

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Panel

Date: 20 January 2005

Place: Council Chamber, Civic Offices,
High Street, Epping

Time: 10.05 a.m. - 12.20 p.m.

Members Present: Councillors Mrs M Sartin (Chairman), M Cohen (Vice-Chairman), Mrs R Gadsby, P McMillan, L Martin, R Morgan, T Richardson, Ms K Rush, B Sandler, Mrs P Smith.

Other Councillors: -

Apologies: Councillor D Kelly.

Advisory Officers Present: J Nolan (Environmental Services), R Ferreira (Legal Services), G J Woodhall (Research & Democratic Services).

Other Officers Present: S Moran, K Tuckey (Environmental Services).

35. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 2 December 2004 be taken as read and signed by the Chairman as a correct record of the meeting.

36. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor M Cohen declared a personal interest in item (6) of the agenda (Public Entertainment Licence Application – The Minx), by virtue of a letter of objection having been received from a friend of the Councillor's father. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon.

37. PROCEDURE FOR CONDUCT OF BUSINESS

The Panel noted the agreed procedure for the conduct of business, and the terms of reference.

38. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE – THE MINX, 126 HIGH ROAD, LOUGHTON

The Chairman welcomed the participants, and requested that they introduce themselves to the Panel and officers. In attendance on behalf of the application was

Mr R Maharajah, the applicant, and his two business partners, who were legally represented by their barrister Ms E Williamson. Objecting to the application were Mr and Mrs Hall, Mr Smith and Mrs Thomas. The Chairman confirmed with the officers present that all the relevant processes had been complied with. The Chairman then introduced the members and officers present, and explained the procedure that would be followed for the determination of this application.

(a) The Application before the Panel

The Head of Environmental Services informed the Panel that Mr R Maharajah had applied for a Public Entertainment Licence to run until 1.00 a.m. on Friday and Saturday nights at the Minx Public House and Restaurant in Loughton. Letters of objection had been received from Councillors Faulkner and Hart, as well as twenty-five local residents and Loughton Town Council in respect of the application. Neither Essex Police or Essex Fire and Rescue Service had made any objections to the application. Officers of the District Council had no objections to the application, although it had been recommended to the Panel that if the application were to be granted that a condition be stipulated in addition to the Council's standard terms and conditions stating:

- *That noise from the licensed events shall be inaudible at the façade of noise sensitive premises.*

Two further letters of objection had been received since the publication of the agenda, which were read out to the panel, before the distribution of a map showing the location of the objectors in relation to the Minx Public House.

(b) Presentation of the Applicant's Case

The applicant's barrister explained that although the premises were currently closed for refurbishment, it would be a Moroccan Restaurant upstairs for approximately thirty covers, with a more traditional bar downstairs providing paninis and wraps by way of food. It was not the intention of the applicant for the music to be of the club or disco variety, as this would disturb the diners in the restaurant upstairs. In any event it was felt that there would be little leakage of noise as the premises had 12-inch thick brick walls, a soundproof ceiling and thick glass in the windows.

In an effort to minimise disturbance to the residents in the High Road and Smarts Lane it was intended for taxis to pick up their customers from the small green to the front of the premises, and that customers would be encouraged to use the two public car parks within walking distance of the premises. The applicant had also stated his intention to employ licensed doormen on Friday and Saturday nights, who would also be tasked with regularly patrolling the two nearby public car parks to minimise noise from departing patrons.

The applicant's barrister also maintained that the disturbance experienced by the residents in Ollard's Grove was actually caused by patrons departing the closer Old Crown public house, and that a number of the letters of objection that had been received in respect of the application referred to problems that had been experienced under the previous ownership when the premises was known as the Royal Standard public house.

The applicant further explained that one of his business partners was experienced in door work, whilst the other was experienced in financial accounting. A manager for the bar had also been recruited that had had experience of running bars in the west end of London.

