



Licensing Sub-Committee Monday, 8th December, 2014

You are invited to attend the next meeting of **Licensing Sub-Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Monday, 8th December, 2014
at 6.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

A Hendry (Direct Line 01992 564246)
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), K Adams, D Dorrell and J Hart

PLEASE NOTE THE START TIME OF THE MEETING

**THERE WILL BE A BRIEFING FOR THE SUB COMMITTEE AT 6.00.pm IN THE
MEMBERS' ROOM**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
(Director of Governance) To declare interests in any item on this agenda.
- 3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 10)**
- 4. APPLICATION FOR REVIEW - IL BACIO, 182 QUEENS ROAD, BUCKHURST HILL, ESSEX (Pages 11 - 104)**
(Director of Neighbourhoods) To consider the attached report and representations.
- 5. EXCLUSION OF PUBLIC AND PRESS**
Exclusion: To consider whether, under Section 100(A)(4) of the Local Government

Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will 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 are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

APPENDIX 5

LICENSING COMMITTEE – TERMS OF REFERENCE

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- ... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub Committee shall include, by rota, one of the six Licensing Sub Committee Chairmen appointed at each Annual Council meeting.
- (3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in
... accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

**PART 3(2) -
RESPONSIBILITY OF
FUNCTIONS (LICENSING
COMMITTEE)**

APPENDIX 5 (ANNEX 1)

LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary		All cases	

event notice			
All policy matters except the formulation of the statement of licensing policy	All cases		

RESPONSIBILITY

**PART 3(2) –
FOR FUNCTIONS
LICENSING COMMITTEE
APPENDIX 5 (ANNEX 2)**

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Gambling Act 2005
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Pet Animals Act 1951
Pet Animals Act 1951 (Amendment) Act 1983
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS**

**APPENDIX 5
(ANNEX 3)**

**PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND
SUB-COMMITTEES**

All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Sub-Committee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

4. Attendance of the Public

4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

5.1 There are two elements to natural justice:

(a) Fairness

(i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.

(ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.

(iii) All information shall be made available, where possible in advance, to the applicant and the Committee.

(iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.

(v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

(i) The rules on the declarations of interest shall be firmly applied.

(ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall

have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
 - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
 - (ii) The Chairman will outline the procedure to be followed.
 - (iii) The Lead Officer will outline the matter in hand.
 - (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
 - (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
 - (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
 - (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
 - (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
 - (ix) Committee members shall restrict themselves to questions and not discussion or comment.
 - (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
 - (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
 - (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone

for additional information, everyone shall be invited to return to the Hearing.

- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

Report to the Licensing Committee

Date of meeting: 8th December 2014

Subject: Application for Review – Il Bacio, 182 Queens Road, Buckhurst Hill, Essex

**Responsible Officer: Joanne Owen (01992 564299)
Licensing Compliance Officer**

Democratic Services: Adrian Hendry (01992 564246)



**Epping Forest
District Council**

Decision Required:

To determine the application for a review of the Premises Licence under the Licensing Act 2003

Report:

Application for Review

1. An application has been made by Cllr Cohen on behalf of Ben Dunn to review the premises Licence for Il Bacio, 182 Queens Road, Buckhurst Hill, Essex. IG9 5BD on the grounds of:
 - the prevention of crime and disorder;
 - the prevention of public nuisance;

Il Bacio, 182 Queens Road, Buckhurst Hill, Essex IG9 5BD

2. The premises Licence was granted on 10th February 2012 to Luigi Funedda and a copy of the premises Licence is attached to this report.
3. A review application has been made by Cllr Cohen on 23rd October 2014 behalf of Ben Dunn, which relates to the licensing objectives set out above. A copy of the application for the review is attached to this report.
4. The premises are situated at 182 Queens Road, Buckhurst Hill, Essex. IG9 5BD. A map of the area is attached to this report.

Consultation

5. The application for review was advertised as required by the Licensing Act 2003. The following representations were received:

Cllr Gavin Chambers
Mike Richardson – Environment and Neighbourhoods Officer – EFDC
Mrs Heal
R M Woodleigh
Mr Bloor
Steven Kingsley

The Authority also received responses from Essex Police.

There have also been a number of letters of support for Il Bacio, the breakdown is as

follows and all copies are attached.

Mr and Mrs Drew
Gordon Burgess
Julie Taylor
Eimhear McIntyre
Jo Butler and Marlene Kent
Wendi Vaughan
Gary Stoakes

60 residents and local business have signed a petition – a copy of this petition will be made available to members.

36 comments in support of Il Bacio from customers

Guidance

6. The Government has issued Guidance pursuant to Section 182 of the Licensing Act 2003 that deals with reviews in paragraphs 11.1 – 11.30. A copy of that Guidance is attached to this report.
7. The Sub-Committee's powers are set out in paragraphs 11.16 to 11.23. Paragraph 11.20 states, "In deciding which of the powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

Options

8. Having considered the representations from all parties the Licensing Sub-Committee has to determine the application for the review of the premises Licence. The Licensing Sub-Committee is required to take such of the steps listed below in paragraphs 1.2 – 1.3 as it considers necessary for the promotion of the licensing objectives which are:
 - Prevention of crime and disorder;
 - Public safety;
 - Prevention of public nuisance; and
 - Protection of children from harm
9. In coming to a view about whether such a step in paragraphs 1.2 – 1.3 is necessary for the promotion of the licensing objectives, the Licensing Sub-Committee would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the premises licence holder, the Guidance issued by the Secretary of State and the Council's Licensing Policy.
10. Where it considers it necessary for the promotion of the licensing objectives, the options available to the Licensing Sub-Committee are:

To modify the conditions of the Licence:

- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months; and
- to revoke the licence; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

11. If the Sub-Committee decides to take steps mentioned in paragraphs 11.19 of the Guidance they may provide that the modification or exclusion shall take effect for only such period (not exceeding three months) as it may specify.
12. Any modified conditions should be practical and enforceable.

Appeal

13. If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Attached documents below:

- Application for the review and supporting documents from:
- Representations from:
 - Cllr Gavin Chambers
 - Mike Richardson – Environment and Neighbourhoods – EFDC
 - Mrs Heal
 - R M Woodleigh
 - Mr Bloor
 - Steven Kingsley
- Location map
- Response from Essex Police
- Correspondence of support from:
 - Mr and Mrs Drew
 - Gordon Burgess
 - Julie Taylor
 - Eimhear McIntyre
 - Jo Butler and Marlene Kent
 - Wendi Vaughan
 - Gary Stoakes
 - Copy of comments book
- Premises Licence for Il Bacio 182 Queens Road, Buckhurst Hill
- Guidance issued under S182 of the Licensing Act 2009

Z:\LICENSING COMMITTEE\2010\ 2010 MASTER REPORT TO LICENSING.

This page is intentionally left blank

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I NEIL COHEN / BENJAMIN DUNN
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
12 BACIO 182 QUEENS RD BUCKHURSTHILL ESSEX 149 5BD	
Post town	Post code (if known)
BUCKHURSTHILL	149 5BD

Name of premises licence holder or club holding club premises certificate (if known)
LUIGI FANADDA

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

COTTON

First names

NEAL

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

QUEENS ROAD
BUCKHURST HILL

Post town

BUCKHURST HILL

Post Code

49 3A

Daytime contact telephone number

01204 241611

E-mail address (optional)

neal.cotton@bt.com

(B) DETAILS OF OTHER APPLICANT

Name and address

BENZAMIN DUNN
QUEENS ROAD
BUCKHURST HILL,

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

Prevention of Crime + Disorder

I have read several complaints that have been submitted to EFDC Safer Neighbourhoods team that comment on people being inebriated after consuming too much alcohol at Il Bacio and swearing at residents.

Breach of licence whereby I note several instances where I have seen alcohol being served after 11:30pm and reported this a few weeks ago to EFDC. In addition Benjamin Donn also has reported the sale of alcohol after hours on several occasions.

The prevention of public NUISANCE

I am aware of many written complaints to the Council Noise team over a period of two and a half years regarding noise nuisance and believe this to be caused by the front forecourt of Il Bacio being used for "AL fresco" dining in close proximity (16meters) to residents houses. Benjamin Donn also made several complaints about this. I understand the Noise Nuisance team came out to observe this in JANUARY 2014 and late September 2014 on both occasions when it was cold and less likely to be used but am concerned the Council officers avoided the warmer Summer Months between.

Please provide as much information as possible to support the application (please read guidance note 3)

Supporting Evidence

Council log

Benjamin Duns Complaints

Neil Coburn Complaint logged with Council.

