.

Presentation of the Applicant's Case

Mr Balamir informed the Sub-Committee that the extra hours requested were mainly for Friday and Saturday evenings, with a small increase on Sunday evenings. The extended hours were designed to give the shop's customers a better service and generate additional revenue for the business. The Premises had a large number of regular customers who would like the additional hours at weekends to purchase not just alcohol but also household grocery items. The business had also just implemented an app-based delivery service, which it would like to be included in the additional hours requested.

The Applicant reminded the Sub-Committee that Essex Police had not objected to the application, and there would be no problems created for the public as the Premises was surrounded by other Shops and Offices; there were no residences nearby. The application would not generate excessive amounts of additional traffic, and there was always traffic on the High Road in Loughton at all times of the day and night. The deliveries were loaded and dispatched from the car parking area at the back of the Premises.

The Applicant acknowledged that there had been problems late at night during the weekends along the High Road, but these had been caused by The Luxe and the New Bar, when they were permitted to open late. There had been no problems within the Premises; the Challenge 25 initiative had been adopted by the Premises, which also had its own CCTV system, so it was not envisaged that any problems would be caused by the requested extension at the Premises. It was more likely that the Public Houses further down the High Road would be the cause of any problems in the area.

The Applicant concluded that the extension to the current licensed hours would not cause any problems in the locality. The Premises were stationed on a private road, and any customers visiting the Premises late at night would drive to the shop and then drive away.

Questions for the Applicant from the Sub-Committee

In response to a number of questions from the Sub-Committee, the Applicant provided the following information to clarify the points raised.

The CCTV system for the Premises had 16 cameras in total, and recorded for 24 hours each day which included the hours that the Premises were open. The Applicant reiterated that the previous problems in the area had been caused by the

late-night bars in the High Road, but these had been closed and there were now no problems.

The Premises were quite small, so the lower-strength alcohol was stored in fridges in the shop with the higher strength alcohol on shelves behind the counter. Any refusals to serve alcohol to customers were recorded in a log book, and there were approximately 10 such refusals logged per month. There were currently 2 staff within the shop during the evenings, and it was intended to increase this to three if the Licence Variation was granted with the third person making deliveries to customers and helping in the shop.

The Applicant informed the Sub-Committee that the Premises had started to operate a delivery service. The customer would use an app on their phone to order products and pay by debit/credit card, with the delivery generally being made within 30 minutes of the order being made. The van itself was stored in the car park at the back of the Premises. The business had fulfilled approximately 230 deliveries in the last three months, and deliveries were also made to Theydon Bois and Chigwell as well as Loughton. The deliveries were mainly groceries, and it had been a surprise that the evening deliveries were more than just alcohol and cigarettes.

The Applicant reassured the Sub-Committee that the same rules for the sale of alcohol in the Premises would also apply to deliveries of alcohol; if the customer looked under the age of 25 then the driver would request proof of age identification when delivering. The Applicant was the only member of staff performing the deliveries at the current time, but it was intended to train other staff. The Premises would not use young people to deliver alcohol – it would be persons over the age of 30 who could be trusted – and there would be no deliveries made by motorcycle or moped. All payments for deliveries were card based so there was no cash carried within the delivery van.

The Applicant reminded the Sub-Committee that the new Licence conditions suggested by Essex Police had been agreed, and the Applicant could obtain statements and signatures from his customers supporting the requested extended licensed hours for the Premises.

The Sub-Committee retired to consider the application.

Consideration of the Application by the Sub-Committee

The Legal Officer advised the Sub-Committee that each case before it had to be considered on its own merits.

Members of the Sub-Committee expressed concerns about the potential problems that this proposed Licence variation could cause in the local area, but accepted that no evidence had been produced to indicate that these premises would cause such problems. However, the Sub-Committee acknowledged that if problems should be caused by the Premises in the future then the Licence could be reviewed.

The Sub-Committee agreed that the conditions suggested by Essex Police should be added to the existing Licence for the Premises.

The Sub-Committee returned to inform the Applicant of its decision, and to remind the Applicant that they had 21 days from the date of the written notification of the Sub-Committee's decision to exercise their right of appeal to a Magistrates Court.

Resolved:

(1) That the application to vary a Premises Licence for Baylis Food & Wine at 159 High Road in Loughton be granted as requested in the application, subject to the following conditions, which the Sub-Committee considered to be reasonable, proportionate and in the public interest for the promotion of the Licencing objectives:

(a) the modification of the existing conditions on the Licence as set out in the application to vary the Licence; and

(b) the addition of the suggested conditions by Essex Police to the Licence (page 110 of the agenda refers), as previously agreed by the Applicant.

