

## **Licence application representations - Epsom & Ewell Borough Council – Environmental Health**

### **Miniature, 11-13 Upper High Street, Epsom, KT17 4QY**

Epsom and Ewell Borough Council - Environment Health team are a responsible Authority under the Licensing Act 2003. Representations are being made in based on the Licensing objective of prevention of public nuisance.

#### **Overview**

The premises is currently operating as a restaurant with an area at the back which also has a bar. The rear area of the premises, which is being referred to as Mono Lounge, is a structure where shisha are provided to customers. For shisha to be permitted in this area the structure cannot be considered substantially enclosed. The structure has wire mesh to act as walls and has two retractable awnings in the middle of a pitched roof. It is acoustically transparent by design so any customers and entertainment sources in this area needs to be given extra consideration. It cannot realistically be expected that the Mono Lounge can be treated the same as the basement or restaurant area of the business for these reasons.

An unannounced visit to the premises was undertaken on the evening of the 16<sup>th</sup> April 2021. The purpose of the visit to assess compliance with Coronavirus legislation. Also in attendance was a Surrey Police Licensing Officer and Police Officer. During the visit it was noted by the Council representatives that the music and customers were audible from the front of the premises, therefore they would have been audible in the flats above the premises. In addition to this the department has received a noise complaint from a local resident. There is still an ongoing investigation into this complaint.

There have been a number of recent interventions with the business based on complaints and intelligence received. During these interventions the confidence in the management of the business has not been high. For this reason this department has concerns about the business extending their trading hours, as well as their ability to control noise from the premises.

The information provided in the application, in the section which outlines the steps the business intends to take to address the licensing objectives, does not clearly outline the controls that will be implemented. Prior to the application being submitted the operator's legal advisor contacted this department. Correspondence was sent to the legal advisor regarding the proposals, including comments about the businesses plans.

Given the close proximity of residents to the premises, the fact that noise from customers and entertainment noise needs to be controlled and that the confidence in the management is not high the following conditions are requested to be attached to the licence.

#### **Proposed conditions to be attached the to the licence**

- The outdoor area must be closed by 22:30 hours. After this time a dedicated smoking area, to be used only by individuals smoking, shall be provided. The number of people shall be restricted to a maximum of 5 people at any one time and they are not

permitted to be take alcohol out with them. Staff from the premises must monitor this area and ensure it is also for the sole use of patrons from the premises.

- No live, recorded or amplified music shall be permitted in the outdoor area of the premises.
- When the premises is operating after 21:00 hours, half hourly patrols of the perimeter of the premises shall be carried out by staff making observations of noise and disturbance and documented and kept in a written log together with any resultative action taken. Documents shall be made available for inspection by an authorised officer of any responsible authority.
- Refuse, such as bottles will be placed into receptacles outside the premise at times that will minimise the disturbance to nearby properties.
- During the last 20 minutes of trading the music volume must be reduced and the lighting levels shall be raised to encourage dispersal. The premises must have a documented dispersal policy and ensure the policy is adhered to.

### Summary

This department is of the opinion that the use of outdoor area of the business and the activities within this area should be restricted or controlled. It is for this reason the conditions outlined above are attached to the premises licence. If noise from the premises is not controlled it is likely to give rise to complaints from local residents.