Have you made an application for review relating to the premises before

Please tick yes

If yes please state the date of that application

Day		Month		Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

22/10/14

Capacity

~~Applicant~~ AND Parish Council / or on behalf of Bendon

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

NEIL COHEN
QUEENS RD

Post town

BUCKINGHAM

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Summary

Ongoing complaints regarding noise from customers outside the front of the property and to a lesser extent amplified music. Recent allegations regarding serving alcohol after hours. More pre-arranged monitoring from complainants premises required to establish if any formal action required either to review the licence or establish statutory nuisance.

Recent monitoring established that noise coming from inside the property is clearly audible in the street when the front doors are left open and some customer noise from the patio area was evident, but insufficient to amount to a statutory nuisance or public nuisance. Complaints likely to abate over the winter as customers move inside and doors and windows are kept closed more often.

Ongoing dialogue with the owner of the premises to minimise any noise and comply with licence.

Worksheet ref:	Date	Complainant ref:	Noise/ allegation	Action/comment (not complete)
201433138	27/9/14	A	Customer noise and serving alcohol after hours	OOH (out of hours) complaint logged.
201432736	24/9/14	A	Customer noise	Complaint logged
201417269	24/5/14	B	Loud music	OOH held over
201427005	24/5/14	C	Customer noise and noise from waste collection	Email complaint
201414064	27/4/14	B	Loud music (l/m)	OOH complainant did not want visit
201413638	13/4/14	D	Potential customer noise over summer	Email complaint
201413190	9/4/14	B	Customer noise and l/m	OOH held over.
201410935	28/3/14	B	l/m	OOH held over
201413394	27/2/12		l/m	Advised to call OOH
2013334218	8/11/13	C	People noise leaving	Diary sheet sent, not returned.
201322468	2/8/13	D	Customer noise	Logged complaint
201318122	1/7/13		Customer noise	Letters sent
201317139	20/6/13	E	l/m	Email
201232861	6/12/12	G	Noise in general till late	Logged telephone complaint
201213469	27/5/12	F	l/m & customer noise	OOH -- no reply from.
201208856	30/3/12	F	Customer noise	Email logged

Missing Complaints From this log include

Ben Down

7/7/13

8/7/13

12/7/13

12/7/13

13/7/13

[Handwritten signature]

From: **BENJAMIN DUNN**
Subject: Licence Review of Il Baceo Restaurant, Queens Road, Buckhurst Hill, Essex
Date: 10 October 2014 10:34
To: licensing@eppingforestdc.gov.uk
Cc: Neil Cohen

Dear Sir/Madam

Please accept this email as written request to conduct a review of the Licence for the Il Baceo Restaurant in Queens Road, Buckhurst.

I have the great misfortune of living immediately across the road from the restaurant, and I would estimate that there is about 25 metres from their front door to my lounge and bedroom windows.

From the very first day that they opened for business the proprietor and staff have shown an absolute disregard for both their surrounding neighbours and the law as regards their liquor licence.

A short summary of the problems would include;

1. After hours serving and consumption of alcohol on the premises, at the front patio and in the street. This occurs as a matter of routine on a daily basis. The only time that alcohol is not served after hours is when they have no customers, due to the day of the week and whether it is warm and dry or cold and wet.

I have been told by staff at the council that in the instances of after hours alcohol consumption were staff and family. This is not true as I have viewed regular customer on numerous occasions drinking on the patio way past their 11pm licence time.

2. Noise. Customers, staff and cars and taxis make a tremendous amount of noise both during the daylight hours and way past midnight. When the weather is warm the restaurant will be extremely busy with customers eating, drinking, smoking, talking, laughing and shouting both inside the doors and on the patio, and indeed actually on the pavement. Many families allow their children to play football on the front patios of the neighbouring shop units, sometimes until past midnight.

3. Litter. The restaurant staff and customers produce a large amount of litter including hundreds of cigarette butts which are swept or hosed across the pavement into the street. Additionally the large volume of wastes from the kitchen are piled outside the property at night waiting for waste collection the following day. This of course creates smell and vermin problems.

4. Parking. Il Baceo customers and staff routinely hog most of the parking bays within a 50 meter distance. This includes using the disabled bay as a delivery bay for vans and the owners Maserati, Porsche and Range Rovers, as well as allowing customers without disabled blue badges to park while they eat. Additionally they show a complete disregard to parking within the lines of the bays, and by parking across two bays with one of their cars they hold large spaces for extended periods for their delivery trucks.

I have made a number of complaints in the past to the council about the absolute disregard the proprietor has for both his neighbours and the licensing laws. This has included a large number of digital pictures with time stamps that prove customers are consuming alcohol on the premises after hours, along with a complete 7 day diary form as provided by the council to monitor their activities.

I have asked a local parish councillor, and fellow Queens Road, resident Cllr Neil Cohen to coordinate efforts with other residents to enact a review, amendment or even cancellation of the licence for Il Baceo.

We are compiling all of the complaints and evidence to date (some of which does not seem to have made it onto the desks of the relevant council officials) in order that the Board can really begin to understand the scale and continuity of the problem.

Many thanks for your consideration in this matter.

Regards

Ben Dunn
Queens Road,
Buckhurst Hill,
Essex,

Sent from my iPad

From: **BENJAMIN DUNN** <
Subject: Fwd: Il Bacio
Date: 15 October 2014 21:26
To: Neil Cohen <

Sent from my iPad

Begin forwarded message:

From: Lesley dunn <
Date: 9 October 2014 12:40:56 BST
To: <
Subject: FW: Il Bacio

From: <
To: mrichardson@eppingforestdc.gov.uk
Subject: RE: Il Bacio
Date: Tue, 18 Sep 2012 15:57:08 +0100

Dear Mr Richardson

So in summary, they can do what they like when they like, regardless of how much it disturbs anyone else. Great to know the residents count for nothing!!!

Lesley Dunn

From: MRichardson@eppingforestdc.gov.uk
To: <
Subject: RE: Il Bacio
Date: Tue, 18 Sep 2012 10:48:49 +0000

Dear Mrs Dunn

Thank you for your email.

I have raised the matter regarding the tables and chairs with the restaurant. Unfortunately, the Council are unable to stop the owner from leaving his furniture on the pavement, however the police may be able to do something should there be an obstruction occurring. They can be contacted on their non-emergency number 101 should you wish to discuss the matter with them.

Regarding the close time, the licence permits alcohol sales until 23.00 hours. Unfortunately, whilst the licence for the restaurant states it will close at 23.30 hours, this is not an enforceable licencing condition, so theoretically the premises could stay open until 3am, providing they are not serving alcohol or hot food/drinks after 23.00 hours.

Regarding the horns beeping outside the restaurant, (I'm assuming this is from Taxis) I have asked the proprietor to ensure that any taxis booked by him on behalf of his customers do not beep their horns. Again, such disturbance is enforceable by the police, as it is covered under regulation 112 of the Highway Code. Similarly I have asked the manager to control (as reasonably practical) customers leaving the premises, however once they have left the near vicinity, these people are responsible for their own actions, and any anti-social behaviour is the responsibility of the police to deal with.

Regards

Michael Richardson

Environment & Neighbourhood Officer

Environment & Street Scene Directorate

Epping Forest District Council

High Street

Epping

CM16 4BZ

01992 564422

mrichardson@eppingforestdc.gov.uk

From: Lesley dunn
Sent: 10 September 2012 12:59
To: Michael Richardson
Subject: RE: Il Bacio

Dear Mr Richardson

I again find myself having to write to you about the noise from this restaurant.

On Saturday, yet again they had tables and chairs on the pavement (not on their patio frontage). I saw one lady having to push her double buggy into the road in order to pass the tables and chairs.

There was still customers outside the restaurant at 12.18am Saturday evening / Sunday morning!!!

There is still constant noise from the horns beeping outside the restaurant and people leaving the restaurant late at night.

I thought you advised me that they only have a licence until 11pm - and if this is the case why are people constantly still there after this time?

Regards

Lesley Dunn

From: MRichardson@eppingforestdc.gov.uk

To: !

Subject: Il Bacio

Date: Mon, 28 May 2012 15:40:58 +0000

Dear Ms Dunn

I refer to your call last night to the Council's Out-of-Hours noise service. Unfortunately, I was unable to contact you on the telephone number provided last night, nor today, to discuss the matter further.

I would be grateful if you could telephone me on (01992) 564422 to discuss the matter further, as I understand that you were disturbed by both loud music and customer noise.

I would also be grateful if you could return the diary sheets I sent to you in my letter, dated 16 April 2012, to help me assess if any action can be taken regarding the premises.

Regards

Michael Richardson

Environment & Neighbourhood Officer

Environment & Street Scene Directorate

Epping Forest District Council

High Street

Epping

CM16 4BZ

01992 564422

mrichardson@eppingforestdc.gov.uk

DISCLAIMER

This email is for the use of the intended recipients only. Any opinion or advice it contains is that of the sender and does not bind the authority in any way. If you have received it in error, please notify the sender.

