

(a) Application before the Sub-Committee

The Licensing Officer, Mr P Jones introduced the application for a new premises licence at Gourmet Sheesh, 155 Manor Road, Chigwell, Essex IG7 5QA which was received on 4 May 2021. The application was for the licensable activities of Recorded Music (Indoors) and Sale of Alcohol for consumption on and off the premises, Monday to Sunday 11:00 – 23:00 and the Operating Schedule set out the conditions which would be attached to the licence if this application was granted.

The Responsible Authorities had received a copy of the application which had been advertised at the premises and in a local newspaper. In addition to residences and businesses within 150 metres radius of the premises being individually consulted.

The authority had received two representations from Objectors and there were also responses from Essex County Fire and Rescue Service, Environmental Health, and Essex Police; all of whom had no comments to make, although the Community Resilience had also responded with conditions that had been agreed with the applicant.

It was noted that the applicant had sought to have Recorded Music both indoors and outdoors, and for licensable activities to terminate at midnight; however following comments received by residents and negotiations with Community Resilience the applicant had amended the application to the hours and activities. Furthermore, the Licensing Officer advised that Recorded Music was not a licensable activity between the hours of 08:00 – 23:00 where an alcohol licence was granted.

(b) Presentation from the Application/Representative

Mr Berkpinar advised that following the comments and conditions suggested the applicant had amended their application, which hopefully addressed their concerns.

(c) Questions to the Applicant/Representative

The Sub-Committee asked for clarification on whether food and drink would be served on outside paving area. Mr Berkpinar advised that an application had been submitted but this area would be closed at 21:00 and there would be CCTV.

(d) Presentation from the Objector

Mr Bassi advised that his concerns had been addressed by the conditions set out by the Environmental Enforcement Officer on pages 72,73 & 74 of the agenda and he had nothing further to add.

(e) Questions to the Objectors
There were no questions to the Objector.

(f) Closing Statements from the Applicant/Representative

Mr Berkpinar advised that they had sought advice from the licensing department and had been happy to address their concerns. They wished to be part of the community and not effect peoples lives in any detrimental way.

(g) Consideration of the Application by the Sub-Committee

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application.

The Sub-Committee noted all of the submissions and representations, both oral and written which had been made in relation to the application and 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.

During their deliberations the Sub-Committee received no further advice from the Legal Officer present.

RESOLVED:

That the application for a premises licence for Gourmet Sheesh, 155 Manor Road, Chigwell, Essex, IG7 5QA be **Granted** subject to the following conditions which in the opinion of the Licensing Sub-Committee were consider reasonable and proportionate and would not undermine licensing objectives.

- (a) conditions were consistent with the Operating Schedule as submitted by the applicant on 28th April 2021 set out on pages 39 - 60 of the agenda;
- (b) conditions previously agreed between the applicant and Duncan Forsyth, Environmental Enforcement Officer of Epping Forest District Council, as set out on pages 72 to 74 of the Agenda relating to the prevention of public nuisance; and
- (c) the mandatory conditions contained in Sections 19 - 21 of the Licensing Act 2003.

18. APPLICATION FOR A CLUB PREMISES CERTIFICATE, MATCHING GREEN CRICKET CLUB, THE CRICKET PAVILION, THE GREEN, MATCHING GREEN, ESSEX, CM17 0PZ

The three Councillors that presided over this application were Councillors J. M Whitehouse (Chairman), S Heather and P Stalker.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application.

In attendance on behalf of the Matching Green Cricket Club was Mr M Figg.

In attendance on behalf of the objectors were Mr Saxon, Mr Jennings, Mr Brown, Mrs McCourt.

The Ward Councillor for Matching, Councillor R Morgan and the Chairman of the Cricket Club, Mr Hartnell were present as observers.

- (a) Application before the Sub-Committee

The Licensing Officer, D Houghton introduced the application for a new Club Premises Certificate at Matching Green Cricket Club, Cricket Pavilion, The Green, Matching Green, Essex, CM17 0PZ which had been received on 8 May 2021.

