



**a) The application before the Committee**

The Licensing Compliance Officer, D Houghton, informed the Sub-Committee that an application had been made by Churchgate Farm Foods Ltd, Unit 5, Mayfields Farm, Sheering Road, Harlow, Essex CM17 0JP, for a new premises licence at Unit 5, Mayfields Farm, Sheering Road, Harlow, Essex CM17 0JP.

The application was for the following licensing activities:

**Sale by Retail of Alcohol**

Monday to Saturday 09.00 – 23.00, Sunday 10.00 – 14.00 on and off sales.

**Provision of Recorded Music**

Saturday 10.00 – 16.00, Sunday 10.00 – 14.00 indoors only

**Opening times of the premises**

Monday to Saturday 09.00 – 23.00, Sunday 10.00 – 14.00

The application was received by the Licensing Authority on the 5 October 2020. The premises licence application and the operating schedule setting out conditions, which would be attached to the licence if this application was granted, were published in the agenda. The application had been properly advertised at the premises, in a local newspaper and the public notice was attached to the agenda. All residences and businesses within a 150-metre radius of the premises had been individually consulted.

The authority had received three representations from businesses and residents. The objections related to the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm. The applicant had agreed recommended conditions with Essex Police and Essex Fire and Rescue had also responded, as detailed in the agenda.

**b) Presentation of the Applicant's Case**

Mr J Drage advised that he ran a retail shop and wanted the ability to sell alcohol on and off the premises. A local beer producer, Redchurch Brewery, would be supplying the beer and he would also offer meal kits. He would be able to organise barbecues at the weekend and offer on sales at the same time.

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

Councillor J M Whitehouse asked about the purpose of the outside area and the new hours. Mr Drage replied that he would be doing barbecues for people outside and would sell alcohol to people attending. He had not been allowed to split on and off sales on the application and had applied for as much as possible.

The off-sale hours would be:

- Monday – closed
- Tuesday and Wednesday – 09.00–16.00
- Thursday – 09.00–18.00
- Friday and Saturday – 09.00–20.00
- Sunday – 10.00–14.00

The on-sale hours would be:

- Monday – Thursday – none
- Friday and Saturday – 10.00–23.00

- Sunday 10.00–14.00

Councillor J M Whitehouse remarked about the Police objecting to alcohol being delivered from the premises and did not know how this affected the meal kits or were they picked up by customers? Mr Drage replied that 90 per cent were collected so he would be happy not to deliver alcohol in that situation.

Councillor J M Whitehouse asked what noise measures the applicant had in place to avoid noise nuisance to residents in the vicinity? Mr Drage replied that the entire time he would be operating outside he would be the main DPS, but another full-time employee was also a DPS to provide cover when he was not there. He saw this as their main role and therefore, he covered the four objectives. He did not want to cause a noise nuisance and would be horrified to fall out with neighbours as his business had been there for ten years and he wanted to maintain and upkeep relationships with neighbours/customers.

Councillor C P Pond said that Councillor J M Whitehouse had asked all the questions she would have raised.

Councillor M Sartin said that in the application the opening times being applied for were Monday to Saturday 09.00 to 23.00, but the shop was not open on Mondays and had limited times on the other days. Mr Drage confirmed that he was not open on Mondays, but the new times he had suggested, he would be open. Councillor M Sartin replied that the applicant would not be unhappy then if the Committee decided to change the licensing hours, to which Mr Drage agreed he would be happy to do.

In respect of licensing of recorded music, Councillor M Sartin asked if the music was for indoors only, to which Mr Drage replied, he wanted to apply for recorded music indoors and outdoors. The music was only being played through a small speaker so he was confident that any music would not be heard outside by neighbours. Councillor M Sartin asked officers what was the position of recorded music and the law? M Richardson, Senior Environmental Enforcement Officer, replied his section would deal with noise nuisance and music outdoors could be brought into the licence. There had never been any issues with loud music here. He knew the premises and the shops provided a noise barrier and they were not near any residents.