From: Benjamin Dunn
Subject: Fwd: Il Bacio Saturday 13/07/13. 23.10 Hours
Date: 15 October 2014 16:00
To: Neil Cohen

Sent from my iPad

Begin forwarded message:

From: Benjamin Dunn
Date: 13 July 2013 23:15:22 BST
To: mrichardson@eppingforestdc.gov.uk
Subject: Il Bacio Saturday 13/07/13. 23.10 Hours

Mike

Further to my ongoing complaints about the incessant noise and lack of adherence to their licensing laws please find below a picture taken at 23.10 hours this evening of customers still eating and drinking both inside the restaurant and on the patio.

Il Bacio has been mopped with customers which have created a great deal of noise and disturbance since mid afternoon, so we have had to endure another day of more than six hours of raucous noise for the premises.

Once again it shows an absolute disregard for the licensing laws as he flouts them on a daily basis.

Will you please forward to Kim Tuckey?

Regards

Ben Dunn
Queens Road
Buckhurst Hill
Essex



From: Benjamin Dunn <benjamin.dunn@eppingforestdc.gov.uk>
Date: 12 July 2013 23:14:31 BST
To: mrichardson@eppingforestdc.gov.uk
Subject: Il Bacio
Mike

Further to my ongoing complaints about Il Bacio please see below the picture taken at 23.10 today Friday 12th July.

As you can see there are numerous customers still on the premises and food and drink are still being served.

This follows a cacophonous past 4.5 hours of shouting customers, screaming kids and car noise.

I will continue to take pictures of Il Bacio after hours and keep forwarding them to you in the hope that EFDC can bring them under control.

Would you please ensure that Kim Tuckey receives this picture as evidence of Il Bacio repeatedly breaking their licence.

Regards
Ben Dunn

From: Benjamin Dunn <benjamin.dunn@eppingforestdc.gov.uk>
Date: 8 July 2013 23:18:01 BST
To: mrichardson@eppingforestdc.gov.uk
Subject: Il Bacio
Mike

Please find below a picture taken of customers drinking and making unacceptable noise at 23.12hours Monday 8th July 2013.

I was obviously ahead of myself in suggesting that the Il Bacio management had heeded your requests for noise management and adherence to their licence.

For over two hours this evening some of the customers had up to 10 children playing football in front of the houses and shops and were making a good deal of disturbance particularly when they were kicking the football and shouting and when their parents were screaming at them to be careful of the passing cars. To my knowledge at no time were they asked to prevent the noise by the management.

In light of this could I please rescind my comments of earlier today and ask that you commence measures to ensure that Il Bacio does in fact abide by their licence and permissions

kind regards

Ben Dunn

benjamin.dunn@eppingforestdc.gov.uk Queens Road,

From: **BENJAMIN DUNN**
Subject: Fwd: Il Bacio
Date: 15 October 2014 21:26
To: Neil Cohen

Sent from my iPad

Begin forwarded message:

From: Lesley dunn <[redacted]>
Date: 9 October 2014 12:40:56 BST
To: "r [redacted]" <[redacted]>
Subject: FW: Il Bacio

From: [redacted]
To: mrichardson@eppingforestdc.gov.uk
Subject: RE: Il Bacio
Date: Tue, 18 Sep 2012 15:57:08 +0100

Dear Mr Richardson

So in summary, they can do what they like when they like, regardless of how much it disturbs anyone else. Great to know the residents count for nothing!!!

Lesley Dunn

From: MRichardson@eppingforestdc.gov.uk
To: [redacted]
Subject: RE: Il Bacio
Date: Tue, 18 Sep 2012 10:48:49 +0000

Dear Mrs Dunn

Thank you for your email.

I have raised the matter regarding the tables and chairs with the restaurant. Unfortunately, the Council are unable to stop the owner from leaving his furniture on the pavement, however the police may be able to do something should there be an obstruction occurring. They can be contacted on their non-emergency number 101 should you wish to discuss the matter with them.

Regarding the close time, the licence permits alcohol sales until 23.00 hours. Unfortunately, whilst the licence for the restaurant states it will close at 23.30 hours, this is not an enforceable licencing condition, so theoretically the premises could stay open until 3am, providing they are not serving alcohol or hot food/drinks after 23.00 hours.

Regarding the horns beeping outside the restaurant, (I'm assuming this is from Taxis) I have asked the proprietor to ensure that any taxis booked by him on behalf of his customers do not beep their horns. Again, such disturbance is enforceable by the police, as it is covered under regulation 112 of the Highway Code. Similarly I have asked the manager to control (as reasonably practical) customers leaving the premises, however once they have left the near vicinity, these people are responsible for their own actions, and any anti-social behaviour is the responsibility of the police to deal with.

From: **BENJAMIN DUNN**
Subject: Fwd: Il Bacio
Date: 15 October 2014 21:26
To: Neil Cohen alisonjayme@aol.com

Sent from my iPad

Begin forwarded message:

From: Lesley dunn <
Date: 9 October 2014 12:40:56 BST
To:
Subject: FW: Il Bacio

From: !
To: mrichardson@eppingforestdc.gov.uk
Subject: RE: Il Bacio
Date: Tue, 18 Sep 2012 15:57:08 +0100

Dear Mr Richardson

So in summary, they can do what they like when they like, regardless of how much it disturbs anyone else. Great to know the residents count for nothing!!!

Lesley Dunn

From: MRichardson@eppingforestdc.gov.uk
To:
Subject: RE: Il Bacio
Date: Tue, 18 Sep 2012 10:48:49 +0000

Dear Mrs Dunn

Thank you for your email.

I have raised the matter regarding the tables and chairs with the restaurant. Unfortunately, the Council are unable to stop the owner from leaving his furniture on the pavement, however the police may be able to do something should there be an obstruction occurring. They can be contacted on their non-emergency number 101 should you wish to discuss the matter with them.

Regarding the close time, the licence permits alcohol sales until 23.00 hours. Unfortunately, whilst the licence for the restaurant states it will close at 23.30 hours, this is not an enforceable licencing condition, so theoretically the premises could stay open until 3am, providing they are not serving alcohol or hot food/drinks after 23.00 hours.

Regarding the horns beeping outside the restaurant, (I'm assuming this is from Taxis) I have asked the proprietor to ensure that any taxis booked by him on behalf of his customers do not beep their horns. Again, such disturbance is enforceable by the police, as it is covered under regulation 112 of the Highway Code. Similarly I have asked the manager to control (as reasonably practical) customers leaving the premises, however once they have left the near vicinity, these people are responsible for their own actions, and any anti-social behaviour is the responsibility of the police to deal with.

From: Benjamin Dunn
Subject: Fwd: Complaints against Il Bacio Restaurant, Queens Road, Buckhurst Hill
Date: 15 October 2014 16:01
To: Neil Cohen

Sent from my iPad

Begin forwarded message:

From: Benjamin Dunn <benjamin.dunn@epf.gov.uk>
Date: 8 July 2013 09:48:20 BST
To: "mrichardson@eppingforestdc.gov.uk" <mrichardson@eppingforestdc.gov.uk>
Subject: Complaints against Il Bacio Restaurant, Queens Road, Buckhurst Hill

Mike

Many thanks for your letter and your attention in the matter of Il Bacio restaurant.

Firstly, I had a lengthy call from a lady (whose name I didn't get) in the EFDC licensing department on Friday, where we discussed the same issues regarding Il Bacio.

I have attached a snapshot I took of Il Bacio at between 23.15 and 23.20 on Saturday 5th July 2013. It shows customers sitting on the patio area eating and drinking. Customers were still being served drinks at this time.

However, as I was just returning home with my wife and daughter from a party, the Il Bacio staff saw me taking the picture at this time, and they rapidly started to clear the tables and the customers.

Subsequently, Il Bacio closed early last night with customers and staff clear from the premises shortly after 23.00.

It appears obvious that the Il Bacio proprietor has been made aware of our complaints, through your offices, and further that he is aware that I am keeping tabs on their practices.

Both my wife and I are perfectly happy with the consideration that Il Bacio showed yesterday evening, in that noise was reasonable and the premises were cleared in a timely and acceptable fashion. If they continue in this manner we would be prepared to withdraw from further action.

That said, I would like to be able to have Kim Tuckey review whether they are adhering to the terms of their licence and planning permission obligations, in order to ensure that they both understand that consideration needs to be shown to neighbours and that they do in fact adhere to their permissions.

Once again thanks for your efforts and hopefully I won't have to keep tabs on them like I had to keep long term observations on the IRA when I was in the services! It will be much more pleasant here if they do continue to play ball.

Regards

Ben Dunn
Queens Road,
Buckhurst Hill,
Essex.

