

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 27 October 2014

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.04 - 11.00 am

Members Present: P Keska (Chairman), A Boyce and R Morgan

Other Councillors:

Apologies:

Officers Present: R Ferriera (Assistant Solicitor), S Kitts (Licensing Officer) and M Jenkins (Democratic Services Assistant)

35. DECLARATIONS OF INTEREST

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

36. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

37. CAFE BENGAL, 41 THE BROADWAY, LOUGHTON IG10 3SP

The three Councillors that presided over this item were Councillors P Keska, T Boyce and R Morgan.

The Chairman welcomed the participants and requested that they introduce themselves. In attendance on behalf of the application were Mr Saad Miah, the owner of Castpan Ltd, trading as Café Bengal, 41 The Broadway, Loughton and his son Mr Arafat Sayeed. There were no objectors present at the meeting.

The Chairman then introduced the Members and officers and outlined the procedure that would be followed for the determination of the application.

(a) The Application before the Sub-Committee

The Licensing Officer informed the Sub-Committee that an application had been received on 15 August 2014 from Mr Arafat Sayeed, on behalf of Castpan Ltd for a premises licence regarding Café Bengal, 41 The Broadway, Loughton IG10 3SP. The application set out the relevant licensing activities:

- (i) The sale of alcohol and recorded music – Monday to Saturday 11.00 hours to 00.00 hours, Sundays 12.00 hours to 23:30 hours; and

- (ii) Late night refreshments – Monday to Saturday 23:00 hours to 00:00 hours, Sundays 12:00 hours to 23:00 hours

The application had gone to consultation, the responsible authorities receiving a copy of the application, it was advertised at the premises and in a local newspaper. All residents and businesses within 150 metres radius of the premises were individually consulted.

The authority had received 1 representation objecting from a member of the public. The police, trading standards, Essex Fire and Rescue and Children's Safeguarding had no objections. Comments had been received from Loughton Town Council and Mr D Linnell of Loughton Residents Association. The objections related to the prevention of crime and disorder, public safety and the prevention of public nuisance. It was noted that a supplementary agenda item had been published for the Sub-Committee regarding the objection made in the consultation. The Licensing Officer informed the Members of the Sub-Committee that she was asked to read out representations which had been included in the agenda and supplementary. She asked Members if they would like the representations to be read out, the Members took these items as read as they had been published.

(b) Presentation of the Applicant's Case

Mr Saad Miah began by speaking about the objector's representation, complaining about young people congregating around a nearby alleyway. Mr Miah advised that there was no crime problem here, there was a local off-licence selling alcohol so there should be no problem with his business selling this either. The applicant advised that he would not sell alcohol to young people and alcohol would only be sold with food. He would only sell inside the premises.

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

Members asked about the rear yard of the premises. Mr Miah advised that the rear yard was not used by customers. There was a large car park at the back of the premises and he had no control over behaviour here.

(d) Closing Statement from the Applicants

The applicants made no closing statements.

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

The Chairman requested that the Licensing Officer and applicants leave the Chamber whilst they discuss the application in private. During their deliberation, the Sub-Committee requested clarification on the applicant's name, as two separate names appeared in the agenda pack.

The meeting was re-convened at 10.20a.m. Members asked the applicant to clarify who was applying for this permission. Mr Miah said he was the owner of Castplan Ltd, his son, Mr Saeed had submitted the application form.

The Chairman requested that the Licensing Officer and applicants leave the Chamber whilst they discuss the application in private. During their deliberation, the Sub-Committee wished to amend conditions regarding Sunday sales of alcohol and the playing of recorded music.

At 10.41a.m. the meeting reconvened. Members asked the applicant if they were happy for their application to be amended so that:

- (i) A sign asking patrons to leave quietly be placed by the front door of the premises;
- (ii) A sign be placed advising patrons that no drinking was allowed outside the premises; and
- (iii) Sunday sales of alcohol and playing of recorded music could end at 11.00p.m.

The applicant replied that he was willing to agree to the amendments.

At 10.43a.m. the Members went into private session. During their deliberation they received no advice from officers. The meeting re-convened at 10.58a.m.

The decision was considered on the merits of the application, the representations received and those made at the meeting.

RESOLVED:

That the application for a Premises Licence at Café Bengal, 41 The Broadway, Loughton, Essex IG10 3SP be granted subject to the conditions consistent with the operating schedule, those which are amended together with the additional conditions as agreed with the applicant which the members of the Sub-Committee felt were appropriate and proportionate for the prevention of public nuisance as set out below:

- (1) That the sale of alcohol and the playing of recorded music on Sundays shall be 12.00 midday to 11.00p.m.;
- (2) That a sign be displayed in the premises asking patrons to leave the premises quietly; and
- (3) That a sign be displayed in the premises stating that no drinks be taken outside the premises.

CHAIRMAN