

sale of alcohol on the premises between 12:00 and 23:30, the provision of recorded music between 12:00 and 00:00 and late-night refreshment between 23:00 and 00:00 Monday to Sunday.

A new application was made by Funky Monk Essex Limited, 71-75 Shelton Street, Covent Garden, London WC2H 9JQ for a new premises licence at 236 High Street, Epping, Essex CM16 4AP. The application was for the following licensing activities:

- **The Provision of Recorded Music**
Sunday to Thursday 08.00 – 00.00, Friday and Saturday 08.00 – 01.00
- **Late Night Refreshment**
Sunday to Thursday 23.00 – 00.00, Friday and Saturday 23.00 – 01.00
- **The Sale by Retail of Alcohol**
Sunday to Thursday 08.00 – 00.00, Friday and Saturday 08.00 – 01.00
(On sales only)
- **Opening Times of the Premises**
Sunday to Thursday 08.00 – 00.30am, Friday and Saturday 08.00 – 01.30

The application was received on the 22 September 2022. The Operating Schedule set out the conditions that would be attached to the licence if this 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. The public notice and newspaper advert were attached to the agenda. All residences and businesses within a 150 metre radius of the premises were individually consulted.

The authority had received seven representations of objection from local residents, which were attached to the agenda. The Objections related to The Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. One of the letters of representation had Appendices 1-10 attached but on discussion with the Councils legal department the Appendices were deemed irrelevant to the Licensing Act 2003 and had not been included in the agenda.

There had been no responses from any of the Responsible Authorities consulted.

(b) Presentation of the Applicant's Case

Guy Hicks representing the Funky Monk Essex Limited advised that the venue was previously the Thatched House Hotel and the applicants were looking to establish a new licence creating a hotel/restaurant/wine bar which would be food led with a vibe dining experience. The refurbishment of the premises had cost in the region of £1,000,000 and the applicants would employ in the region of 40 local people. The target audience of the premises would be 25 years and over as their price point was fairly high end paying £5.25 for a bottle of beer (there would be no beer on tap) and anywhere between £25 to £600 for a bottle of wine or champagne.

The capacity of the venue was approximately 90 seated and 40 standing, this was yet to be confirmed with the Fire Service. The opening times had been agreed with the Police and other responsible authorities. The music would be in the form of DJ's, saxophonists and guitarists but the emphasis on any music would be chilled and quiet so as not to spoil the dining experience and guests residing in the hotel above.

Also agreed with the responsible authorities was Challenge 25, CCTV throughout the premises which will be stored for 31 days and made available to the Police or authorities upon request, a full incident log recording any crime and disorder, seizures of drugs and weapons, objections, complaints received by the venue, entry refusals, CCTV faults and any visits by a responsible authority. There would also be a training condition for any new staff inducted into the premises and it will be ongoing and refreshed on a yearly basis for all other staff. Records of training will be kept on the premises for inspection by any relevant authority. The courtyard/beer garden at the rear of the premises will be cleared at 22:00 hrs each night.

Although separate to licensing activities planning permission had been sought and agreed with the Council and English Heritage in respect to the Grade II listed aspects of the building, which had been on that site since the 1500's.

The Applicants realise that the area has changed since the premises was previously opened with residential premises nearby and hence their decision to close the courtyard/beer garden at 22:00 hrs each night.

The premises have operated a number of Temporary Event Notices (TENs) and as far as he was aware there had been no complaints made apart from one issue that had been raised in terms of emptying the bins at night. Changes have now been put in place and a bottle chute had now been installed and all glass bottles will go down the chute into the cellar and will be disposed of in the morning and not at night.

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

Councillor A Lion asked why the licence was to begin at 08:00hrs and was there really a need for music that early? Mr Mason explained that it would be for special occasions such as 'Breakfast with Santa' and would not be a regular occurrence and the music would be background music only so as not to disturb the guests staying at the hotel.

Graeme Oakley, Advisory Officer for the Council clarified that the premises did not need a licence for recorded music until 23:00hrs.

Councillor D Sunger asked why the premises would be open until 00:00hrs on Sundays when other nearby premises would close earlier on a Sunday and why the applicants had left the application blank for events such as Christmas Eve and New Year's Eve? Mr Hicks stated that this premises should not be compared with other premises and should be treated on its own merit and that any late-night events for Christmas Eve and New Year's Eve they would apply for a Temporary Event Notice, if the need arose.

(d) Questions for the Applicant from the Objectors

Alan Phillips, local resident:

- He referred to the DJ's, saxophonist and pianist and asked if there were any leakage or decibel levels set as a guide? Mr Hicks advised that the windows and doors would be closed throughout the summer because the premises were air conditioned, there was also the guests to consider who were staying in the hotel. He stated that if it were something that offered comfort to residents and the Sub-Committee then they would consider a noise limiter being installed which would be set and agreed with the Council.
- Did the applicants have a view on people having a few drinks in the evening, leaving the premises late and being inconsiderate and making noise whilst leaving the premises? Mr Hicks advised that they were offering a dispersal policy

and asking to staff to interject with customers asking them to leave the premises quietly and to consider the neighbourhood. He added that there were other premises open until late and in his opinion did not think that the Funky Monk would add to any disturbances, due to the high-end clientele they were looking to attract.