Sent from my iPad

Begin forwarded message:

From: Benjamin Dunn <benjamin.dunn@epf.gov.uk>
Date: 8 July 2013 09:32:52 BST
To: Ben Dunn <benjamin.dunn@epf.gov.uk>
Subject: Il Bacio



Joanne Owen

From: Joanne Owen
Sent: 05 November 2014 16:47
To: Joanne Owen (GCSX)
Subject: FW: Review - Il Bacio, 182 Queens Road, Buckhurst Hill

-----Original Message-----

From: Gavin [<mailto:gavin>]
Sent: 30 September 2014 20:46
To: Licensing
Subject: Review - Il Bacio, 182 Queens Road, Buckhurst Hill

My comments below on the above application review.

This restaurant should remain as a restaurant and not as a bar. I fully appreciate that the owners of this restaurant do good work for the local people community supporting events on queens road and is a popular destination for residents. However they do not appear to manage the Noise and the problems that come with people who had to much to drink in a residential area.

I think the issue is the outside space and allowing alcohol to be served outside. I don't have a huge issue with the times. However I would like to see a Sunday evening reduction in times and also no alcohol served on the outside part of the premises. This would help reduce some of the noise issues Which are causing a problem to our local residents.

Regards

Gavin

Sent from my iPhone

To: Corporate Support Services
Licensing Section
Kim Tuckey

From: Neighbourhoods Directorate
Mike Richardson
Environment & Neighbourhoods Officer

Date: 13 November 2014

Your ref:

Our ref: WK/201437194



**Licensing Act 2003
IL Bacio, 182 Queens Road, Buckhurst Hill, Essex, IG9 5BD**

I refer to the review, dated 22 October 2014, received from Ben Dunn and Parish Cllr Neil Cohen. I would like to submit the following information in relation to the review.

I have written to Mr Funedda at the premises earlier today (dated 10 November 2014), following the receipt of the review. This letter is in addition to that which I wrote to him on 22 October 2014, following a meeting at the premises on 13 October 2014, regarding the review received from Cllr Cohen earlier that month. A copy of my letters, dated 22 October 2014 and 10 November 2014 have been attached, as the conditions stated within the letters, particularly of 3 November, would form the conditions I would suggest for the inclusion of successful review. For clarity, I have also outlined them in this memo.

The Council has received a number of complaints since March 2012, as briefly outlined in the review submission, regarding a number of issues including customer noise (both in the curtilage of the property and on the street), to loud music and parking from customers. Most recently, complaints have been received about alleged unlicensed alcohol sales, noise from the customers as they leave the premises and early morning waste collections (before 7.00am). For clarity, I have outlined the issues raised by the recent complaint, Mr Dunn and Parish Councillor Cohen below, and the recent complaint regarding early morning waste collections.

1) Noise from customers

Diary sheets have been sent to 3 of the 7 complainants, including Mr Dunn's household, regarding the noise from the customers at the property.

Only one set from a neighbour was returned in October 2013, which resulted in monitoring being undertaken in January 2014. No significant noise was witnessed during this visit which could have been considered to be unreasonable, although customers were witnessed leaving the premises, and talking as they left. Although it is accepted that this monitoring was carried out in the winter rather than the summer months when noise from such activities are likely to be more apparent.

Further monitoring was also carried out in the street on 26 September 2014. This evening was mild, and people were dining on the patio area when I arrived at about 21.30 hours. Whilst general chatter was observed, noise from the patio area was not considered to be unreasonable. I noticed that the patio area had been cleared by 22.50 hours (and probably before this, as I had been parked further down Queens Road).

I parked opposite the restaurant, later in the evening and noticed that the the front door and windows were open. This was allowing noise from customers' reasonable conversations to escape into the street. When they were closed, the noise was negligible.

It is regretful that further monitoring was not carried out in the summer months, however I had contacted one of the residents to arrange a visit late May, but they were unable to provide me with a time to visit them, due to their work pattern.

Whilst monitoring in the street does provide some information regarding activities at the premise, to form an accurate opinion if the noise from the premises is causing a public nuisance or a statutory nuisance monitoring should be carried out in the complaint's property.

In summary, regarding noise from customers, there is insufficient evidence independently gathered by the Council to confirm that a public nuisance is occurring. However, I can appreciate that customers using the patio area, until gone 23.00 hours has the capacity to cause disturbance to neighbours.

During my meeting with the DPS, Mr Funedda on 13 October 2014, we discussed restricting the use of the outside area to reduce the disturbance to neighbours. Mr Fundedda and his team suggested that they would be able to clear the outside area by 22.00 hours, but to ensure that the patio area is cleared by 22.30 hours.

Whilst an improvement on the current arrangements, upon reflection, this may be considered to still be too late, and as such I would recommend that the panel decide what hour is acceptable for customers to be out on the patio, eating and drinking, and the associated noise caused by this activity, whilst not unduly restricting the trade of the premises. I believe that the range of hours where the outside area can be used could be restricted to between 21.00 hours until the current time.

I would recommend that the following condition is imposed:

The outside seating area shall be cleared of customers by XXXXX, except for those who are smoking on the patio area.

No food or drink shall be consumed on the patio area after XXXXX hours.

Reason: To protect the nearby residents from excessive noise and prevent a public nuisance

Additionally, the following condition may also be imposed, to restrict the noise from customers within the premises:

All external doors and windows shall be closed by XXXX hours to minimise the noise breakout from the property, other than for entry and exit of patrons.

Reason: To protect the nearby residents from excessive noise and prevent a public nuisance

2) Tables on the highway

This matter was brought to my attention in 2012, which I raised with the restaurant and the matter was resolved. It is my understanding that this is no longer an issue.

3) After hours sales and consumption

The current premises licence permits the sale of alcohol until 23.00 hours. As you are aware, this does not mean that consumption must cease at this hour, but diners can finish off their meal and drink until the premises closes.

However, when I visited on 28 September, I heard the manager, Carmen Lorenzi order a limoncillo for a customer at about 23.26 hours. I have discussed the matter with Mr Funedda and Mr Lorenzi during my meeting of 13 October 2014, and they informed me that this was a complimentary drink that they offer their customers after they have paid their bill, which is a traditional Sardinian restaurant practice. There currently is no evidence to refute this version of events, however further monitoring may be carried out should the allegations continue to be made.

It is the Council's understanding that the provision of an alcoholic "digestifs," providing it is a bonafide free drink, is not a licensable activity, and therefore not enforceable.

4) Current conditions of licence

The review of the licence provides an opportunity to review the current conditions of the licence, and as such, I would recommend that the following condition is removed and/or varied.

Condition 2 under the licencing objective of the Prevention of Public Nuisance requires the premises to have a noise limiter.

I consider that such a condition is not proportionate or necessary, as the venue is licenced only for recorded music (which is essentially background music), and that the music can be easily controlled by the manager, ensuring that the noise levels are at a reasonable level by monitoring outside the property.

If, however, the committee choose to ensure that music from the property is controlled by condition, I recommend that the following condition is applied to replace it. This will help prevent a public nuisance, but does not require the installation of an automatic control device:

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.

A written record of the monitoring shall be kept on site for examination by authorised officers of the Council or Police on request. The written record should include details of any complaints received by members of the public and action taken in response

The Premises Supervisor (or representative) can ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

Reason: To protect the nearby residents from excessive noise and prevent a public nuisance

5) Noise from refuse collection

The review of the licence is also an opportune time to review other activities at the premises. Complaints have recently been received regarding waste collections at the property before the Council's recommended start time of 07.00 hours.

Investigations are ongoing to establish if the complaints are valid, however I would recommend the following condition is included:

Deliveries to and waste collections from the premises should not occur outside of the following hours:

07.00 hours-18.30 hours, Monday-Friday

08.00-13.00 hours, Saturday

None on Sunday or Bank Holidays

Reason: To protect the nearby residents from disturbance from deliveries and collections from the premises, and to prevent a public nuisance

If you wish to discuss any of my comments please contact me on (01992) 564422.

Mike Richardson
Environment & Neighbourhoods Officer

Date: 13 November 2014

Our Ref: WK/201437194

Your Ref:

Mr L Funedda
IL Bacio
182 Queens Road
Buckhurst Hill
Essex
IG9 5BD

Neighbourhoods Directorate

Civic Offices High Street
Epping Essex CM16 4BZ

Telephone: 01992 564000
DX: 40409 Epping

Director of Neighbourhoods
and Deputy Chief Executive
Derek Macnab

Enquiries to:

Mike Richardson (01992) 564422
email:mrichardson@eppingforestdc.gov.uk

Dear Mr Funedda

**Environmental Protection Act 1990
Licensing Act 2003
IL Bacio, 182 Queens Road, Buckhurst Hill
Alleged noise nuisance and review of premises license**

I refer to my visit to Il Bacio, Buckhurst Hill on 13 October 2014, and our discussions with Mr Alonso, Mr Lorenzi and your wife, and my letter, dated 22 October 2014 in response to the previous review of your licence, which was subsequently withdrawn.