#### **d) Questions for the Applicant from the Objectors**

Mr P Barnes said that he lived close by in Sheering Road opposite Mayfield Farm. He queried the times applied for on sales on Friday and Saturday from 10am to 11pm and what did this mean? Mr P Drage said he could not split the times on the application form but there would be no on sales Mondays to Thursdays, Fridays and Saturdays 10.00 to 23.00 and Sundays 10.00 to 14.00. When there was a barbecue with people outside this could continue until 23.00 on Fridays and Saturdays possibly not that late but he wanted that option. There were no seats inside so people would always be sitting outside.

#### **e) Presentation of the Objectors**

Mr P Barnes explained that once the new link road had been built, access to the farm would be more restricted as there would be a noise barrier in Sheering Road at this location, which would mean people crossing the road by the bus stop and then walking up a narrow path to the shop. There might be a health and safety issue with people walking along the narrow path slightly inebriated. However, his main concern was noise nuisance and incidences of anti-social behaviour as there was a large housing estate nearby and there would be a new housing area behind the farm.

There would be no noise nuisance/effects from the barbecue but off sales to 20.00 would lessen this. Mr Barnes asked if the restricted hours would be the ones on the licence, but Councillor M Sartin replied that the Panel members would be discussing this when the Licensing Sub-Committee went into private session.

**f) Questions for the Objectors from the Sub-Committee**

Councillor M Sartin asked if different hours for on and off sales could be put into a licence? The Licensing Compliance Officer, D Houghton, replied that whatever the decision of the Sub-Committee was today, this could be implemented on the licence.

**g) Questions for the Objectors from the Applicant**

Mr J Drage understood Mr Barnes concerns about noise nuisance, but he had a duty to uphold the licensing objectives. Mr Barnes was welcome to call into the shop if there was an issue, but he would be horrified if this was the case. The type of clientele to his shop were of a nature that would be very unlikely to commit public nuisance, but asked residents to contact him as he wanted to work with them.

**h) Closing Statement from the Objectors**

Mr P Barnes said that he was in favour of local businesses and wanted them to succeed but did not want his way of life affected by a local business. He was more confident that this would not be the case now in light of what Mr Drage had said at this meeting and that residents could contact him if there was a particular problem.

**i) Closing Statement from the Applicant**

The applicant had nothing further to add.

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

The Chairman advised that the Sub-Committee would now proceed into private deliberations to consider the application. Therefore, the webcast was stopped and would resume when the private session was completed.

During their deliberations in private session the Sub-Committee received the following advice from the Legal Officers:

1. That the Authority was entitled to award different times of operation for on sales and off sales; and
2. That the sale of "meal boxes" including alcohol for delivery may be included in the license.

The Legal Officers also gave the Sub-Committee advice that conditions imposed must be appropriate, be capable of being enforceable and must not undermine the licensing objectives and also that each case must be determined on its own merits.

The Sub-Committee noted all of the oral and written representations. Given the agreement between the applicant and the police as to additional conditions, the principal issue for the committee to consider was the risk of noise nuisance from the premises. The committee concluded that this issue could be addressed with a condition (as set out below).

The Sub-Committee noted the applicant's undertaking to ensure the licensing objectives were upheld and to make himself available to local residents to deal with any issues.

The Sub-Committee noted that a further objection was raised orally and in writing concerning the acceptability of the proposed licence in the context of proposed or planned changes to the nearby road layout. The Sub-Committee determined that this was likely to have no or minimal impact on the licensing objectives and was, in any case, not sufficiently proximate or evidenced to be relevant to the Sub-Committee's consideration.

**RESOLVED:**

That the application for a premises licence in respect of Unit 5, Mayfields Farm, Sheering Road, Harlow, Essex CM17 0JP, be **granted**, subject to:

- (1A) the conditions as submitted by the applicant on 5 October 2020 save that, in Condition 14, the word "police" should be substituted for the phrase "police and authorised persons";
- (1B) and the conditions which have previously been agreed between the applicant and Essex Police as set out on page 50 of the agenda relating to the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm, as detailed below:

**Agreed conditions with Essex Police**

- During the hours of business CCTV system operator would be available and who was able to replay and export recordings; and
  - Staff training register would be maintained at the premises and made available for inspection
- (1C) The following restriction on the times at which alcohol can be sold:  
"The times in which the premises is licensed to sell alcohol shall be:

Off sales:

Monday to Thursday: 09:00 - 18:00  
Friday and Saturday: 09:00 - 20:00  
Sunday: 10:00 - 14:00