Geoff Clarke, local resident:

- He referred to the air conditioning and asked if all doors and windows would remain closed? Mr Hicks replied yes, they would.
- He asked what provision would be made for parking as there was none on that site? Guy Hicks replied that it would be the same as for every other venue in the town, people will park where they can. Mr Mason added that there was limited parking on site for up to 5/6 cars and they were in negotiations for an off-site valet parking solution for guests.
- He asked what security arrangements would exist during the evening and at closing time? Mr Hicks advised that the premises currently had 24 hour security which related to the hotel and the officers job was to ensure guests were quiet within the bounds of the hotel and patrolling the perimeters and smoking areas. There would be occasions when the premises will have their own SIA's on Thursdays, Fridays and Saturdays.

Ken Faulkner, local resident:

- He referred to other late-night establishments in the town and the crime and disorder has occurred in Buttercross Lane where cars are parked and no doubt will park there when visiting the premises. Closing at 01:00-01:30hrs will be very disturbing to the residents when car doors are slammed and people are talking, therefore what are you going to do to make sure that would not happen with people leaving your premises? Mr Hicks advised that the Funky Monk should not be compared to other premises, this application should be treated on its own merits. He reiterated that it would not a raucous bar or nightclub, it was a restaurant with background music and a hotel, therefore it was in the best interests of the applicants to work with the residents and to keep them as happy as they possibly can.

Mia Lisanti, local resident:

- She asked how many rooms the hotel had. Mr Hicks advised that there were ten hotel rooms.
- She stated that realistically how many people would come to Epping to stay in a hotel because she knew of no one that would. She further added that the previous hotel was unestablished and unused and they ended up filling it with refugees. Mr Hicks advised that the history of the building dating back to the 1500's and the quality of the hotel rooms would bring people to stay at the hotel and that he disagreed with her comments. Mr Mason clarified that this was a totally different establishment to the previous occupiers and on the basis of her concerns he said he would share the images of what had been created outside of the meeting. He advised that they were trying to create a business as a whole and selling weekends, there were treatment rooms and they offered many services like pillow menus. This was going to be a five-star establishment with a very high level of room service which would be totally different to what was there previously.
- She advised that she had looked at all the other bars and restaurants in the High Street and they all tended to close earlier than the times you are requesting and earlier it was said that there would be a gradual dispersion and not everyone would leave at the same time but if this was a late drinking venue then everyone would stay there until closing as there would be nowhere else to go. Mr Hicks

stated that he disagreed with the objector, there were other places in the High Street that also had late licences.

The Council's Legal Officer Graeme Oakley advised that if this application was granted today and problems did occur in the future there was the right of review and the Council's Community Resilience Team do have the right to serve abatement notices.

The Licensing Manager David King stated that this application should be taken on its own merits and that there had been several comments regarding the hours of opening of other premises in the High Street. He advised that he had some information to hand of the licensing and closing times of other premises for the Sub-Committee as an indication:

- The Black Lion – Sunday-Thursday until 00:00hrs, Friday and Saturday until 01:00hrs;
- The Duke of Wellington – Monday-Sunday until 01.30hrs;
- The George and Dragon – Sunday-Thursday until 00:00hrs, Friday and Saturday until 01:00hrs closing at 01:30hrs;
- Kasha – Monday-Sunday until 01.00hrs;
- Archies Lounge Bar – Monday-Sunday until 02.00hrs; and
- The Epping Roof Garden – Sunday-Thursday until 00:00hrs, Friday and Saturday until 02:00hrs.

(e) Questions for the Objectors from the Sub-Committee

The Sub-Committee had no questions to ask the Objectors.

(f) Questions for the Objectors from the Applicant

The Applicant had no questions to ask the Objectors.

(g) Closing Statement from the Objectors

Mr Geoff Clarke on behalf of the objectors stated that Epping was a rural market town and that there were enough drinking establishments in the High Street without adding anymore.

(h) Closing Statement from the Applicant

Mr Hicks stated that the application was for a hotel, restaurant and wine bar and that it would have all the current policies and procedures in place to manage the concerns of the residents. The applicants have agreed to a noise limiter, a dispersal policy and limits on the smoking areas and the conditions that were in the agenda pack. The applicants are persons of good character and they wish to be part of the community going forward and do not wish to ruin their investment and find themselves as one of those venues that keep being reviewed. They were applying for late opening hours but were not the only venue in the High Street seeking those hours and some venues were open later.

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

The Chairman advised that the Licensing Sub-Committee would now go into private session to consider the application and asked everyone, apart from the Sub-Committee Members and advisory officers, to leave the Council Chamber.

The Licensing Sub-Committee considered that the application satisfied the necessary requirements in order to be considered, as it was on the prescribed form, it had been advertised and the relevant notifications given.

During their deliberations in private session the advisory officers gave the following advice:

- Conditions imposed must be appropriate, be capable of being enforceable and must not undermine the licensing objectives; and
- Each case must be determined on its own merits.

RESOLVED:

The decision of the sub-committee was that the application for a premises licence in respect of Funky Monk, 236 High Street, Epping, Essex CM16 4AP be granted subject to:

- (1) The conditions as submitted by the applicant within the application and which the Sub-Committee considered were reasonable and proportionate and would not undermine the four licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm; and
- (2) A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - a. The limiter must be set at a level as advised by an authorised Community Resilience Team Officer;
 - b. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised officer and access shall only be by persons authorised by the Premises Licence Holder;
 - c. The limiter shall not be altered without prior written agreement from the Community Resilience Team;
 - d. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Community Resilience Team; and
 - e. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- (3) That the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003 be attached.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of the 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 Premise in connection with any of the four licensing objectives.

CHAIRMAN