As you are aware, a further review has been received, dated 22 October 2014. Consultation for this review finishes on 20 November 2014.

I therefore like to reiterate the advice I made in my letter of 22 October 2014 regarding these matters. Such conditions recommended below will form part of the representations made by the Council regarding the review of the license.

1) Noise from customers on patio area at the front of your property.

As you are aware, concern has been raised regarding noise from customers on the patio area, particularly if they are dining in the evening. Diary sheets submitted by nearby residents would suggest that noise from this area is disturbing, and has the potential to cause a public nuisance, particularly in the summer months.

However, to date, there is insufficient evidence gathered by the Council to confirm the situation, and further monitoring will be required to establish if such an issue is actionable by the Council.

During our meeting, we discussed how this could be controlled, and the Il Bacio team suggested that the outside patio area will be cleared of customers (except for those who may be smoking) by 22.30 hours, with clearance starting by 22.00 hours.

Upon further reflection, I feel that 22.30 hours may still be too late and that clearing the patio area by 21.00 hours may be more appropriate in this locality, particularly in light of your close proximity to residential properties. I do recognise that this is an earlier time than you had previously suggested.

I would, therefore suggest the following conditions are added to your licence, to regulate this matter, with the final decision regarding the hour by which the patio is cleared be left to the discretion of the panel:

The outside seating area shall be cleared of customers by 21:00, except for those who are smoking on the patio area.

No food or drink shall be consumed on the patio area after 21:00 hours.

Reason: To protect the nearby residents from excessive noise and prevent a public nuisance

2) Smoking on the patio area

When customers congregate outside the premises on the highway or your patio area to smoke at the end of the meal, or between courses, noise from their conversations could cause an issue to neighbouring residential properties. In order to minimise this disturbance, particularly after the patio area is cleared, I would recommend that drinks are not taken outside, to minimise the likelihood of customers lingering on the patio area after 21.00 hours. This can be formalised by using the condition above.

As you are aware, your licence permits the consumption of alcohol on the premises only, and not off the premises. Therefore you should ensure that, at all times, customers do not take drinks onto the pavement outside your property.

3) Open doors and windows

During my recent visit on the evening of 26 September 2014, I noticed that, when the doors and windows of the restaurant were closed, the noise from the restaurant which was audible in the street was minimal. Therefore, I would recommend that they are closed as much as possible in the evening to prevent noise breakout into the street.

To facilitate this, you will have to consider mechanical ventilation (eg air conditioning) within the restaurant, to ensure a comfortable temperature for customers, particularly in the summer months.

As such, I would recommend the following condition, in line with the hours of clearing the patio area, again with the hours left to the discretion of the licencing committee:

All external doors and windows shall be closed by 21.00 hours to minimise the noise breakout from the property, other than for entry and exit of patrons.

Reason: To protect the nearby residents from excessive noise and prevent a public nuisance

4) Compliance with conditions of licence

During our conversation on 13 October, we discussed the current conditions of your licence, and their relevance.

You informed me that you are not part of the local pub watch scheme, which is based in Loughton, nor do you have a noise limiter. These are requirements of your licence, as detailed in Condition 2 – The Prevention of Crime and Disorder, and Condition 2 – The Prevention of Public Nuisance.

I understand that you do not consider that these conditions are relevant for your property. I agree that it is not necessary for you to have a noise limiter to enable you to control the music from your property.

However, the conditions are in place, so I advise that you either comply with their requirements or ask the licencing panel to consider replacing the condition requiring you to have a noise limiter. I would recommend that this requirement is replaced with the following condition, as I am of the opinion that it is more appropriate in your circumstances, in order to prevent a public nuisance from occurring::

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.

A written record of the monitoring shall be kept on site for examination by authorised officers of the Council or Police on request. The written record should include details of any complaints received by members of the public and action taken in response

The Premises Supervisor (or representative) can ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

Reason: To protect the nearby residents from excessive noise and prevent a public nuisance

I would be happy to recommend that these conditions are replaced, providing the above condition is included in the application to vary the licence.

5) Erection of signs

Your licence requires you to “encourage customers to leave quietly” and that “the premises will post notices to enforce this and these notices shall be visible at all times”.

During my visit, it was pointed out to me that you have such signs on the side walls of the patio area and on the menu board which is situated outside your premises when you are open.

These signs have deteriorated over the last 3 years, and are not very obvious. I would therefore request that they are replaced with better quality signs, and placed in more prominent positions.

I recommend that at least one is placed outside on the patio area, where customers are likely to notice it, and also above and/or on the door leading to the patio area, so customers will notice the signs as they leave the restaurant.

6) Sale of alcohol and late night refreshments

As you are aware, allegations have been made that alcohol is being sold at your property after your permitted licencing hours of 23.00 hours. From our conversation, you informed me that this is not the case, but that you offer customers a complimentary limoncello after their meal.

If this is the case, and that you are offering your customers a bonafide free alcoholic drink, it is the Council's understanding that you are not breaching the terms of your licence. However, you should ensure that you do not sell alcohol, or provide any hot drinks or food

after 23.00 hours (except on New Years Eve, where you are licenced until 02.00 hours) to ensure that you comply with your licence.

If you would like to sell alcohol, or provide hot food and drink after 23.00 hours, a variation to your licence will need to be applied for.

7) Noise from waste collections

Complaints continue to be received regarding early morning waste collections from your property, before the Council's recommended time of 7.00am.

I have contacted your contractor, Grounds & Surrounds, to inform them of the allegation. However, as the party responsible for employing Grounds & Surrounds to collect your waste, you have a responsibility to ensure that they comply with the relevant requirements. I would, therefore, be grateful if you contact them, and inform them of the severity of the allegations and that waste should not be collected before 7.00am from your property.

If complaints continue to be received, monitoring will be carried out to investigate if noise from waste collections amounts to a statutory nuisance. If it is found that Grounds & Surrounds continue to collect waste from your property at an unreasonable time, the Council will be obliged to take formal action to regulate the collections if a statutory nuisance is established. Such action will be taken against both Grounds & Surrounds and Il Bacio as the parties responsible for the collection.

I have, however also recommended the following condition be applied to your licence, should the review prove to be successful, to further require you to ensure that your waste (and any deliveries you may receive) occur at a reasonable time:

Deliveries to and waste collections from the premises should not occur outside of the following hours:

07.00 hours-18.30 hours, Monday-Friday

08.00-13.00 hours, Saturday

None on Sunday or Bank Holidays

Reason: To protect the nearby residents from disturbance from deliveries and collections from the premises, and to prevent a public nuisance

8) Further action

If further complaints are received, either regarding allegations of noise nuisance or breaches of the premises licence, monitoring will be carried out to establish the validity of the complaints. This investigation may involve making programmed or reactive visits to the area and the use of recording equipment.

If a statutory noise nuisance is established, the Council is obliged to serve a noise abatement notice to control the issue.

I would welcome your written comments in response to the above recommendations within the next 14 days. If you intend to vary the conditions of the licence, I would expect such a variation to be submitted within 14 days after the outcome of the review hearing, providing these matters are not addressed in the review.

If you have any comments regarding the matter, I should be grateful if you would telephone me on (01992) 564422 or write to me at the above address.

Yours sincerely


Mike Richardson
Environment & Neighbourhoods Officer

c.c. Joanne Owen, Licensing Officer, EFDC

Mrs J Heal
Queens Road
Buckhurst Hill
Essex

The Licensing Team
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4B

Your Ref WK/201436031

16th November 2014

Dear Sirs,

Thank you for your letter of the 24th October concerning Il Bacio premises licence.

As a close resident I object to the above premises offering licence as it affects our residential peace, parking, quiet, and causes general nuisance.

Over the last summer there has been an increase of noise late in the evening. This can only be down to Il Bacio as the Buckhurst Hill Tandoori was closed whilst changing management.

The situation with parking is likewise. Residents that visit friends and relatives in the evening find that they are forced to park in the surrounding streets when returning later. This is in turn antagonising the population in those streets.

I trust you will bear these points in mind regarding any relaxation of their license.

Yours faithfully,

Mrs J. Heal

R.M. WOODLEIGH D.O.

Registered with the General Osteopathic Council

(Osteopaths Act 1993)

PPP & WPA Approved

and Associates

www.thegoodhealthpractice.com

Good Health Practice
73 Mundania Road
Dulwich SE22 0NW
Tel 020 8299 0181

Good Health Practice
161 Queens Road
Buckhurst Hill, Essex IG9 5AZ
Tel 020 8505 8353

Ref Wk/201436031

Dear Sir/Madam,

Re 12 Bacio 182, Queens Road, Buckhurst Hill, Essex.