11. VARIATION OF EXISTING PREMISES LICENCE - TURKWISE, 162 HIGH STREET, ONGAR CM5 9JJ

The three Councillors that presided over this item were Councillors J Jennings (Chairman), P Stalker and C P Pond. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was the Applicant, Mr M V Chesniou, and Councillor P Keska, a District Councillor for the Chipping Ongar, Greensted & Marden Ash ward. There were no objectors in attendance. The Chairman then introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application.

The Application before the Sub-Committee

The Licensing Enforcement Officer informed the Sub-Committee that an application to vary the Premises Licence had been received in respect of Turkwise at 162 High Street in Ongar.

The application had requested permission to change the name of the Premises to Porterhouse Wine Bar and Kitchen, and to vary the hours for the supply of alcohol, the opening hours of the Premises, the permitted hours for the playing of Recorded and Live Music and the permitted hours for Late Night Refreshment as follows:

	<u>Recorded Music</u> <u>Sale of Alcohol</u> <u>Opening Hours</u>	<u>Live Music</u>	<u>Late Night</u> <u>Refreshment</u>
Monday to Sunday	12.00pm – 12.00am	-	11.00pm – 12.00am
Friday & Saturday	-	6.00pm - 12.00am	-

The application had been properly advertised and the Council had received four representations relating to the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. Essex Police Licensing had also responded and offered a number of recommended conditions which had been agreed with the Applicant and would be added to the Licence if the application was approved.

Presentation of the Applicant's Case

The Applicant introduced himself to the Sub-Committee and gave a brief resume of his professional career. He had arrived in Ongar in 2016 to take over the Turkwise

restaurant, and since that time there had been excellent feedback from his customers and there had been no incidents of disorder to report.

Cllr Keska stated that the Premises would be a restaurant, and the sale of alcohol would only ever be in connection with having a meal at the Premises, which was a quality dining establishment. The extra hour requested would bring the Premises in line with the other Licensed premises in Ongar High Street. The Applicant had accepted all of the recommended additional conditions suggested by Essex Police, and the Applicant was committed to the business and making the restaurant a successful venue.

In relation to the objections received from local residents, Cllr Keska stated that Castle Street was at least 200 yards away from the Premises, and although St Martins Mews was closer to the Premises, there were no entrances or exits from the Premises which led to St Martins Mews.

Questions for the Applicant from the Sub-Committee

In response to a number of questions from the Sub-Committee, the Applicant provided the following points of clarification.

There had been no complaints received regarding the volume levels of the music within the Premises as it was low level background music. The Premises had an awkward layout so there were no plans to have regular performances of live music at the Premises – maybe at Christmas or New Year but not on a weekly basis. Any live music would be at the front of the building only. There had been no complaints from the two previous occasions when there had been live music at the Premises.

The Applicant confirmed that any alcohol sales at the Premises would only be connected with the serving of food at the Premises. There would be a lounge area for pre or post meal drinks, but every customer in this area would have had, or would be having, a meal on the Premises.

The Applicant lived in the flat above the Premises as it made managing the Premises easier, and the Applicant planned to continue living in the flat above while he managed the Premises.

There was a Café directly next to the Premises which only opened during the day, and was usually closed by 5.00pm. There were no windows on the side of the building, only the front and back of the building, and the nearby Square was public space.

The Sub-Committee retired to consider the application.

Consideration of the Application by the Sub-Committee

The Sub-Committee received no advice from the Officers present.

The Sub-Committee agreed that the conditions suggested by Essex Police should be added to the existing Licence for the Premises.

The Sub-Committee returned to inform the Applicant of its decision, and to remind the Applicant that they had 21 days from the date of the written notification of the Sub-Committee's decision to exercise their right of appeal to a Magistrates Court.

Resolved:

(1) That the application to vary a Premises Licence for Turkwise at 162 High Street in Ongar be granted as requested in the application, including the change of name for the Premises, subject to the following conditions, which the Sub-Committee considered to be reasonable, proportionate and in the public interest for the promotion of the licencing objectives:

(a) the modification of the existing conditions on the Licence as set out in the application to vary the Licence; and

(b) the addition of the suggested conditions by Essex Police to the Licence (page 172 of the agenda refers), previously agreed with the Applicant.

12. EXCLUSION OF PUBLIC AND PRESS

The Sub-Committee noted that there was no business which required the exclusion of the public and press from the meeting.

CHAIRMAN