

Minutes of the meeting of the **Licensing Sub-Committee** held on **24 September 2007** when there were present:-

Cllr J P Cottis  
Cllr T G Cutmore

Cllr K H Hudson

**OFFICERS PRESENT**

A Bugeja	- Head of Legal Services
A Law	- Solicitor
K Doyland	- Licensing Manager
S Worthington	- Committee Administrator

**75 APPOINTMENT OF CHAIRMAN**

Cllr J P Cottis was appointed Chairman of the Sub-Committee.

**76 PROCEDURE FOR LICENSING HEARING**

The Sub-Committee noted the procedure to be followed during the hearing.

**LICENSING APPLICATION**

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003. The application related to premises known as Mr Pings 156 – 158 High Street, Rayleigh. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from various interested parties.

The applicant's representative stressed that although the application related to a new premises, the applicant owned a chain of 3 other Mr Pings restaurants, the most recent of which opened in Thorpe Bay 18 months ago and which had been operating successfully, with no complaints from responsible authorities or local residents.

The representative confirmed that the restaurant had a maximum capacity of 125 diners, but it was anticipated that, on average, there would be 70 covers per night. There would be 16 members of staff at the restaurant, with 9 working at the front of house. The premises supervisor was the applicant, Mr Ball, who would also be living in accommodation above the restaurant.

He further advised that the function room was situated at the back of the premises, and was internally enclosed. The function room had a dance floor with capacity for around 20 people and would be used for special functions including birthday and special occasion parties.

The representative emphasised that, although it was intended to operate a takeaway service from the restaurant, which would be a high class establishment, this would operate primarily as a delivery service to regular

customers and was not envisaged to generate any litter in the vicinity. There was a bar area at the front of the restaurant, which would be used as a waiting area while diners were waiting to be seated at their tables. A waiter service for drinks would be operated for diners waiting in this bar area. Drinks would not be available in portable containers such as cans.

The representative stressed that many of the public nuisance objections that had been made with respect to this application were associated with the Roebuck and the Paul Pry, which were old fashioned public houses and very different to the restaurant. The applicant intended that only background music should be played in the restaurant. On occasions when special parties were taking place in the function room, loud music would be played, however measures had been taken to ensure that no sound would emit from this area.

The representative confirmed that the applicant would comply with the condition requested by the Environmental Protection Unit that all doors and windows should be kept closed during times when amplified music was being played. The premises were air-conditioned and, in addition, there were 2 sets of doors at the foyer. The function room's 4 windows had been boarded up and the room had been completely sound proofed with 4-inch concrete blocks and a triple-insulated ceiling.

It was further emphasised that people would be visiting the premises in order to have a meal; it was not a pub, a wine bar or a nightclub. The leaving times of customers would be staggered, which was usually not the case with pubs. The applicant was liaising with Bestax Taxis about the best system for picking up customers such that customers would not have to wait for taxis outside the restaurant. There would be CCTV at the premises, with signs advertising the fact.

The representative made particular reference to the fact that approximately £18,000 had been spent on an extraction system for the kitchen, and there were no windows, to ensure that smells would not be emitted from the kitchen.

It was also noted that a private car park would be provided at the rear of the premises for customers' use, which could accommodate up to 20 cars. There was also a public car park nearby.

In response to Member enquiries and questions from the public objectors, the following was noted:-

- There was a fire door that opened out from the function room onto the rear car park; this was, however, alarmed and the car parking area would not be used as a smoking area.
- There was a maintenance contract for the kitchen extraction system which would be regularly checked by contractors, with filters changed as

necessary.

- There was an alley way at the side of the premises by the post office that would be used by smokers and ashtray units would be supplied there.
- The dance floor would only be used by those attending private functions in the function room rather than by regular diners in the restaurant.
- There were 50 seats in the function room and 75 seats in the restaurant.
- Members of the public would not be able to come into the restaurant purely to buy alcohol.
- Customers going into the restaurant to order takeaway food would be served alcohol, on request, in the bar area while waiting for their food.
- The applicant intended to provide a karaoke facility in the function room for private parties.