On the grounds of Public nuisance.
I live in the flat above my shop and very often have my windows open especially in the summer.

The noise is very bad especially with all the people eating outside the building, shouting and screaming sometimes till dawn.

There has never been any consideration or consultation from 12 Bacio to find out if the local residents are happy.
All we want is a decent night's sleep and sometimes wonder why the noise of their customers are allowed to let up all hours up to 1.00

Page 43

Yours Sincerely,

R.M. WOODLEIGH D.O.
Registered with the General Osteopathic Council
(Osteopaths Act 1993)
PPP & WPA Approved
and Associates
www.thegoodhealthpractice.com

Good Health Practice
73 Mundania Road
Dulwich SE22 0NW
Tel 020 8299 0181

Good Health Practice
161 Queens Road
Buckhurst Hill, Essex IG9 5AZ
Tel 020 8505 8353

Dear Sir / Madam

Ref WK/2014 36031.

Premises 12. Bacio 182 Queens Rd, Buck-
hurst Hill, Essex IG9 5AZ.

On grounds of Public nuisance.
I run a Practice that relies on peace
and quiet with patients that can be
quite ill.

The noise in the evening is quite loud
and does disturb the peace in the
road.

Yours sincerely,

REF WK/201433365

24/10/2014

PREMIS: IL BACIO, 182 QUEBENS ROAD BUCKHURST HILL

E.F.D. COUNCIL,
LICENSING UNIT CIVIC OFFICES,
HIGH STREET,
EDDING, ESSEX
CM164BZ

Mr. R. J. BLOOR
QUEBENS ROAD
BUCKHURST HILL, ESSEX.

(TELE:-

Dear sirs

I would like to register a complaint in terms of a public nuisance. I live opposite the said premises.

My complaint is regarding the outside seating.

This restaurant is trading up to 1AM in the morning during the summer period.

The noise of people drinking too much alcohol is very loud and they seem reluctant to leave the premises, standing around outside talking very loudly for quite a while. This makes trying to relax or going to sleep very difficult.

In my opinion a sensible restriction should be put on the time after which people can dine outside the restaurant.

Yours faithfully

Joanne Owen

From: Steve Kingsley
Sent: 30 October 2014 05:36
To: Joanne Owen
Subject: Re: Il Bacio 182 Queens Road, Buckhurst Hill - Premises Licence Review application

Good morning Joanne. I would like to submit an application for a review of the current license of Il Bacio Restaurant 182 Queens Road Buckhurst Hill Essex IG9 5BD. My reasons are The prevention of public nuisance.
Kind regards Steve.

Sent from my iPhone

On 24 Oct 2014, at 14:55, Joanne Owen <jowen@eppingforestdc.gov.uk> wrote:

Good Afternoon Steve

Further to our recent correspondence. I would like to draw your attention that another review application has been placed by Cllr Cohen and Ben Dunn.

As you had corresponded to the previous application you may wish to re-submit your letter.

Consultation start date: 24th October 2014
Consultation end date: 20th November 2014

Please do not hesitate to contact me if you require any further clarification.

Joanne Owen
Licensing Compliance Officer



☎ 01992 564299
Thursday to Friday
✉ jowen@eppingforestdc.gov.uk
www.eppingforestdc.gov.uk

DISCLAIMER

This email is for the use of the intended recipients only. Any opinion or advice it contains is that of the sender and does not bind the authority in any way. If you have received it in error, please notify the sender immediately and then delete the message. If you are not the intended recipient you must not use, disclose, copy or distribute this email. We have taken precautions to minimise the risk of transmitting software viruses, but we advise that you carry out your own virus checks on an attachment to this message. We cannot accept liability for any loss or damage caused by software viruses.

Internet email is not a secure communication medium,
and we advise that you observe this lack of security when emailing us.



 <p>Epping Forest District Council</p> <p>Civic Offices High Street Epping CM16 4BZ</p>	<p>Il Bacio 182 Queens Road Buckhurst Hill</p>	<p>Centre X: 541039.693 Centre Y: 193869.128 Width : 263.470 Angle : .000</p>
	<p>Scale : 1:1464 Date : 21 Nov 2014</p>	<p>Time : 02:43:45 PM</p>
<p>Page 47</p> <p>Contains Ordnance Survey & Royal Mail Data © Crown Copyright & Database Right 2012, EFDC License No: 100018534 2012 © Royal Mail Copyright & Database Right 2012, © Environment Agency, © Copyright Geo Perspectives, © Natural England 2012, Reproduced with the permission of Natural England</p>		



Licensing Department, Loughton Police Station
158 High Road, Loughton, IG10 4BE
Telephone: 01279 625 405

Website: www.essex.police.uk Email: Peter.Jones@essex.pnn.police.uk

Mrs Kim Tuckey
Licensing Department
Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4BZ

31 October 2014

Dear Kim,

LICENSING ACT 2003 – REVIEW OF PREMISES LICENCE SECTION 51

PREMISE: Il Bacio, 182 Queens Road, Buckhurst Hill, Essex, IG9 5BD

Further to the above application for the Review of a Premises Licence received on 24 October 2014. I can now confirm that Essex Police will not be making any comments in respect of the licensing objectives.

Yours sincerely,

Mr Peter Jones ABII
Epping & Brentwood Licensing Officer
West LPA

Prince's Road
Buckhurst Hill
Essex

27th October 2014

Epping Forest District Council
Licensing Unit Civic Offices
High street
Epping
Essex
CM16 4BZ

Dear Sir/Madam,

Your Reference: WK/201436031
Premises:- Il Bacio, 182 Queens Road, Buckhurst Hill

We are writing again to make representation for Il Bacio and to support their continued License. We are, therefore, against Mr Dunn's and Cllr Cohen's application to have this reviewed.

We have never had any concerns or issues with any of the four grounds listed. Furthermore we have never heard any complaints being made about the restaurant, staff or any other aspect of the business from our neighbours or other local people.

We eat at the restaurant about once a month, one of the reasons being that you can talk and listen to each other easily, the music at a sensible volume. We have never witnessed disorderly or unpleasant behaviour by any other customers.

We both regularly walk past the restaurant in the evening and have never seen or heard anything untoward.

Yours faithfully

Margaret Drew

Christopher Drew

Joanne Owen

From: Gordon Burgess
Sent: 12 November 2014 14:54
To: Licensing
Subject: IL Bacio

To Whom it May Concern,

I was disappointed to see that a number of complaints have been made against this restaurant regarding noise and unruly behaviour. I would like to inform you that I have lived at Queens Road for the last 7 months, with my bedroom facing the high street with the top window open for most of this time. During this time I have had absolutely no reason for complaint regarding the alleged allegation of noise and nuisance from the customers entering or leaving the restaurant, I have no idea why this allegation has been made, but can assure that from my position I believe them to be totally unfounded. I am very happy to support IL Bacio against these allegations.

Please feel free to contact me should you require any more information.

Yours Sincerely

Mr Gordon Burgess
Flat
Queens Road
Buckhurst Hill

Joanne Owen

From: Julie Taylor ·
Sent: 13 November 2014 20:28
To: Licensing
Subject: Il Bacio Licence review

Dear Sirs,

My reasons for this email are two fold. Firstly, being a long standing resident of Buckhurst Hill, I would like to write in support of Il Bacio. I live in Princes Road, very close to the restaurant and have never had any grounds to complain about noise, crime or disorder. My family and I eat in Il Bacio regularly and most of the other diners are family groups too. I have no idea how the restaurant could be considered a risk to public safety or indeed what harm children need protecting from; the fact is that the proprietors of the restaurant are family people and have always welcomed children into their restaurant. I enjoy eating out in most of the other restaurants in Queens Road too and enjoy the fact that I live in such a vibrant, cosmopolitan and safe community. During the summer I often hear music and chatter coming up from Catch restaurant (this is not a problem and I often dine in Catch) as my bedroom window is facing Queens Road, but it was my choice to live in such close proximity to Queens Road and accept that, naturally, there will be some background noise.

My second reason for this email is regarding what I would consider an abuse of position. I see that the applicant name for the review is Cllr Neil Cohen. I understand that he is a resident of Queens Road but surely there is a conflict of interest as he himself is a chef proprietor?

I rarely write these type of letters but do feel strongly in this case as it seems to be extremely unjustified.

Yours faithfully,

Julie Taylor

Joanne Owen

From: eimhear mcintyre <
Sent: 10 November 2014 09:49
To: Licensing
Subject: il bacio , 182 queens rd,ig95bd

To whom it may concern,

I have a shop on queens rd ,number 180 ,Coco ltd. I am situated directly next door and adjoining Il bacio. I was very surprised to learn that Il bacio is to have its license reviewed. I have been at 180 for 5 years. Il bacio opened 3 years ago.

