

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub Committee **Date:** 7 March 2023
Place: Council Chamber - Civic Offices **Time:** 10.15 am - 12.00 pm
Members Present: R Morgan (Chairman), M Sartin and J M Whitehouse
Other Councillors:
Apologies: A Lion and D Stocker
Officers Present: R Ferreira (Assistant Solicitor), A Hendry (Democratic Services Officer), D Houghton (Licensing Compliance Officer), D King (Licensing Manager) and S Mitchell (PR Website Editor)

67. WEBCASTING INTRODUCTION

The Chairman made a short address to remind everyone present that the meeting would be broadcast to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

68. SUBSTITUTE MEMBERS

It was noted that Councillor Jon Whitehouse was substituting for Councillor D Stocker.

69. DECLARATIONS OF INTEREST

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

70. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business and the Terms of Reference.

71. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the item of business set out below on the grounds that it would involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or were confidential under Section 100(A)(2):

Agenda	Subject	Exempt Paragraph
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Item No		Information Number
6	Application for a Hackney Carriage Driver's Licence – Mr R Parkinson	1

72. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR R PARKINSON

The Sub-Committee considered an application for an application for a Hackney Carriage Driver's Licence from Mr R Parkinson. The three councillors that presided over this item were Councillors R Morgan (Chairman), M Sartin and J M Whitehouse. The Chairman welcomed the applicant and asked the members and officers present to introduce themselves.

The Licensing Compliance Officer, D Houghton informed the Sub-Committee of the circumstances under which the licence could not be dealt with under delegated authority.

The applicant made a short statement in support of his application before answering questions from members of the Sub-Committee. The Chairman requested that everyone, except the Licensing Sub-Committee members and advising officers leave the chamber whilst they considered the application.

The Chairman invited the applicant and Licensing Officer back into the chamber and informed the applicant of the Sub-Committee's decision.

The Chairman advised that during their deliberations in private session they had received no advice from officers.

RESOLVED:

That the application for Hackney Carriage Drivers Licence for Mr R Parkinson was not granted.

73. INCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be invited back into the meeting for the remaining items of business.

74. LICENSING ACT 2003- APPLICATION FOR A PREMISES LICENCE FOR BARBAROSSA, 275 HIGH STREET, EPPING, ESSEX, CM16 4DA

The three Councillors that presided over this application were Councillors R Morgan (Chairman), M Sartin and J M Whitehouse. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee.

In attendance for the application was the applicant Gulcan Pelut and her agent Dilek Alagoz.

There were no objectors present.

(a) Application before the Sub-Committee

An application has been made by Gulcan Pelut, for a new premises licence at 275 High Street Epping Essex CM16 4DA.

The application is for the following licensing activities:

The Provision of Late Night Refreshment
Sunday to Thursday 23.00 – 23.30, Friday to Saturday 23.00 – 00.30

- o The Sale by Retail of Alcohol
- o Sunday to Thursday 11.30 – 23.00, Friday and Saturday 11.30 – 00.00am
- o Alcohol for consumption with food only

The application was received and valid on the 20th January 2023

All Responsible Authorities had received a copy of the application, it had also been advertised at the premises and in a local newspaper.

All residences and businesses within 150 meters radius of the premises were individually consulted.

The authority has received 2 representations of objection 1 from a local business and 1 from a local resident. Subsequently the objection from the local business had been withdrawn.

Comments from the Planning department are included below, the applicant had subsequently agreed to the reduction of hours as per the restricted planning condition below:

It appears that this premises is subject to a planning condition restricting the hours of use between 08:00 to 22:00 M-F, 08:00 to 23:00 Sat and 08:00 to 21:00 Sun and BH (cond 6 of EPF/1245/21), so they will need to apply to vary this condition if they want to open later.

The applicant had also agreed to the conditions set by Essex Police

(b) Presentation of the Applicant's case

The applicant's Agent, D Alagoz explained that they had not known about the Planning conditions but were happy to comply with them and have matched their hours with these conditions and have apprised the two objectors of their new hours applied for.

(c) Questions for the Applicant

In response to questions from the Sub-Committee the applicant responded:

- She had been in the industry for more than 25 years and knew what was needed in terms of training of staff etc.;
- She also has two other restaurants that she also manages;
- The restaurant has a back entrance, but they use the front doors as their fire exit as the back was too narrow;
- Their alcohol serving hours would be the same as the planning conditioned hours; and

- Alcohol to be served with food inside the restaurant only.

(d) Closing statements

The relevant officers and the applicant had nothing further to add.

(e) 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 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:

We consider that the application satisfies the necessary requirements in order to be considered as it is on the prescribed form, it has been advertised and relevant notifications given.

We are grateful to the parties for their presentations to us this morning.

We have taken these and the written material submitted to us into account. We have considered what is appropriate to promote the four licensing objectives and the relevant parts of the Council's Licensing Policy and the Home Office's guidance.

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

The Committee noted all of the submissions and representations, both oral and written made in relation to this application.

The Committee is also aware that any conditions imposed must be appropriate, be capable of being enforceable and must not undermine the Licensing objectives and that each case must be determined on its own merits.

The decision of this sub-committee is that the application for a premises licence in respect of: Barbarossa, 275 High Street, Epping, Essex, CM16 4DA

Be granted for:

- the opening hours of Monday to Friday between 08:00 to 22:00, Saturday between 08:00 to 23:00 and Sunday and Bank Holidays 08:00 to 21:00, and as a result of the change in opening hours from those originally applied for there is no requirement for late night refreshment,

Subject to:

- the conditions consistent with the Operating Schedule as varied /modified by the above, and
- also, those conditions agreed with Essex Police set out in item 8 of the Agenda on page 20 of the Agenda in so far as they add to or supersede the applicant's conditions,

which we consider are reasonable, proportionate and in the public interest for the promotion of the licensing objectives and will not undermine same.

We are also attaching the mandatory conditions in Sections 19-21 of the Licensing Act 2003.

The applicants and the persons who made the relevant representations are reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision and of the review mechanism under the Licensing Act 2003 because of any matters arising in the future at the Premises in connection with any of the 4 licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

CHAIRMAN