

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 14 October 2013

Place: Council Chamber, Civic Offices, **Time:** 6.30 - 7.05 pm
High Street, Epping

Members Present: R Morgan (Chairman), Mrs R Gadsby and L Leonard

Other Councillors:

Apologies:

Officers Present: L Cole (Legal Services Officer), N Clarke (Licensing Officer) and G J Woodhall (Democratic Services Officer)

89. DECLARATIONS OF INTEREST

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

90. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business, and the terms of reference.

91. PREMISES LICENCE - MEZESPHERE, 74 HIGH STREET, EPPING

The three Councillors that presided over this item were Councillors Morgan, Gadsby and Leonard. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were: Mr F Fender, the Applicant's Licensing Consultant and Agent; and Ms Irfan Taskiran, the applicant. 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 Litigation Executive informed the Sub-Committee that an application for a Premises Licence had been received in respect of Mezesphere at 74 High Street in Epping, along with a representation from an interested party. The application had requested permission to serve alcohol from 11.00am to 11.00pm on Monday to Saturday, and 12.00pm to 10.30pm on Sunday. In addition, the application had requested that the premises be open to the public from 9.00am to 11.00pm on Monday to Saturday, and 12.00pm to 10.30pm on Sunday. No seasonal variations or non standard timings were requested.

Presentation of the Applicant's Case

The Applicant's Agent informed the Sub-Committee that the application was a new Premises Licence for a restaurant of 120 covers serving Mediterranean-style food. The application requested permission to serve alcohol between the hours of 11.00am and 11.00pm on Monday to Saturday, and 12.00pm to 10.30pm on Sunday. The application also requested permission for the premises to open from 9.00am on Monday to Saturday, but this was to allow for the serving of breakfast and morning coffees, not alcohol. It was emphasised that alcohol would only be sold to Diners at the premises, and off sales would only be for Diners to take the rest of their bottle of wine home if they had not finished it by the end of their meal.

The Agent acknowledged that the Council had received a representation from a local resident, and this had been considered very carefully by the Applicant. A number of issues had been raised by the representation, and the response of the Applicant was as follows:

- Too many outlets in the vicinity of the premises – the Council did not operate a quota system for such outlets in a vicinity.
- Food Smells – a planning condition had already been imposed upon the premises to control the emission of food odours.
- Customer Noise – the premises was in a town centre location and therefore the location would attract a certain amount of noise in the evening. The potential for noise from the premises could be reduced by the display of signs inside the premises and staff monitoring the noise of customers outside the premises.
- Parking – the issues raised were not relevant to licensing applications, and there were other enforcement measures available.
- Litter – there was a certain amount of litter already present at the premises, even though the premises had not yet opened. This was probably caused by the premises being empty and it would be dealt with before the premises opened.

In conclusion, the Agent re-iterated that the serving of alcohol would be secondary to the serving of food for the long-term future of the business.

Questions for the Applicant from the Sub-Committee

In response to questions from the Sub-Committee, the Applicant stated that two members of staff had already obtained Personal Licences. The premises would be a Turkish restaurant serving mediterranean-style food, and would only have background music. There would be no dancing or disc jockeys, and the music would not be loud as it was a restaurant and the intention was to allow customers to talk with each other at their table during their meal. Between 9.00am and 11.00am in the morning, it was only intended to serve breakfasts and coffees - no alcohol – and after 11.00am alcohol would only be served with food. Off sales would only be allowed if a table had more than half a bottle of wine left, to enable them to take the remainder home to enjoy; there would be no off sales of beers and spirits.

The Agent confirmed that the premises had two small external areas: a small courtyard at the back; and the area in front of the premises between the entrance and the pavement. It was believed that this area to the front of the premises was not highways land and part of the premises, but this would be clarified before the area was used for customers. In relation to parking, there was three hours free parking available at the Tesco store across the road from the premises. Finally, it was anticipated that the premises would open its doors to the public after Christmas.

Consideration of the Application by the Sub-Committee

The Sub-Committee received no advice from the Officers present and decided to grant the application. The Chairman informed the participants of the Sub-Committee's decision, and that the applicant had 21 days to appeal the Sub-Committee's decision to a Magistrates Court.

Resolved:

- (1) That the application for a Premises Licence at Mezesphere at 74 High Street in Epping be granted subject to the conditions contained within the application.

CHAIRMAN