On sales:

Friday and Saturday: 10:00 - 22:30  
Sunday: 10:00 - 14:00

- (1D) Any recorded music played at the premises must not be audible at the nearest noise sensitive premises; and

which the Sub-Committee considered were reasonable and proportionate and would not undermine the licensing objectives; and

- (2) the mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

**67. APPLICATION FOR A PREMISES LICENCE - QUALITY AND EXCELLENCE LTD, 12 FOREST DRIVE, THEYDON BOIS CM16 7EY**

The three Councillors that presided over this item were Councillors M Sartin (Chairman), C P Pond and S Heather. The Chairman introduced the Members and Officers present. The Chairman welcomed the participants to the Sub-Committee. In attendance for the application was the applicant, Mr M Scrace. Ms D Fox was present as an objector.

**a) The application before the Sub-Committee**

The Licensing Compliance Officer, D Houghton, informed the Sub-Committee that an application had been made by Quality and Excellence Ltd, of 12 Forest Drive, Theydon Bois, Epping, Essex CM16 7EY for a new premises licence at 12 Forest Drive, Theydon Bois, Epping, Essex CM16 7EY.

The application was for the following licensing activities:

**Sale by Retail of Alcohol**

Monday to Friday, 08.00 – 17.00

Saturday 08.00 – 16.00 off sales only

**Opening times of the premises**

Monday to Saturday 06.00 – 17.00

The application was received by the Licensing Authority on the 12 October 2020. The new premises licence application and the operating schedule setting out conditions, which would be attached to the licence if this application was granted, were published in the agenda. The application had been properly advertised at the premises, in a local newspaper and the public notice was attached to the agenda. All residences and businesses within a 150-metre radius of the premises had been individually consulted.,

The authority had received one representation from a resident, Ms D Fox. The objections related to the prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and public safety. The applicant had agreed recommended conditions with Essex Police and the Quality Assurance and Safeguarding Service (Family Operations), which were detailed in the agenda. Essex Fire and Rescue had acknowledged the application and the Parish Council had also responded, both of which were detailed in the agenda report.

**b) Presentation of the Applicant's Case**

The applicant, Mr M Scrace, explained that the reason to sell alcohol started when his son lost his job as a head chef. The business wanted to sell its customers a restaurant-style meal, as meal boxes, accompanied with a bottle of wine. He had agreed with the Police that alcohol would only be sold on the premises and not be delivered. Therefore, he would only sell bottles of wine in the shop. The wine would be supplied by New Hall Farm Vineyards near Maldon, Essex as they liked to support cottage industries. The objector had referred to the shop being used as an off-licence, but Quality and Excellence Ltd would only be selling wine to accompany the meats it did. The sale by retail of alcohol being applied for was from 08.00, but the

shop was open from 06.00 when they started work. He had always had a policy that if customers walked past then he would serve them and sell food, but he did not intend to sell alcohol and rarely saw people before 08.30 in the morning.

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

Councillor C P Pond asked if selling bottles of wines was just an extra service, to which Mr M Scrace replied, yes. He wanted to have about twenty bottles of assorted wines on display from New Hall Farm, which would be an added extra but would not be the mainstay of the business. Councillor C P Pond asked, would the wines be behind the counter and not accessible to the public, and who was the designated premises supervisor? Mr M Scrace replied that he had organised a small display behind the counter and the wines would not be accessible to the public. It would just be an added extra but not the mainstay of the business. He was the DPS with another employee, who provided cover for when he was not there. His son, who one of his managers, planned to qualify as a DPS after Christmas, so there would be three of them on site.

Councillor S Heather queried if the wine would only be sold with food or could someone walk in and buy a bottle of wine. Mr M Scrace replied that if a customer walked in and bought a bottle of wine, he would sell it, but because of the layout of his shop people would not readily see the wine from outside the shop as they would mostly be purchasing other produce.

Councillor M Sartin asked about the premises opening time with people in the shop from 06.00 but it was not usually open until 08.30. Mr M Scrace replied that it took three hours to set the shop up. Commuters used to pop in and place an order to collect later, so he opened the shop at 06.00, but since Covid-19 not many customers shopped before 08.30 now. Councillor M Sartin stated that a licensing application did not state the type of alcohol being sold but asked the applicant if it was his intention to also include beers and ciders. Mr M Scrace replied he would possibly sell craft beers and ciders during the summer, but this would only be seasonal with wines as his mainstay.