I have never ever heard or had a problem with noise from Il bacio. I am often at the salon until 10 in the evening and never heard a thing . I have also had a meal there until late in the evening and upon leaving was told to keep the noise down.

I feel that Il bacio is a lovely family restaurant ,where people can bring even their small children which is a rarity these days,and for it to lose its license is a tragedy. Most other restaurants/bars in our area are full of loud drunken louts and embrace The "towie" culture.

I also have in the region on 20 to 30 clients to my shop a day all of whom have no problem parking on the street . I have never had anyone complain about my neighbours.

I hope my email is of some help.

Kind regards,

Eimhear Gowers.

Jo Butler
Little West Hatch
High Road
Chigwell
Essex

E:

14 October 2014

To all at Il Bacio

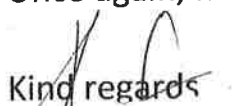
CHARITY COFFEE MORNING FOR SMILES WITH GRACE

We just wanted to let you know that last week we held our coffee morning in aid of Smiles with Grace, and with your help managed to raise an amazing £1718!

Your gift voucher was won in our raffle by Sam, who was absolutely delighted!

Smiles with Grace are very grateful for our fundraising efforts and there is some information about the coffee morning on their website smileswithgrace.org

Once again, many thanks for your continued support.


Kind regards

Jo Butler and Marlene Kent

**Wimborne Close
Buckhurst Hill
Essex**

31 October 2014

The Proprietor
Il Bacio
Queens Road
Buckhurst Hill
Essex

Dear Sir

I keep receiving countless letters from Epping Forest District Council regarding your premises.

I thought I would drop you a quick note to say I am in complete support of your application. I have never complained about the noise level (because there isn't any) and cannot understand why there seems to be a problem.

I have frequented your restaurant several times and find it has a lovely atmosphere, is very family oriented and is not noisy in the slightest. If it was I would certainly not be eating there. Whenever I walk past people are just having an enjoyable evening. There is no shouting, screaming, fighting or any other sort of disturbance

If you need anything else, please do not hesitate to contact me.

Yours faithfully

Wendi Vaughan

Joanne Owen

From: Gary Stoakes ·
Sent: 17 November 2014 21:32
To: Licensing
Subject: WK/201436031 - IL Bacio, 182 Queens Road, Buckhurst Hill

Dear Councillors,

In response to your letter regarding the license of Il Bacio at 182 Queens Road Buckhurst Hill I wish to make the following comment.

My wife and I and our 2 sons live at 182 Queens Road and we have lived here since 1997. One of the deciding factors for us choosing to live here was the mix of residential and retail which means it is an active street. We enjoy the fact that there is activity on the street and that we are able to walk to facilities such as shops and restaurants and bars.

During our time on Queens Road we have seen the upper end of the road suffer quite badly, particularly during this recession with many premises closing down. Recently it has been good to see some more activity at the upper end of the road, in particular the restaurants.

We have eaten in these restaurants on many occasions and in particular Il Bacio. The staff there have always been very welcoming and friendly and the restaurant has a traditional family feel about it. I walk past the restaurant almost every evening on my way home from work and am amazed that an application has been received to review the license under the prevention of crime, disorder and public nuisance. I have never experienced anything at any point while passing or frequenting the restaurant that would suggest that this was necessary.

We have been very pleased that Il Bacio has opened on Queens Road and it is very popular with many local residents. We would therefore be very disappointed if its license was rescinded. We would urge Councillors to recognise that this facility is a huge asset to the neighbourhood and brings footfall from lunchtime onwards to the top end of Queens Road that benefits other retailers. The last thing we want to see is more empty shop units on Queens Road

Gary Stoakes

Petition Form for IL Bacio, 182 Queens Road,
Buckhurst Hill, Essex, IG9 5BD

By signing below you are stating that you have never had any problems from IL Bacio with;

1. The Prevention of Crime and Disorder: -
Public nuisance, drunkenness, noise and general anti-social behaviour, in the locality.
2. Prevention of Public Nuisance: -
Consistant recorded noise nuisance complaints from interested parties.

Signed by 60 Residents.

To Whom it May Concern,

As a visitor to Il Bacio I was surprised to learn it had been accused of being rowdy. It was the epitome of relaxed sophistication. And a valuable addition to the neighborhood.

Andrea
Partner



Michael
Epping New Rd.
Backwest Hill.

I live in the area and work in Queens Road,

Il Bacio is a great little place and a hub of the community. We need more places like this not less. Can't believe this frivolous accusation has got this far.

Karina Cloze

I live and work in the area, and have been a regular patron since it opened, both for lunch and dinner. The restaurant is very special, because not only does it provide great food, it has a wonderful 'family' atmosphere. I have never experienced any anti-social behaviour and feel that any complaint is unfounded.

Suzanne E. H.

I own Saijo at 164
Queens Rd - & have found
Luigi & Michaela most helpful,
warm & welcoming - a great
addition to De Road.
We need more businesses that
are personally run - bringing
"clients" to the road at this
difficult time.

I am a resident of Buckhurst Hill +
also work in tuens rd, And have
never had any problems re Ilbacio.
Always friendly + a welcoming part
of the community.

Michaela + Luigi are a very Community
Spinted and do not deserve to be targeted.

Il Bacio is a revelation! We have been coming to this restaurant since it first opened, mainly with our children and always received fantastic service and consideration from staff + owners.

This restaurant has a fantastic reputation within the community and was a much needed addition to the local area.

Surely residents looking for peace & quiet could choose more suitable roads to live in.

We celebrate individual, family run, hardworking businesses.

Lute & Nichole
Monkhams Drive
Woodford Green

Totally shocked. have used Il baccio since its opened both on a professional + personal level. There has never been a more lovely place locally to go to.

There has never been a night when music or entertainment has been loud or inappropriate. It is very obvious this complaint has come from a very insecure, jealous local has been who is not invdved in local restaurants these days who feels the need to cause trouble for a successful lovely family orientated restaurant.

Mrs. G. - Newham Close Houghton

~~Jason~~
Chestnut Cottages
Theydon Bars

My family & I, have used
both Restuarant's since open
- am completely surprised -
as far as I am concerned - the
running of both Establishments are
run with the upmost of respect
to surrounding areas & are very
considerate of residents & noise etc.

My family + 4 children have been
coming to ibacio since it opened on
a regular basis and have never seen any
rude - rude people here.

the accusations are totally untrue

Moy
NEWNITAM CLOSE
LOUGHTON
ESSEX

Shocked to hear this from
Such a lovely quiet restaurant
- Perfect location to bring
children to in no harm
whatsoever - very accomadating
I believe this accusation
is from other jews local
businesses

Ellie
The Heights
Loughton
Essex

Woolferton Green 1410

Unbelievable - totally untrue!!
Beautiful family orientated...
~~near~~ restaurant - frequent
since opening - very respectful
of residents etc - shocking
at accusations!!

FITZGERALD
MILLSMEAD WAY

Multiple Kukulery (Dad + Kukulery).

My favourite local restaurant!

My dad came from Scotland as
he loves it here - My friend Kukulery
also enjoys the hospitality here -
he lives in Hampshire! xxx.

WE HAVE BEEN COMING TO IL BRACIO
SINCE IT OPENED. IT IS FRIENDLY &
HIGH QUALITY, & WE ALWAYS FEEL ITS
THE BEST PLACE TO BRING OUR TWO
CHILDREN (2 & 4).

HIGH ROAD
BUCKHURST HILL

Hi, I LIVE @ FARM WAY, BUCKHURST HILL

I HAVE BEEN COMING TO LI ZACHIO WITH MY FAMILY FOR 1 YEAR NOW. AND MUST SAY I HAVE ALWAYS FOUND THE RESTAURANT A GREAT EXPERIENCE FOR FAMILY DINING !!!

I love this place!! If it wasn't here I would probably move!!

We live at Queens R.d and
frequently dine at Il Bacio with our
family. The restaurant is a friendly
restaurant that is very accepting of
family and children due to Luigi and
Michela being very warm and welcoming.
I am appalled at this complaint
it's unfair and unjust. Il Bacio has been
an asset to Queens R.d.

We are from 154 Queen's Road (Supadance)
We have no problems with the restaurant opposite
IL Bacio since they open.

Supadance

We are from Queens Road, opposite of 11 Bas

We have never had problems with the restaurant
at all since they opened.

We are totally shocked to read of the notices of review for the il bacio restaurant. We have been coming to this restaurant since it opened & up until 8 months ago we lived at the top of the road & have never had reason to complain about anti-social behaviour & drunkenness from the clientele.

