

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 8 September 2015

**Place:** Council Chamber, Civic Offices,                      **Time:** 10.00 am - 12.10 pm  
High Street, Epping

**Members Present:** M Sartin (Chairman), N Bedford, H Mann and R Morgan

**Other Councillors:**

**Apologies:** G Shiell

**Officers Present:** L Cole (Legal Services Officer), N Clark (Licensing Compliance Officer),  
S Moran (Licensing Compliance Officer) and A Hendry (Senior Democratic Services Officer)

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### 19. SUBSTITUTE MEMBER

It was noted that Councillor Morgan was substituting for Councillor Shiell.

### 20. DECLARATIONS OF INTEREST

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

### 21. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

### 22. EXCLUSION OF PUBLIC AND PRESS

#### RESOLVED:

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5	Consideration of current Private Hire Driver's Licence for a Hackney In regards to – Mr Seeley	1
5a	Application for a Hackney Carriage Driver's Licence – Mr Collings	1



The Chairman invited the Applicant back into the Chamber and informed him of the Sub-Committee's decision.

**Resolved:**

That the application for a Hackney Carriage Driver's Licence for Mr Mead be granted subject to conditions.

**26. INCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

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

**27. VARIATION OF PREMISES LICENCE - PAPILLON RESTAURANT, 13 BROOK PARADE, HIGH ROAD, CHIGWELL**

The three Councillors that presided over this item were Councillors Morgan, Bedford and Mann. Councillor Morgan assumed the Chairmanship for this portion of the meeting.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee. In attendance on behalf of the application were Mr M Rocha, the applicant's agent and Mr C and Mrs L Fernandes, the applicants. On behalf of the objectors were Mr W Young and a Mrs S Cornford.

**(a) The application before the Sub-Committee**

The Licensing Compliance Officer Ms Moran introduced the application. This application had been made by Mr and Mrs Fernandes, trading as Papillon Restaurant for a variation to the premises licence. The authority had received this application on 24 June 2015 and set out the times requested.

The responsible authorities had received a copy of the application and it had been properly advertised at the premises and in a local newspaper. The Licensing authority had received no representations from the responsible authorities. They had however, received 10 representations from interested parties which related to the prevention of Crime and Disorder, Public Safety and Public Nuisance.

**(b) Presentation of the Applicant's Case**

Mr Rocha explained that this was a local family Italian restaurant of four years standing. There had never been any problems there. Part of what they were asking for was to extend their initial closing hours from a 3pm close to a continuous time from 11am to 23.00 or 01.00 on Fridays and Saturdays. They also wished to sell alcohol until they closed and to provide late night refreshment. This extension of hours was because they tended to struggle to service their customers on Friday and Saturday nights.

As for providing music, it would be ambient music only, not played loudly for dancing.

This was not a fast food restaurant; they had already put in resources to help our customers for example by booking cabs for them.

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

Councillor Morgan asked if there would be any live music. He was told that there would not be any.

Councillor Bedford asked if they would consider putting in a noise limiter. The applicant agreed to do this.

**(d) Questions for the Applicant from the Objectors**

Mr Young commented that they were presently closing at 11pm, when did their last customers actually leave. He was told that this was a bit difficult to pin down, if they received a customer at 10.45, they did not want to hurry them out as it always took time to eat.

Mr Young asked if they had a smoking zone at the back of the premises. He was told that they did, it was for the customers and it was there to keep control of the noise.

Mr Young then noted that they did not allow loud music; did they also have control over which customers they served. Mr Rocha replied that they respect for all their customers. They tended not to attract young people; the average of their customers was 40 upwards. It was not that kind of place, and they only served alcohol with food.

**(e) Presentation of the Objector's Case**

Mr Young noted that he lived at Dolphin Court. He welcomed the Papillon restaurant, commenting that he used it but was concerned with the noise factor. He thought that the last customers would not leave until 2am if they closed at 1.30am as they would be there to celebrate something. He had been timing the exit of the customers over the last couple of weeks.

The smoking zone at the back was not effective as the front one. If you do get your extension then the King William the IV would want an extension. This was not nice for the people who lived around there.

He would like the restaurant to stay but late night opening would change the quality of the village and our life.

**(f) Questions for the Objector from the Sub-Committee**

Councillor Mann asked if there was a report of noise or disturbance in the past. Mrs Cornford said that there had been a disturbance at midnight about two Sundays ago, the bank holiday weekend and this had been reported to the environmental health section. The Licensing Compliance Officer noted that this would be recorded on the Council's systems. No other reports had been received at Licensing.

Councillor Mann asked the applicant how these new hours would affect their business. He was told that the main reason for this was to enable them to keep their business viable. They needed the extra financial help and to help customers if they arrived late. They would not allow any new customers after 11pm but would like to keep the customers already there and not put them under pressure to finish.

Councillor Bedford noted that they could not serve alcohol without food, but food stops at 11pm. Mr Rocha explained that if they ordered before 11pm they would serve them food. The kitchen would close but they would keep the kitchen open to finish the serving the meal ordered (before 11pm).

Councillor Morgan asked if the applicants had noted the conditions put forward by the police. Mr Rocha said that they had.

Mr Young noted that the application did not say closing the restaurant kitchen at 11pm. It does say open for late night refreshment. He was told that late night refreshment was for teas and coffee not food. Condition that they stop cooking after 11pm as it could be reviewed later.

**(g) Questions for the Objectors from the Applicant**

Mr Rocha said if Mr Young or any of the neighbours had any complaints they could approach the restaurant and talk to them about it. Did you approach us? Mr Young said he frequented the restaurant and had noted that they hold ladies nights that gets very jolly. There was a fine balance between keeping your customers happy and the problems that they leave.

**(h) Closing Statement from the Objector**

Mr Young had nothing new to add.

**(i) Closing Statement from the Applicant**

Mr Rocha said that they appreciated what had been said and added that they were willing to hold regular meetings with the objectors to sort out any problems.

**(j) Consideration of the Application by the Sub-Committee**

The Sub-Committee withdrew from the meeting to consider the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

**RESOLVED:**

That the application for a variation of premises licence for the Papillon Restaurant, 13 Brook Parade, High Road, Chigwell, Essex IG7 6PF be granted subject to the following conditions, which the Sub-Committee considered necessary for the promotion of the licensing objectives:

(1) That the hours be changed to:

Sale of Alcohol –	Sun – Thurs	-	11.00hrs to 23.00hrs
	Fri & Sat	-	11.00hrs – 00.30hrs

Recorded Music -	Mon – Sun	-	11.00hrs – 23.00hrs
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Late Night Refreshments -	Sun – Thurs	-	23.00hrs – 23.30hrs
	Fri & Sat	-	23.00hrs – 01.00hrs

(2) That a noise limiter be fitted to the inside music system.

- (3) The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less than 28 days with time and date stamping. Recordings shall be made available immediately upon lawful request of Police, Local Authorities or Trading Standards. Download or export of CCTV should be in the native file format with the native player.
- (4) A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Police, Local Authority or Trading Standards recent data or footage with the absolute minimum of delay.
- (5) Alcohol sales shall only be ancillary to a table meal.
- (6) The premises shall operate a Challenge 25 age verification policy. Any person who appears to be under the age of 25 shall be asked to produce photographic identification to prove they are 18 or over. Failure to produce will result in service being refused. Acceptable forms of photographic identification include:
  - i. Passport;
  - ii. Photo-card, driving licence;
  - iii. Photographic ID bearing the 'PASS' hologram;

**CHAIRMAN**