

## **MINUTES OF LICENSING SUB-COMMITTEE**

Thursday, 1 December 2016  
(7:00 - 8:03 pm)

**Present:** Cllr Josephine Channer (Chair), Cllr Laila M. Butt JP and Cllr Hardial Singh Rai

### **34. Declaration of Members' Interests**

There were no declarations of interest.

### **35. Application to vary a premises licence: Eri Restaurant, 236 - 238 High Road, Chadwell Heath, RM6 6AP**

The Senior Licensing Officer presented a report the Sub Committee in respect of an application to vary the premise licence at Eri Restaurant, 236-238 High Road, Chadwell Heath, RM6 6AP.

The application sought to extend the current licensed operating hours of the premise as follows:

- General opening hours – From 10.30 each day of the week to 03.30 on the day following;
- Supply of alcohol (on-sales) – From 10.30 each day of the week to 02.30 on the day following;
- Regulated entertainment (comprising consent for indoor sporting events; live music; recorded music and dance) from 10.30 each day of the week to 03.00 on the day following; and
- Late night refreshment – From 23.00 each day of the week to 03.00 on the day following.

The application also noted that “Where a Christmas and New Year’s Eve, valentine’s day, bank holidays etc. fall within the week days the restaurant will open as scheduled until 03.30 all days. However, the last order for drinks will be at 02.00 from Monday to Thursday and until 02.30 on Fridays and Saturdays, leaving the customer enough time to vacate the premises gradually, peacefully and quietly and not disturbing the neighbors. It must be mentioned that we may not open till 03.30 every day unless the occasion demands it as stated above.”

Finally, the application sought the removal several current licence conditions, as follows:

- Condition 3 – If door supervisors are required to be on duty for any function, that shall be deployed outside the premises when closing and take all reasonable steps to ensure customers disperse quickly and do not congregate;
- Condition 4 – The premises licence holder shall ensure that any door staff so employed shall comply with SIA requirements relating to the wearing of SIA registration badges and availability of registration documents and / or identification for inspection;

- Condition 7 – There shall be a waiting area inside the premises for patrons waiting in taxis;
- Condition 17 – The premises licence holder shall ensure that there is no access to the premises through the ‘fire exit only’;
- Condition 21 – Any children attending the premises shall be accompanied by an adult.
- Annex 3 note – The Board accepted the applicant’s decision to withdraw the live music activity from the application
- Annex 3 note – The Board reduced the terminal hour for recorded music, late night refreshment, the supply of alcohol, and the hours the premises are open to the public on a Friday and Saturday to 01.00.

The Sub-Committee noted that during the consultation period, application was initially opposed by one responsible authority – the council’s Environmental Health Noise Team. However, this had now been resolved and the representation had been withdrawn.

The Sub Committee were advised that the representation raised concerns over the impact for potential noise nuisance and sought the inclusion of several additional conditions on the licence, which had all been accepted by the applicant. These related to:

- All amplified music is to be played through the sound amplification system installed at the premises’;
- The sound amplification system installed at the premises is to be controlled by a noise limiting device; and
- The setting of the noise limiting device is to be undertaken in conjunction with the noise team and once set is not to be changed without the agreement of the licensing authority.

The Councils Environmental Health Noise Team suggested that in the event that the application was granted the conditions stated above should be included.

A further valid representation was received from 11 residents of Grantham Gardens. The representation concerns related to the potential impact of:

- Music intended to be played at the premises;
- Parking congestion;
- Litter from cans and bottles; and
- The impracticability of the proposal.

The Chair advised that the objectors were not present at the meeting, however the written submission contained within the agenda pack would be taken into consideration when the Sub-Committee deliberated their decision.

The Chair then invited Mr Kuka, the Designated Premises Supervisor (DPS) to address the Sub Committee on the points raised by the objectors.

Mr Kuka addressed the Sub Committee, advising that the premises was used mostly for family parties and once customers had finished eating they often wanted to stay later for drinks and currently could not due to the closing hours.

Mr Kuka advised the Sub Committee that since he had taken over the premises he had worked with the community, tidied the area around the premises and confirmed there had been no complaints received from residents with regard to the current running of the premises.

With regard to the comments from the Environmental Health Noise Team, Mr Kuka advised that the Team had already visited and put the required equipment in place.

The Chair asked Mr Kuka to clarify why the application sought to remove certain conditions and was advised by Mr Kuka that the conditions listed within the agenda back would be contrary to the running of a family restaurant.

The Chair invited the parties to sum up their representation before the Sub Committee retired to consider their decision.

## **DECISION**

The Sub Committee in reaching their decision, had regard to the Licensing Act 2003, the statutory guidance issued under Section 182 and the Councils Licensing Policy.

The Sub Committee considered all the evidence placed before it including all written documentation and oral submissions.

The Sub Committee in reaching their decision, took into consideration the representation made by the Councils Environmental Health Noise Team and noted this representation had been withdrawn following the acceptance of three conditions by the DPS.

The Sub Committee also took into consideration the objections made by the residents of Grantham Gardens and noted their concerns in relation to the application.

The Sub Committee decided to grant the application for variation as applied for, with the addition of the three conditions as recommended by the Councils Environmental Health Licensing Team.

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