**d) Questions for the Applicant from the Objectors**

Ms D Fox remarked that she was relieved to hear that the shop would only supply wines with meal boxes, which sounded much better than lots of different types of alcohol being sold

Ms D Fox asked about deliveries to the shop. Mr M Scrace replied that as they intended to collect the alcohol themselves, there would not be any additional deliveries.

**e) Presentation of the Objectors**

The objector had nothing further to add.

**f) Questions for the Objectors from the Sub-Committee**

The Sub-Committee Members had no further questions to raise.

**g) Questions for the Objectors from the Applicant**

The applicant had no further questions to raise.

**h) Closing Statement from the Objectors**

The objector had nothing further to add.

**i) Closing Statement from the Applicant**

The applicant had nothing further to add.

**j) Consideration of the Application before the Sub-Committee**

The Chairman advised that the Sub-Committee would now proceed into private deliberations to consider the application. Therefore, the webcast was stopped and would resume when the private session was completed.

During their deliberations in private session no issues of law or policy arose and so the Committee was not required to call on advisory officers for advice.

The Committee took note of all oral and written submissions and representations and of its statutory duties and the Authority's licensing policy.

The Committee noted that the single objector, Ms Fox, was concerned about the potential for noise caused by deliveries and by customers. The Committee noted that Ms Fox's concerns about noise from deliveries appeared to be allayed when the applicant explained that the alcohol to be sold on the premises would not be delivered but, rather, would be collected by the applicant or his employees from a local supplier. The Committee concluded that this arrangement would alleviate any concerns as to noise from deliveries.

The Committee noted that the applicant proposed to sell locally sourced wine, beer, and cider, as part of "meal box" food promotions and that, while alcohol would be available to buy independently, this would not be the primary mode of sale. Given this the Committee concluded that there was no real risk of anti-social behaviour caused by the premises.

**RESOLVED:**

That the application for a premises licence in respect of 12 Forest Drive, Theydon Bois, Essex CM16 7EY, be **granted**, subject to:

- (1A) the conditions as submitted by the applicant on 12 October 2020; and
- (1B) the conditions which have previously been agreed between the applicant and Essex Police as set out on page 88 of the agenda relating to the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm as detailed below:

**Agreed Conditions with Essex Police****The Prevention of Crime and Disorder**

- CCTV will be installed that covers all parts of the public area
- CCTV footage will be retained for 31 days
- Persons on duty will have the ability to download CCTV and review footage if requested by Police or authorised officers
- Alcohol will only be sold on the premises and not for delivery

### The Protection of Children from Harm

- We will use the Challenge 25 scheme
- We will have appropriate Challenge 25 signage on display at the premises
- We will use approved photo ID (passport, driving licence, Military ID), this will be the only acceptable forms of ID
- Staff training register will be maintained at the premises and made available to Police and authorised officers
- Register of refusals to sell alcohol will be maintained at the premises and made available to the Police and authorised officers

which the Sub-Committee considered were reasonable and proportionate and would not undermine the licensing objectives; and

- (2) the mandatory conditions contained in Sections 19 - 21 of the Licensing Act 2003.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

#### 68. APPLICATION FOR A PREMISES LICENCE - CAFÉ CARIBBEAN, 262 HIGH ROAD, LOUGHTON IG10 1RB

The three Councillors that presided over this item were Councillors M Sartin (Chairman), S Heather and J M Whitehouse. The Chairman introduced the Members and Officers present. The Chairman welcomed the participants to the Sub-Committee. In attendance for the application was the applicant, Mr W Richards. Ms J Walker was present as an objector from the Loughton Residents Association Plans Group.

