

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 7 January 2016

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 12.00 pm
High Street, Epping

Members Present: A Boyce (Chairman), D Dorrell, P Keska and A Lion

Other Councillors:

Apologies:

Officers Present: S Moran (Licensing Compliance Officer), R Ferriera (Assistant Solicitor) and A Hendry (Senior Democratic Services Officer)

54. DECLARATIONS OF INTEREST

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

55. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

56. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - DRIVER'S LICENCE MR WILKINSON

The Sub-Committee noted that this item had been deferred to the meeting to be held on 12 January 2016

57. NEW PREMISES LICENCE - JUST AT THE STATION, ROYDON STATION, 185 HIGH STREET, ROYDON CM19 5EA

The three Councillors that presided over this item were Councillors Boyce, Dorrell and Lion.

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 Mrs H Kelly-Howe, the applicant and Mr M Sewell. On behalf of the objectors were Mr A Beal-Forbes and Mrs M Sartin. Also present was Peter Jones the Essex Police, Epping and Brentwood Licensing Officer.

(a) The application before the Sub-Committee

The Licensing Compliance Officer, Ms Moran introduced the application. The application had been made by Mr T Howe and Mrs K Kelly-Howe, trading as 'Just at the Station Ltd' for a new premises licence. The authority had received the application on 17 November 2015.

The responsible authorities had received a copy of the application; it was properly advertised at the premises and in a local newspaper.

The only representation received from the responsible authorities was from Essex Police (the Epping and Brentwood Licensing Officer). He had originally suggested 4 conditions to be added to the licence, but after consultation with the applicant had agreed to remove condition 2 and amend condition 3. Conditions 1 and 4 would remain.

A further 11 representations from interested parties had also been sent in. These related to the prevention of crime and disorder, public safety and public nuisance.

The Council's legal office Ms Ferreira, advised the meeting on the changes to the law on live and recorded music and that they could not be regulated by condition between 8am to 11pm as long as there were less than 500 people in the venue. They could however be subject to review. Ms Moran noted that the capacity of this establishment was 60.

(b) Presentation of the Applicant's case

Mrs Kelly-Howe began by saying that she was sorry that she had not got off on a better footing with the objectors. It was a family owned business run by herself and her husband to provide the best quality food and service. She was aiming for operational excellence.

Mr Sewell said that he was a restaurant designer and intended this to be a restaurant with a flexible space to enable it to hold such things as wedding parties etc. but primarily it was intended to be a local restaurant and bar.

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

Councillor Boyce wanted to know if the fact that the personal licence holder had not received his licence as yet would cause any problems. Ms Moran replied that he was still waiting for the certificate to come through. Although the Sub-committee could grant a premises licence today, they could not trade until that licence came through.

Councillor Dorrell asked the applicant what would her normal opening hours be. Mrs Kelly-Howe said that the normal hours would be as indicated on the appendix to the agenda. If there was the demand they would open longer.

Councillor Lion asked how they were going to take into account the concerns raised by local residents. Mrs Kelly-Howe replied that she had spoken to her neighbours about this and had negotiated extra parking spaces for use by the restaurant at the nearby NCP car park. She also wanted to offer parties for young children in the afternoon. A consultant she worked with suggested teaching school classes on how to cook. She wanted it to be a family orientated business.

Councillor Lion asked her about the music she wanted to have. She assured him that there would always be a designated manager on the premises and if it got too loud it would be turned down and the customers kept in check.

Councillor Lion asked if they were considering using the outside. Ms Ferreira advised that the applicant could not control what happened outside of their curtilage, but could put notices up asking their customers to leave quietly and move on as soon as possible and that all windows and doors were closed after 11pm.

Councillor Lion said that he was more interested in how they were going to use the outside spaces in the summer months for customer use (i.e. dining outside). Mrs Kelly-Howe explained that the previous owner had tables outside (on the terrace) and it was their intention to carry this on. She had enquired about this and noted that there had been no complaints made in the last 18 years.