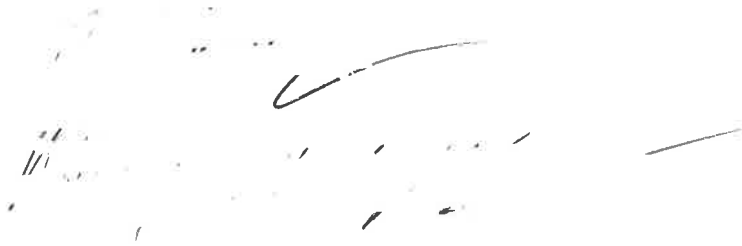
Leo & Lara ?

I'm a business neighbor
and I have not had any
problems with Jill Garcia what so ever!

at
Herald
Queens Rd.

We are a local business, Luxe Watches and
have had no problems with Il Baccio at all

Queens Road, Buckhurst Hill



Jacquin + Simon

Boblyn Court
Buckhurst Hill

I use this wonderful Restaurant often. The complaints that have been mentioned are a complete fabrication and these premises should be allowed to continue like they have been for the last 3 1/2 years.

Norman & Carol
Very special restaurant
We love it!

~~The~~ Il Bacio is a family restaurant, filled with civilised and well mannered guests. We would not dine here with our children if it was not. We love this restaurant. Professional staff + management, child friendly. NEVER EVER witnessed any drunken or anti-social behaviour! Regards,

Rosenfeld +
Sheldrick

DEVON CLOSE,

COOK (AND)
CHICKEN

DAVE
SPRY

It ~~is~~ is just a truly
wonderful FAMILY
Restaurant - and can't
believe these ridiculous
accusations -

Brown
COOK (AND) DRINK
CHICKEN ESSE

Grant & Kerry → ... (+ x2 kids) ☐
Queens Road. ▽ ☐
Bockhurst Hill, ... Tel.
Essex. _____

We live in Queens Road. El-Bacio is
a fantastic restaurant. A ^{good} family restaurant
that is popular with friends & family. I
I have never seen bad behaviour, and
the management have always been profes-
and serious, and I believe this is
unfounded. It would be a great loss to
Queens Road. Regards Grant + Kerry.

Jodi and Paul

Queens Road

Buckhurst Hill

Essex

IL Bacio is the nicest family restaurant in Buckhurst Hill. We have, as a family, been coming here since it opened. The restaurant staff and those who visit are always respectful of the Queens Road community, and embrace a safe environment for everyone.

We have lived in Queens Road for 15 years, and the village atmosphere that created by the likes of IL Bacio is the reason that we are so happy here!

Regards!

Paul ^x

Soplate (plur chister every now again when he walks past!!)

ZUIDHORN
SEWARDSTONE ROAD

WE USE THE RESTAURANT QUITE A LOT AND WOULD
RECOMMEND IT TO ALL WHO ASK.

WE ARE NOT TEENAGERS, WE ARE IN FACT IN OUR
60'S

SHOULD THIS RESTAURANT BE OF UNRULY BEHAVIOUR
AND LOUD WE WOULD NOT EVEN CONSIDER COMING
TO THE PREMISES.

I HAVE BEEN A LICENCEE MYSELF AND WOULD
CLASS THIS PREMISES AS FIRST CLASS

SINCLAIR

Alison + Kevin r
Willow close
Buckhurst Hill.

We visit the restaurant regularly and have not noticed any unpleasant behaviour in the inside or outside; The staff and management would not accept this. This is a great family restaurant with a nice friendly atmosphere with extremely friendly staff.

Great restaurant

Great service + staff

All the very best.

Alison + Kevin.

Julie, Scott + George ? -

Princes Rd
Buckhurst Hill
Essex

Best local restaurant, very family oriented. Always a fantastic meal served by friendly staff - just like being on holiday! Never had cause for concern by noise (we live at the back of 'il Bacio')

Frances Richmond & Jack
Queens Road
Wickham Hill,

We live doors down from LI Bacio &
have never had cause for complaint in the
year we have been living on Queens Road.

Both staff & customers are friendly & well
mannered and in no way anti-social.

LI Bacio creates a wonderful atmosphere on
Queens Road & this accusation is a crying
shame.

& Jack

Mr & Mrs L

The Drive

Buckhurst Hill

Essex

We eat regularly in il Bacio in
Buckhurst Hill and at no time have
we experienced anything other than a
quiet, friendly + respectful atmosphere
in a beautiful family restaurant.

... & ... le...

il Bacio does the best service in
the area for families for special
occasions.

le...

What a great asset to the
local community IH Bacio is. Luigi
and his staff have made ourselves
and our clients welcome to the
area so welcome.

We have enjoyed so many family
events there and will forward to
so many more.

Steve d Komen

Louyht
KSSix

X.

Dear Il Bacio, Thank you for a lovely time. Your support for all our community events, always a ray of sunshine, is so welcome.

Thank you.

Margaret
~~XXX~~

IT HAS NOT ESCAPED MY NOTICE THAT THE MAIN COMPLAINTANT OWNS/RUNS A LESS POPULAR, RIVAL BUSINESS WITHIN THE LOCAL AREA. IS THIS A RATHER PATHETIC ATTEMPT TO GAIN A COMMERCIAL ADVANTAGE, OR SIMPLY JUST A CASE OF SOUR GRAPES?

THE LOSS OF IL BACIO WOULD BE A MUCH WIDER LOSS TO THE LOCAL COMMUNITY.

LUKE & MICHELLE ()
MONKHAM DRIVE

Wild, untrue accusations 😊 totally untrue.
We have been coming to Il. Bacio since
it opened as a family, adults only,
girls only and celebrations. The atmosphere
is fabulous and never have we experienced
inruly behaviour from anyone, at any time.

Good Luck Il Bacio - not that you
need it 😊

With love Alanna, Howard, Byle + Devia
XXXXX

PREMISES LICENCE

Part A



Premises licence number:

LN/210006474

Part 1 – Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:

IL Bacio
182 Queens Road

Post Town: Buckhurst Hill
Post code: IG9 5BD

Telephone number: 02085 057077

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

Supply of Alcohol
Recorded Music
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Recorded Music
Monday – Sunday 11:00am – 23:00pm
New Years Eve- 11:00am - 2:00am

Supply of Alcohol
Monday- Sunday 11:00am – 23:00pm
New Years Eve 11:00am – 2:00am

Late Night Refreshment
New Years Eve 23:00pm – 2:00am

The opening hours of the premises:

Monday – Sunday 11:00am – 23:30pm
New Years Eve 11:00am – 2:30am

Where the licence authorises supplies of alcohol whether these are on and / or off supplies: On

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

**Luigi Funedda
182 Queens Road
Buckhurst Hill
Essex
IG9 5BD**

Registered number of holder, for example company number, charity number (where applicable):
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

**Luigi Funedda
Woodland Way
Woodford
Essex**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Hackney Council

Annex 1 – Mandatory conditions:

1. No supply of alcohol may be made under the premises licence:-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or when the designated supervisor has a licence suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence (see section 19 Licensing Act 2003)
3. Where a condition applies requiring a person to carry out a security activity at the premises, those individuals must be licensed by the Security Industry Authority (see section 21 Licensing Act 2003)
4. Where a premises licence authorises the exhibition of films, the admission of children to the exhibition of any film is to be restricted in accordance with section 20 Licensing Act 2003.

Conditions 5, 6, 7 and 9 do not apply to premises licences where it authorises only the sale by retail off the premises.

5.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;
(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

For the purposes of these conditions a responsible person is

- the holder of a premises licence in respect of the premises,
- the designated premises supervisor (if any) under such a licence, or
- (any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

Annex 2 – Conditions consistent with the Operating Schedule:

The Prevention of Crime and Disorder.

1. The company will monitor the need for door supervisors and in so doing will take into account any advice given by the police.
2. Senior management are required to actively participate in and support the local Pub watch scheme.
3. CCTV system will operate during all licensed hours in accordance with police guidelines.
4. There will be no promotions that encourage irresponsible or immoderate consumption of alcohol.

Public Safety

1. The premises and its staff will adhere to all current health and safety regulations.
2. The company must ensure that the building and the services they provide comply to all building and fire safety regulations.

Prevention of Public nuisance

1. The manager and staff will encourage customers to leave quietly, the premises will post notices to enforce this and these notices are to be clearly visible at all times.
2. The company will ensure that a sound limiter is installed and used to control music sound levels.

The Protection of children from harm

1. Unaccompanied children are not permitted on the premise at any time.
2. Staff will at all times observe the law and ensure that alcohol is not served to people under the age of 18.

Annexe 3 – Conditions attached after a hearing by the licensing authority:

N/A

Annexe 4 – Plans:

Plans held at Epping Forest District Council

Drawing no: 10.415.11 (09/02/1012)

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where

there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;

- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

This page is intentionally left blank