##### a) The application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim, informed the Sub-Committee that an application had been made by Café Caribbean (Loughton) Ltd for a new premises licence at 262 High Road, Loughton, Essex IG10 1RB. The application was for a café / restaurant serving Caribbean food. The applicant was applying for the following:

##### Supply of Alcohol (both on and off the premises)

Monday to Thursday 11:00 to 23:00  
 Friday and Saturday 11:00 to 00:00  
 Sunday 11:00 to 23:00

##### Provision of Live Music

Friday and Saturday 23:00 to 00:00

##### Provision of Recorded Music

Friday and Saturday 23:00 to 00:00

##### Provision of Late Night Refreshment

Monday to Thursday 23:00 to 23:30  
 Friday and Saturday 23:00 to 00:30  
 Sunday 23:00 to 23:30

**Hours Premises to be open to the public**

Monday to Thursday 11:00 to 23:30  
Friday and Saturday 11:00 to 00:30  
Sunday 11:00 to 23:30

The application was received by the Licensing Authority on the 9 October 2020. The new premises licence application and the operating schedule setting out conditions, which would be attached to the licence if this application was granted, were published in the agenda. The application had been properly advertised at the premises, in a local newspaper and the public notice was attached to the agenda. All residences and businesses within 150-metre radius of the premises had been individually consulted.

The authority had received one representation from Councillor J Jennings, one representation from Loughton Town Council, one representation from Mr C Smith, Environmental Enforcement Officer, one representation from Loughton Residents Association Plans Group and nine representations from local residents, which were also attached. The representation received from J Lakhani had audio files attached, but reference to these files was disregarded as they related to a different premises and therefore, were not relevant to this application. Responses had been received from Trading Standards, Essex County Fire Service and Essex Police but they had no comments to make. The objections related to the prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and public safety

**b) Presentation of the Applicant's Case**

The applicant, Mr W Richards explained that he was the owner of Café Caribbean and had applied for more in the application than he needed from the advice he had been given by Licensing officers. It was a family run business and he wanted customers to be able to have a glass of wine or beer with their meals. He did not want a bar but could understand residents' concerns and objections to this application. He was only open to 21.00 and was closed on Mondays. He could change the opening hours from 11.00 to 23.00 on Fridays and Saturdays, and close by 22.00 on the other days. He would not have live music, just background music only for people sitting down to eat. If there were any problems, he was prepared to leave his phone number with the residents nearby. There were a lot of other food places in this part of Loughton High Road and he did walk around picking up the litter from behind his premises. Regarding the opening times he would change these to 12.00 to 22.00 but currently was closing at 21.00, but in the summer, he might want to open until 22.00.

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

Councillor J M Whitehouse asked the applicant about the measures and action he would take to prevent noise nuisance. Mr W Richards replied that only background music was played on the premises, not outside or live music. He had installed sound proofing in the ceiling of the premises so it would not be heard by residents in the flats above. Councillor J M Whitehouse asked about the provision of late night refreshment. Mr W Richards replied that he did not want this as he did not want people walking in for a drink only and that people would have to be eating to buy a drink.

Councillor S Heather asked about the hours applied for the provision of recorded music. Mr W Richards replied that he wanted this to be from 12.00 to 23.00 on Fridays and Saturdays but no live music.

Councillor M Sartin asked if there would be outside seating as the plan submitted with the application covered the floor plan of the premises. Mr W Richards replied that he had seating outside for eight people.

**d) Questions for the Applicant from the Objectors**

The objector on behalf of the Loughton Residents Association, Ms J Walker, queried the late night refreshment provision applied for including the sale of alcohol off and on site. Mr W Richards replied that he would not be providing off sales at any time.

The Licensing Compliance Officer, D Houghton, advised that there had been no requirement for the applicant to show the outside seating as off sales had been part of this application and the area outside the premises would have automatically been covered. However, if the applicant was not going to have off sales then this was a problem. Dr S Fowles, the Council's Legal representative, advised that the plan of the premises could be amended if the Sub-Committee wanted but it had to be fair to the applicant and the objectors. Councillor M Sartin asked Dr S Fowles what would happen then as the applicant was withdrawing off sales. Dr S Fowles replied that the Sub-Committee needed to see a plan showing the outside seating and if this was amended the Committee was entitled to see it. Members could adjourn the meeting to a later day and therefore, deal with all parties fairly.

