

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 14 July 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 am - 12.03 pm

Members Present: R Morgan (Chairman), D Dorrell and T Thomas

Other Councillors:

Apologies: H Mann

Officers Present: J Leither (Democratic Services Assistant), A Mitchell (Assistant Director (Legal Services)) and K Tuckey (Licensing Manager)

1. DECLARATIONS OF INTEREST

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

2. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

3. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5	New Application for a Hackney Carriage Driver's Licence – Mr T Vhora	1

4. NEW APPLICATION FOR HACKNEY CARRIAGE DRIVERS' LICENCE - MR T VHORA

The Sub-Committee considered an application by Mr T Vhora for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Morgan, Dorrell and Thomas. Members noted that Officers did not have delegated powers to determine this application and, as a result, the application had to be considered by the Sub-Committee.

The Chairman welcomed the applicant and his wife and introduced the Members and Officers present. The Senior Licensing Officer informed the Sub-Committee of the circumstances by which the licence could not be issued under delegated authority.

The applicant made a short statement in support of his application before answering a number of questions from Members of the Sub-Committee. The applicant then made a short closing statement to the Sub-Committee before the Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated the application in private.

The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

RESOLVED:

That the application for a Hackney Carriage Driver's Licence for Mr T Vhora be refused, as the Sub-Committee were not satisfied that the Applicant was a fit and proper person to hold such a licence as he had not held a full driving licence in the UK for 3 years and did not consider that sufficient reasons have been put forward to depart from the Council's policy.

5. INCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be invited back into the meeting for the remaining items of business.

6. VARIATION OF AN EXISTING PREMISES LICENCE FOR THE BLACK LION, 293 HIGH STREET, EPPING CM16 4DA

The three Councillors that presided over this item were Councillors Morgan, Dorrell and Thomas.

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 introduce themselves to the Sub-Committee. In attendance on behalf of the application were Mr P Warne from TLT Solicitors, Mr A Willis, the Licensee and Mr D Hills from Punch Taverns.

(a) The Application before the Sub-Committee

The Senior Licensing Officer introduced the application. The application before the Sub-Committee had been made by Punch Taverns PLC for a variation to The Black Lion Public House, 293 High Street, Epping. The application had requested permission to:

- (i) Licence a building at the rear of the premises;
- (ii) Licence the outside area to permit waiter/waitress service; and
- (iii) Amend conditions relating to the protection of children from harm.

The Operating Schedule set out the conditions which would be attached to the licence.

The application had been received on 28 May 2015 and the Responsible Authorities had received a copy of the application, with it being properly advertised at the premises and in a local newspaper. The Licensing Unit had received responses from Essex Police, Essex County Fire & Rescue Service and from the Children's Safeguarding Services all of whom had no objections. There were 3 representations received from local residents.

(b) Presentation of the Applicant's Case

The applicant's Counsel, Piers Warne stated that Punch Taverns was a responsible corporation and the current operators of the premises Alan and Laura Willis had been in situ for over twelve months. They were both experienced in managing licensed premises (over 20 and 15 years respectively). There had been no criminal incidents and no formal complaints received in the last year.

Mr Warne advised that there were two parts to this application:

(i) The first part of this application was to licence a building at the back of The Black Lion known as 'the barn' and to allow licensable activities to be undertaken within it. The application also sought to licence the outside areas to permit waiter and waitress service to customers for sales of alcohol as well as food. There was no intention to have live or recorded music in the outside areas, this would be restricted to the interior of the barn and The Black Lion.

The barn had been sound-proofed, was fully air conditioned and had no windows therefore except for entry and exit there would be no noise escape during private functions. The barn had a capacity for 70 persons although for comfort and control reasons the function size would be limited to a maximum of 60 persons. Any events held in the barn would be risk-assessed, including whether there was a need to provide door staff and anyone booking the barn would have to provide a full guest list of those attending. During the day the barn was used for training and other corporate functions.