The application was for the following licensing activities between the months of April to September when the pavilion was open;

The Supply of Alcohol on the Premises only
Monday to Friday 17.00 – 22.00

Saturday 12.00 – 23.00, Sunday 12.00 – 22.00

Opening Times of the premises

Monday to Friday 17.00 – 22.00

Saturday 12.00 – 23.00, Sunday 12.00 – 22.00

The Operating Schedule set out the conditions which would be attached to the Club Premises Certificate if the application was granted.

The Responsible Authorities had all received a copy of the application, it was also advertised at the premises and in a local newspaper. In addition to residences and businesses within 150 metres radius of the premises being individually consulted.

The authority had received 17 representations against the application from residents and businesses, 1 representation of support from North Weald Parish Council. The Objections related to The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm. Furthermore, Essex Police had agreed further conditions set out on page 152 of the agenda with the applicant, which if agreed would be added to the Operating Schedule,

(b) Presentation from the Application/Representative

The applicant advised the Sub-Committee that the application had been made on behalf of the Matching Green Cricket Club to only be used in conjunction with cricketing purposes and would be on average 40-50 days per year for cricket matches and training. This would include Friday evenings training sessions and matches on Saturday and Sundays throughout April to September. The Cricket Club was a local community club and would be run for the members only.

(c) Questions to the Applicant/Representative

The Sub-Committee asked the following questions;

- Was it expected that the parents of the junior members would take their drinks outside the pavilion? Mr Figg advised that they would in and round the pavilion and would not be allowed to walk around the green. The sale of alcohol would take place in the pavilion.
- Who were the members of the club for junior membership? Mr Figg advised that junior membership included their families as social membership.
- Had the conditions suggested by the Essex Police set out on page 152 been agreed? Mr Figg advised that they had been accepted.
- What was meant by 'Cricket Activities'? Mr Figg advised that it was matches that took place throughout the summer occurring occasionally mid-week but mainly on Saturday and Sundays with a week cricket 2/3 times a year. There was junior training on Friday evenings in addition to some mid-week training for senior members although licensing activities would not normally take place then as player had to drive home.
- How would people know who were members and guests? Mr Figg advised that everyone knew each other, and they were aware of visiting guests and spectators.
- How would patrons know the boundary of the site? Mr Figg advised that the pavilion had a balcony area and it would be highlighted to members, if required.

The Legal Officer asked what was meant by an 'honesty bar'? Mr Figg advised that the pavilion had a fridge where a couple cans of beer had been left, to enable members to take a drink if they wanted to and contribute some money for that drink. There was also the local pub which members had previously attended, although this option had become less popular and therefore the club were looking to formalise the honesty bar.

The Objectors asked the following questions;

- What was meant by the 'will the supply of alcohol be for consumption on the premises'? Mr Figg advised that the premises was the cricket pavilion, although there was an outside balcony area, and this may spill out onto this area.
- How wide was the balcony area? Mr Figg advised it was 3 metres wide.
- Had the applicant ticked the correct definition for on the premises in relation the outside balcony area? The Licensing Officer advised that the applicant had ticked 'on the premises' therefore alcohol would need to be consumed within the boundary set out on page 100 of the agenda.
- How would the applicant monitor this requirement, to ensure members and guests abided by this? Mr Figg advised that this may have been a mistake on his part as the boundary was probably within a 4 metre area of the pavilion and it may prove problematic to stop people crossing this line with a drink purchased at the pavilion.
- The proposed licensed area boundary set out on page 100, did not appear to be scaled correctly and there were no boundaries marked to the left and right of the pavilion, could clarification be sought? The Legal Officer confirmed that whatever was within the boundary lines that would be what was licenced. The Licensing Officer advised that it was the area marked out on the plan.

The Objector advised that Sub-Committee that this pavilion was in the middle of a village green. The Licensing Officer confirmed that the applicant had asked for the pavilion to be licenced not any area of the green. Councillor Stalker advised that he was very aware of the Cricket Club and Village green in Matching Green.