The Sub-Committee agreed to defer this item until an application with the revised times and plan to show where the consumption of alcohol outside the premises in the seated area would be located. The meeting would be adjourned and reconvened at a convenient date. Once the Licensing Section had received an amended application and plan from the applicant, the Licensing Compliance Officer would write to all the objectors and inform them. Dr S Fowles confirmed that updated objections could be submitted, or oral statements could be made. The 28-day consultation period would not be applicable and that the Sub-Committee was entitled to accept amended objections. The applicant confirmed that he wanted people to be able to purchase alcohol inside the premises to drink outside.

The decision of the Sub-Committee was as detailed below.

**RESOLVED:**

**DECISION of 1 December 2020 meeting**

On 1 December 2020 the Committee began consideration of the above application. The Committee heard oral submissions from Mr Richards, the applicant. The application set out in Mr Richards' oral presentation appeared to differ from that set out in the written application. In particular, Mr Richards proposed different licensed hours, an alteration to the plan submitted with the written application and suggested that he would withdraw his application for an "off sales" licence.

In view of these alterations, the Committee resolved to seek greater clarity from Mr Richards about the nature of his application. The Committee asked Mr Richards to answer, in writing the following points:

- (a) What licensed hours were applied for?
- (b) What was the extent of the premises that will be subject to the licence? Please provide an updated plan.
- (c) Was the application for "on sales and off sales" or just for "on sales"?

The Committee resolved to adjourn the application until 18 December 2020 to allow Mr Richards to provide written answers on these points.

In the interests of fairness, the Committee would permit further or updated representations from the public and responsible authorities once Mr Richards had clarified the application. All responsible authorities and anyone who had made a representation would be contacted directly when Mr Richards' clarifications were received. The Committee would also publicise the clarified application and accept further representations from members of the public.

This process would adhere to the following timetable:

8 December 2020 - Mr Richards to provide clarifications on the above points.

9 December 2020 - Further consultation opens. The clarified application sent to responsible authorities and existing objectors, published on the Authority's website <https://www.eppingforestdc.gov.uk/> and representations from the public accepted.

11 December 2020 - Further consultation closes but late representations would be accepted up to 16 December 2020.

18 December 2020 - Adjourned application considered at Committee hearing. Applicant and those who had made representations would be invited to attend.

### **Reconvened meeting on 18 December 2020 at 14.30**

The Licensing Sub-Committee, which was adjourned on 1 December 2020 for this item only, was reconvened as stated above.

The webcasting announcement was repeated by the Chairman (as previously stated under Minute no. 63).

The Chairman introduced the Members and Officers present, which included:

#### Members:

Councillors M Sartin (Chairman), S Heather, J M Whitehouse and R Morgan

#### Officers:

D Bastick and D Houghton (Licensing Compliance Officers), R Ferreira (Legal Officer), A Hendry (Democratic Services Officer), C Smith (Environmental Enforcement Officer) and T Carne (Corporate Communications Officer)

The Chairman welcomed the participants to the Sub-Committee. In attendance for the application was the applicant, Mr W Richards. Ms J Walker was present as an objector from the Loughton Residents Association Plans Group. The Chairman said that most of those present were at the previous meeting on 1 December 2020.

The three Councillors that presided over this item were Councillors M Sartin (Chairman), S Heather and J M Whitehouse. Councillor R Morgan was observing the meeting but would not take part in the meeting or when the Sub-Committee went into private session.

**a) The application before the Sub-Committee**

The Licensing Compliance Officer, D Bastick, informed the Sub-Committee that an application had been made by Café Caribbean (Loughton) Ltd for a new premises licence at 262 High Road, Loughton, Essex IG10 1RB. This application for a café / restaurant serving Caribbean food had previously been considered by the Licensing Sub-Committee on 1 December 2020, but during the meeting the applicant had wanted to make amendments to his application. The decision of the Members was to adjourn the hearing provisionally to 18 December 2020, to allow the applicant to make the amendments.

The amendments to the application were as detailed below:

**Supply of Alcohol (on the premises only)**

Monday – closed

Tuesday, Wednesday and Thursday 12:00 to 22:00

Friday and Saturday 12:00 to 23:00

Sunday 12:00 to 22:00

**Provision of Live Music**

No longer required

**Provision of Recorded Music**

Monday – closed

Tuesday, Wednesday and Thursday 12:00 to 22:00

Friday and Saturday 12:00 to 23:00

Sunday 12:00 to 22:00

**Provision of Late Night Refreshment**

No longer required

**Hours Premises to be open to the public**

Monday – closed

Tuesday, Wednesday and Thursday 12:00 to 22:00

Friday and Saturday 12:00 to 23:00

Sunday 12:00 to 22:00

D Bastick advised that Councillor J Jennings had withdrawn her objection. Loughton Methodist Church had replied that it was comfortable with the revised application. Mr J Lakhani had stated that his original representation still stood. Mrs J Walker, on behalf of Loughton Residents Association, had submitted a revised objection.