The second part was to amend the conditions found under the heading below:

The Protection of Children from Harm

To delete the paragraph:

- Persons under the age of 18 will not be permitted on the premises after 18:00.

To include the new wording:

- A challenge 21 policy will be employed whereby a person who appears to be under the 21 years of age and is attempting to purchase alcohol, will be asked to provide identification. The only type of identification that will be accepted is a passport, photo driving licence, military identification, EU identity card or PASS approved identification. Staff will be trained in this policy and records or training will be kept.
- Children will only be permitted entry when accompanied by an adult.
- Children will only be permitted until 9pm unless they are taking a meal or attending a function, where they will be permitted to stay until the end of the meal or function.

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

Councillor Morgan asked whether the hours of opening would differ from The Black Lion. Mr Warne advised that the hours of opening would remain unchanged and be exactly the same as The Black Lion.

Councillor Thomas asked if they would permit a live band at any of the private functions. Mr Warne advised if someone asked for a live band it would be risk-assessed before being permitted.

Councillor Thomas asked Mr Willis if he was approached by a promoter to put on a function with a live band would that be acceptable to him.

Mr Willis advised the Sub-Committee that he would not entertain a promoter to use the barn or any part of The Black Lion. The barn was to be used solely for private functions. He added that they did not charge for the use of the barn they only charged for door staff and that they would insist on a guest list to stop gate crashers. He also reiterated that there would only be 60 people at any one time permitted at any private function held in the barn.

Councillor Dorrell asked if he would be showing live football matches and other sporting events. Mr Willis advised that they would as he had five television screens installed in the barn.

At 10.55 hours the Chairman advised that a site visit for the Sub-Committee would take place immediately to gain further clarification. The Legal and Licensing Officers would not attend the site visit, the Committee Officer would attend with the Members of the Sub-Committee and Mr Willis, the Licensee.

The meeting reconvened at 11.35 hours. The Chairman thanked the meeting and informed them that it had been a worthwhile visit and had helped the Sub-Committee to understand how the premises would be used.

(d) Closing Statement from the Applicant

Mr Warne highlighted the main points of this application:

- That it was a valuable community space;
- A revenue stream for The Black Lion;
- Good bar supervision;
- Challenge 21 to be enforced;
- Private functions to be risk assessed with a maximum of 60 guests per function;
- The licensee lived on the premises; and
- No complaints received from residents or the Police in the last year.

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

The Sub-Committee withdrew from the meeting to consider the application in private. During their deliberations the Sub-Committee wished to amend the conditions of the application and had received no further advice from the Officers present.

RESOLVED:

That the application to vary the premises License for The Black Lion Public House, 293 High Street, Epping be granted subject to the following conditions which the Sub-Committee considered to be appropriate, proportionate and in the interests of the public:

For the Prevention of Public Nuisance

- (1) All doors are kept closed after 22.00 hours except for entry and exit.
- (2) That no live or recorded music shall be played outside of the buildings after 23.00 hours, the reason being the close proximity of the residential properties.

The Protection of Children from Harm

- (1) A challenge 21 policy will be employed whereby a person who appears to be under the 21 years of age and is attempting to purchase alcohol, will be asked to provide identification. The only type of identification that will be accepted is a passport, photo driving licence, military identification, EU identity card or PASS approved identification. Staff will be trained in this policy and records or training will be kept.
- (2) Children will only be permitted entry when accompanied by an adult.
- (3) Children will only be permitted until 9pm unless they are taking a meal or attending a function, where they will be permitted to stay until the end of the meal or function.

7. NEW PREMISES LICENCE - SAINSBURY'S SUPERMARKETS LIMITED, FORMER PUBLIC CAR PARK, CHURCH HILL, LOUGHTON, ESSEX IG10 1QR

The Senior Licensing Officer informed Members that this application had been postponed until a future meeting.

CHAIRMAN