- How many people would be drinking within the pavilion? Mr Figg advised that he had misunderstood that the licensable area selling the alcohol, was determined as the same area it should be consumed. He noted that it would be very hard to stop people wondering from the licenced area and as this was already apparent from the near by pub.
- What arrangements would be in place for waste disposal? Mr Figg advised that wheelie bins had been purchased and would be clearly marked for the various types of rubbish. The President of the Cricket Club, a Mr Lemon had agreed to dispose of the rubbish.
- Were the bins lockable? Mr Figg advised that they were not.
- How would club representatives monitor members and guests to avoid causing annoyance to neighbours? Mr Figg advised that the club had a code of conducts for members and guests and this would be reviewed in relation to any nuisance caused.
- Who would be responsible for monitoring this? Mr Figg advised that Club Committee.

(d) Presentation and Questions from the Objectors

Mr Jennings advised that he stood by all the objections raised in his written representation and acknowledged that the application was only for the cricketing months April to September. Although his two main concerns were under public safety

and the prevention of public nuisance for the reasons of drinking taking place on the village green, when there was no external lighting, and this could lead to accidents or affray. It was not an option to install external lighting as it was a large village green with residential properties surrounding it. There were various issues with parents causing a nuisance and it was encouraging drinking and driving and the problems associated with this around the green.

Councillor Stalker asked whether there had been any accidents or affray's in the last two years to his knowledge? Mr Jennings advised that he was not aware of any accidents or affrays.

Ms McCourt stated that the licence was trying to bring some governance to this situation. She had concerns which had not been addressed particularly in relation drinking on the green and the reality of the nuisance caused by people drinking which was not related to cricket. There had been no consultation with neighbours and the cricket club which lead her to believe that the licence would not be managed.

The Legal Officer advised that the licensing activity was the sale of alcohol not the consumption of alcohol. The Licensing Officer confirmed that the application was for consumption of alcohol on the premises and to take any enforcement action, proof of sale of where the alcohol was purchased would need to be obtained.

Mr Saxon advised that he had concerns that the license went well beyond what the cricket club intended to use the license for, and the times applied for until 23:00 on a Saturday went outside what cricket activities were. He supported the granting of the license as long as it was intended to be used for cricket purposes which included before it went dark, during matches and training.

Councillor Whitehouse asked what made the objector think there was a clear link between the cricket club and the public nuisance? Mr Saxon advised that he had recent walked past the cricket pavilion where a match was taking place and there was drinking on the green.

Mr Jennings advised that an incident of affray had occurred at a near by green which was not want they wanted for their area.

(e) Closing Statements from the Applicant

Mr Figg advised the Sub-Committee that the Club was trying to do the right thing and there were no plans to extend the current usage. The majority of the membership were local people and the junior members were from local schools.

(f) Consideration of the Application by the Sub-Committee

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application, which included himself and Councillors P Stalker and S Heather, the Legal Officer and the Democratic Services Officer.

The Sub-Committee noted all of the submissions and representations, both oral and written which had been made in relation to the application and 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.

During their deliberations the Sub-Committee were advised by the Legal Officer present that a Club Premises Certificate could be reviewed.

RESOLVED:

That the application for a club premises certificate in respect of Matching Green Cricket Club, The Cricket Pavilion, The Green, Matching Green, Essex CM17 0PZ be **Granted** subject to the following conditions which were consider reasonable and proportionate for the promotion of the licensing objectives:

- (a) That the conditions were consistent with the Operating Schedule and included the suggested Essex Police conditions as set out in an email dated 18 May 2021 on page 152 in the Agenda and which would be attached to the certificate, namely:
- Safeguarding training for bar staff & details to be recorded;
 - No under 18's shall serve alcohol;
 - The Club to engage in the Challenge 25 scheme;
 - The Challenge 25 scheme shall be displayed in a conspicuous place;
 - Only acceptable forms of ID being Driving Licence, passport or Military ID shall be accepted;
 - There shall be conspicuous signage displayed requesting members & guests to leave the club house in an orderly manner;
 - The Club designated representative or representatives shall monitor members & guests so as not to cause annoyance to neighbours
- (b) that the Sub-Committee modified section 12 - the timing for Saturday was to read from 12:00 to 22:00 and not 12:00 to 23:00 and that the supply of alcohol must only take place between 1st April and 30 September.
- (c) That the mandatory conditions contained in Sections 73 – 73A of the Licensing Act 2003; and
- (d) That all guests must be signed in by a member in a signing book which must include the members and guest details.

CHAIRMAN