In reference to the revised objection from the Loughton Residents Association, Councillor M Sartin clarified that where it stated the applicant was advised by Licensing Officers 'to put in more than he needed', this advice had come from the applicant's agent, not Epping Forest District Council Licensing Compliance officers.

**b) Presentation of the Applicant's Case**

The applicant, Mr W Richards, said that he had been in the catering business for about 25 years now and he had previously had a couple of other places in the town. He had decided to open this place and as it was a family business other members of his family were involved in running it. He wanted to be able to offer wine and beer with the food he served, but he did not want it to be a bar. He had originally applied for more hours but now knew this was not required. Opening to 22.00 was the latest he would need.

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

Councillor J M Whitehouse asked the applicant for more information about the outside space and bearing in mind some of the residents' concerns who lived above the premises, how would that be managed? Mr W Richards replied that he did not want to upset these residents. There would only be about four tables outside in a cordoned off space, and he could agree with Members a time to end people sitting outside, such as 21.00. He would not want to serve people with drinks outside after 21.00.

Councillor M Sartin said that in other similar applications outside seating had ended at 21.00, and the tables and chairs cleared at this time. Would the applicant be happy with this proposal? Mr W Richards agreed he would stop people sitting outside at 21.00, as he was mindful of the noise concerns of the residents above. R Ferreira, Legal Officer, believed that the applicant had agreed to certain licensing conditions with the Council's Environmental Enforcement Team on 10 December 2020 relating to public nuisance with a proposal to end people sitting outside by 22.00, and was the Sub-Committee aware of this? As Members were not aware, C Smith advised on the details of the Environmental Enforcement Team's proposed conditions. These included:

- the outside seating area to close at 22.00;
- no music in the outside area;
- monitoring the volume of the music;
- putting in an automatic noise control device; and
- the premises be adequately insulated for noise levels.

Mr Smith confirmed with Councillor M Sartin that the main difference was to do with the hours around the outside seating area.

Councillor S Heather asked if the applicant had definitely agreed to closing the outside seating area at 22.00. Mr W Richards replied this was no problem at all.

**d) Questions for the Applicant from the Objectors**

Ms J Walker asked how many people would be able to be seated at the four tables outside the premises? Mr W Richards replied, four people per table could be seated.

**e) Presentation of the Objectors**

The objector on behalf of the Loughton Residents Association, Ms J Walker, stated that the revised opening hours were now acceptable. However, for residents living above the premises who might have children, to allow people to sit outside until 22.00 at night was still late, particularly during the summer when those residents might want to have their windows open. She thought the outside seating area should be restricted to 21.00.

**f) Questions for the Objectors from the Sub-Committee**

There were no further questions from Members.

**g) Questions for the Objectors from the Applicant**

Mr W Richards said that he would be prepared to close the outside seating area at 21.00.

**h) Closing Statement from the Objectors**

The objector had nothing further to add.

**i) Closing Statement from the Applicant**

Mr W Richards reiterated that it was a family run business and that he did not want to upset any of the residents above the premises so he could close the outside seating area by 21.00 if the Sub-Committee preferred this proposal.

**j) Consideration of the Application before the Sub-Committee**

The Chairman advised that the Sub-Committee would now proceed into private deliberations to consider the application. Therefore, the webcast was stopped and would resume when the private session was completed.

On 1 December 2020, the Licensing Sub-Committee began hearing the above application having considered that the application submitted satisfied the necessary requirements in order to be considered as it was on the prescribed form, it had been advertised and relevant notifications given. The Licensing Sub-Committee heard oral submissions from Mr Richards, the applicant which appeared to differ from that set out in the written application. In particular Mr Richards' proposed different licensed hours, alteration to the plan which was submitted with the written application, the deletion of the provision of live music and late night refreshment. The Licensing Sub Committee considered that in the interest of fairness clarification was required and therefore, the hearing of 1 December 2020 was adjourned to a new date so as to allow the applicant to submit the changes in writing, and to permit further or updated representations from the public (including the existing objectors) and responsible authorities once they had considered Mr Richards amendments.