Councillor Boyce asked if there was any access from the restaurant to the station platform. He was told that there was no access at all.

(d) Questions for the Applicant from the Objectors

The Objectors had no questions.

(e) Presentation of the Objectors Case

Mr Beal-Forbes noted the applicants point about access to the platform, but noted that they had a fire exit leading to the platform.

His main concern was the lateness of the closing times as Roydon was a quiet village. It would be better if the times could be reduced to 11pm Monday to Thursday and to midnight on Friday and Saturdays. He also questioned the level of noise from music. The building was not sound proofed and they did not have any plans to sound proof it. But it was situated in a quiet area where sound could travel a long way.

Also, had Network Rail been served a copy of the notice? Ms Moran said that they were not defined as a responsible authority and the Council was not legally obliged to consult them. Likewise the 150 meter consultation radius was a courtesy and not a legal obligation. Any public safety issues were to be raised the Environmental Health department.

Mrs Sartin noted that her comments came under the prevention of public nuisance; the hours asked for were a catch-all application and seemed excessive. Other premises in the village closed at 11pm.

The applicant had asked for late night refreshment for both indoors and outdoors may I suggest that it be only for indoors and not outdoors. They have also asked for off sales of alcohol so that people could take away and drink in the village. This was unusual as she had not seen off sales at a restaurant before.

Mrs Sartin also asked that sound inhibitors be fitted for use in the late hours.

Councillor Boyce noted that it would be difficult to add things to a listed building.

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

The Sub-Committee had no questions for the Objectors.

(g) Closing Statement from the Objectors

The objectors had no more to add to their statements.

(h) Closing Statement from the Applicant

In summing up, Mrs Kelly-Howe said that they were reasonable people who wanted to do the best for Roydon. They were restoring the original features of the building and spending a lot of money to do this. They hoped the local residents would support them in what they were trying to achieve. They had already consulted with the relevant planning officers about the renovations.

The hours they had applied for was for flexibility. There was unlikely to be a demand for live music in the late hours and if there was no demand then they would simply not provide it.

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

The Sub-Committee asked the public and officers to withdraw from the chamber while they considered the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

That the application for a new premises licence for 'Just at the Station', Roydon Station, 185 High Street, Roydon, Essex CM19 5EA, be granted subject to the following conditions which the Sub-Committee considered were proportionate, appropriate and necessary for the promotion of the Licensing objectives:

- (1) The conditions which are consistent with the operating schedule together with those that have been amended, namely:

That the hours be changed for:

Live Music, Recorded Music, Performance of Dance and the provision of facilities for Dancing:

- Sunday to Thursday – no music or dance after 23.00 hours;
- Friday and Saturday music and dance permitted between 23.00 and 00.00 hours.

Late Night Refreshment:

- Sunday to Thursday – 23.00 to 23.30 hours;
- Friday and Saturday – 23.00 to 00.30 hours.

Supply of Alcohol:

- Sunday to Thursday – 11.00 to 23.00 hours;
- Friday and Saturday – 11.00 to 00.00 hours.

Hours the premises are open to the public:

- Sunday to Thursday – 11.00 to 23.30 hours;
- Friday and Saturday – 11.00 to 00.30 hours.

- (2) The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003.

- (3) That the conditions already agreed between the applicants and the Essex Police as amended be agreed; that is, condition two being deleted and condition 3 being amended to read:

“A preferred smoking area will be situated to the left of the premises as you exit. No drinks or glassware to be permitted in the smoking area.”

Conditions 1 and 4 to remain as agreed.

- (4) In addition the following conditions for the prevention of public nuisance and crime and disorder be added:

- All ‘on premises’ alcohol sales shall only be ancillary to table meals as defined by Section 159 of the Licensing Act 2003: and
- That there be no sale of alcohol for ‘off premises’ consumption after 22.30 Monday to Sunday.

CHAIRMAN