Public objectors to the application expressed concern about noise potential arising from the application, not just from the function room at the back of the premises, but noise associated with customers arriving and leaving and cars parking and departing.

There was particular reference to the potential for noise associated with karaoke, wedding parties and amplified music emitting from the function room. It was observed that there were 2 houses situated within 5 metres of the function room; it was likely that noise would be carried to these properties.

One public objector drew specific attention to early morning refuse collections for takeaway businesses in the High Street, often at 5.00 am and to the level of noise in the High Street late at night, with people shouting. Concern was raised that customers of the restaurant would stand outside the front entrance of the restaurant in order to smoke, rather than standing in the alley way. Particular reference was made to the fact that there were no environmental health officers on duty on Friday and Saturday nights in order to monitor noise levels.

Objectors were also concerned that alcohol would be available to customers during the daytime, particularly in the early afternoon when children would be departing from the school nearby.

In response to an enquiry relating to the final meal serving time in the restaurant, the applicant indicated that meals would be served up to midnight.

The applicant's representative, in response to an enquiry relating to the second of the conditions agreed with the Police, confirmed that the restaurant would not serve drinks to customers coming in to order takeaway food; drinks would only be served in the bar area to those waiting to dine in the restaurant.

In response to a further enquiry about karaoke, the representative also confirmed that, as the original application for a premises licence did not include karaoke, the restaurant would therefore not offer a karaoke facility.

The following points were noted, in response to concerns and questions raised by public objectors:-

- There would not be any early morning refuse collections associated with the restaurant.
- It would cost the applicant in excess of £5,000 to take down the 'wine bar' sign and to replace it.
- There would not be a taxi rank outside the restaurant; taxis would be called on demand.
- Customers wanting to order food at midnight would be advised that the restaurant would have to be vacated by 12.30 pm.

Members, while mindful of the representations made, having given careful consideration to all the evidence were of the view that the terms and conditions included within the operating schedule, together with the additional conditions detailed in paragraph 4.1 of the report and the conditions agreed with the Police were sufficient to address the licensing objectives and to mitigate against any potential nuisance. Members did, however, consider that the current signage as a wine bar was misleading and should therefore be altered. It was emphasised that under the legislation there was the opportunity for formal review of the licence, if problems should occur in the future.

**Resolved**

That the application be granted, subject to the terms and conditions stated in the operating schedule and subject to the following additional conditions:-

- (1) The premises will remain predominantly a restaurant and substantial food and non-intoxicating beverages (including drinking water) shall be available during licensing hours.
- (2) Without prejudice to condition (1), there shall be no sale or supply of alcohol to or by customers not seated at tables.
- (3) Service will be by waiter / waitress.
- (4) No music shall be provided to external areas.
- (5) The premises licence holder / DPS shall keep a refusal record all refusals of sales of alcohol. This record will be produced to the Police

or Licensing Authority for inspection upon request.

- (6) The premises licence holder / DPS shall have and maintain an efficient CCTV surveillance system. Recordings shall be retained for at least 28 days. The system will cover all relevant internal areas including entrance / exits to premises.
- (7) A suitably worded sign of sufficient size and clarity shall be displayed at the entrance to the premises advising customers that CCTV is operating at the premises.
- (8) A manager / staff member shall always be on duty that is trained to download and transfer images from the CCTV recording when requested to do so by the Police.
- (9) All windows and doors (except for access to and egress from the premises) must be kept closed during all hours when amplified music is played at the premises.
- (10) No alcohol shall be sold or consumed other than to persons dining at the restaurant.
- (11) Signs will be displayed prominently within the premises advising patrons of condition (10) and the requirement to leave the premises quietly.
- (12) The external sign describing the premises as a wine bar shall be replaced with a sign appropriate to the nature of the licensed premises as a restaurant, prior to the licence being implemented. (HES)

The meeting commenced at 10.00 am and closed at 1.00 pm.

Chairman .....

Date .....

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