The Licensing Sub-Committee had taken these and the written material submitted to the Council into account. The Sub-Committee had considered what was appropriate to promote the four licensing objectives and the relevant parts of the Council's Licensing Policy and the Home Office's guidance.

**RESOLVED:****DECISION of 18 December 2020 meeting**

That the application for a premises licence in respect of Café Caribbean, 262 High Road, Loughton, Essex IG10 1RB, be **granted**, subject to:

(1A) the conditions consistent with the Operating Schedule submitted by the applicant on 9 October 2020 and dated 8 October 2020 as modified by the following conditions submitted by the applicant on 7 December 2020 namely:

- Plan – the revised plan showing the Premises to be licensed edged in red includes the inside and outside dining area of the Premises was to be incorporated into the Operating Schedule;
- Page 106 – Section 10 – Provision of Live Music – should be amended to read “No” and on page 107 the word “indoors” should be struck through;

- Page 108 – Section 11 – Provision of Recorded Music – recorded music should be played only in the background inside dining area of the Premises and not in the outside dining area of the Premises;
- Page 109 – Section 14 – relating to Late Night Refreshment – there should be no late night refreshment provided and therefore the word “Yes” on page 109 and the word “Indoors” on page 110 should be struck through;
- Page 111 – Section 15 – the Supply of Alcohol hours should be amended to read Monday – closed; Tuesday, Wednesday and Thursday – from 12:00 to 22.00 hours; Friday and Saturday from 12:00 until 23:00 hours and Sunday from 12:00 until 22:00;
- Page 111 – relating to the sale of alcohol should be amended to read “on the premises” and the word “both” to be deleted;
- Alcohol should only be sold with a meal served at the tables inside and at the tables in the outside dining area of the Premises;
- Pages 113 and 114 – Section 17 – the opening hours should be amended to read Monday – closed; Tuesday, Wednesday and Thursday – from 12:00 to 22.00 hours; Friday and Saturday from 12:00 until 23:00 hours and Sunday from 12:00 until 22:00;

(1B) That the proposed conditions of the Epping Forest District Council Environmental Enforcement Officer as agreed by the applicant, as follows:

- The premises shall be adequately insulated or the sound level adjusted, to ensure that noise from music (recorded) or amplified is inaudible inside any adjoining premises.  
This was to control the escape of music to adjoining properties.  
**Reason: To ensure that any music and amplified sound from the licensed premises does not cause a public nuisance.**
- An appropriate automatic noise control device must be used for any amplified sound. The device should be set so that the volume of any amplified sound emanating from the premises did not cause a public nuisance. The Premises Supervisor could ensure that any amplified music from the premises did not cause a public nuisance by ensuring that amplified sound was inaudible at the boundary of any properties where the occupiers were likely to be sensitive to noise.  
**Reason: To ensure that any amplified sound from the licensed premises does not cause a public nuisance and the applicant has an effective method to adequately control the level of amplified sound and music in order to prevent public nuisance.**
- The Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Premises Supervisor (or representative) could ensure that music from the premises did not cause a public nuisance by ensuring that the music was inaudible at the boundary of any properties where the occupiers were likely to be sensitive to noise.  
**Reason: To ensure that any music and amplified sound from the licensed premises does not cause a public nuisance.**

- No music is to be played in the outside area.  
This was to control the impact of noise on neighboring domestic properties.  
**Reason: To ensure that any music and amplified sound from the licensed premises does not cause a public nuisance.**
- The outside seating area was to be closed at 21.00.
- The external doors be shut at 21.00.
- To put up a notice to ask customers to leave quietly.  
This was to reduce the impact of people noise on neighboring domestic properties.

The Sub-Committee considered that the above mentioned were reasonable and proportionate and would not undermine the licensing objectives.

- (2) The Sub-Committee also attached the mandatory conditions contained in Sections 19 – 21 of the Licensing Act 2003.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

**CHAIRMAN**