(c) Questions for the Applicant from the Panel

In response to questions from the Panel, the applicant stated that there would not be too many late arrivals expected, as most customers would arrive earlier in the evening. The attendance would be controlled on the door and there would be no entry after midnight. The applicant agreed that none of the partners had had experience with running an establishment serving alcohol, however, experienced staff were being recruited through reputable agencies. The managers would run the premises operationally on a daily basis, although there would always be at least one of the partners on the premises during opening hours.

The applicant confirmed that the Public Entertainment Licence was only being sought for the downstairs bar as it was intended to only play ambient music in the restaurant upstairs. The music downstairs would be contemporary but no firm decision had yet to be taken, although it was not intended to offer live music. There would be a resident Disc Jockey and dancing would not be discouraged but there were no plans to section off an area for a dance floor. It was planned to utilise 60% of the downstairs floor space for seating. In an effort to prevent noise escaping the premises, no windows would be opened and an air conditioning system would be installed. The applicant stated that he would welcome suggestions from the technical officers of the Council regarding how to prevent noise escaping through the doors. A soundproof ceiling had also been installed to prevent the music from the downstairs bar disturbing the restaurant diners upstairs.

The applicant agreed that parking for customers could be an issue. There were only approximately 50 spaces available in the two nearby public car parks, and there would be limited opportunities for customers to park in the nearby residential streets. However, the applicant reminded the Panel that this would still be an issue regardless of whether the Public Entertainment Licence was granted or not. When questioned about security arrangements, the applicant stated that it was their intention to have two people on the door on Friday and Saturday nights. There would also be a number of public notices to discourage customers from disturbing nearby residents when they left the premises, which the staff would also reinforce. The applicant stated categorically that the business would not encourage rowdy customers to return.

The business would have a policy of no admittance to under-21's, as they wanted to encourage a mature clientele with more disposable income, rather than young immature drinkers. It would be the task of the doormen to stop unwanted customers from entering the premises and either disperse them or call the police if they were particularly troublesome. On Friday and Saturday nights, there would be a minimum of three, possibly four doormen on duty, with two on the door, one in the downstairs bar and possibly one in the restaurant upstairs. One of the men on the door would be tasked to help customers with parking and any taxis that had been ordered. The applicant intended to establish links with Mayfair Cars to provide taxis for customers, possibly via a contract for which a condition that prohibited the use of horns could be enforced. The applicant asked the Panel to accept that other taxi companies would be outside the control of the business, but that the doormen would attempt to

minimise any disruption to local residents. The applicant reminded the Panel that taxis for such premises rarely used their horns, as their prospective clients would not be able to hear inside; the doormen would usually liaise with the taxi drivers. It was the intention for the doormen to remain on the premises until 2:30 a.m.

The Applicant stated that during the week the premises would stop serving alcohol at 11:00 p.m. and allow the permitted twenty minutes drinking up time. This should ensure that all customers had left the premises by 11:30 p.m. The late Liquor Licence had only been sought for Friday and Saturday nights to cater for the demands of their customers. The application for a Public Entertainment Licence was only being sought for the ground floor bar, not the restaurant upstairs. The capacity of the downstairs bar had yet to be agreed but would probably not exceed 150 people.

(d) Questions for the Applicant from the Objectors

In response to questions from the objectors present, the applicant stated that the premises would serve regular drinks such as Lager, Bitter, Gin and Whisky as well as cocktails and wine, and reiterated that most of the customers would be in the premises by 8.00 p.m. The applicant agreed that this would potentially give customers five hours of drinking time, however the applicant also pointed out that numerous customers would also eat in the restaurant upstairs as well, and that any customers who were unruly would be prohibited from entering the premises in the future. The applicant repeated that it was intended not to permit entry to anyone under the age of 21, as the business did not want to attract young, irresponsible drinkers. The doormen would be responsible for controlling entry to the premises, however there was always the option to implement identity checks and join the local 'Pubwatch' scheme in the future. The applicant confirmed that the rear doors would be utilised as an emergency exit, and that the doors and windows would be kept shut at all times in order to prevent any noise escaping from the premises.

(e) Questions for the Applicant from the Officers

There were no questions that the officers wished to ask of the applicant.

(f) Presentation of the Objector's Case

In a short statement to the Panel, the objectors were of the view that patrons of the premises would congregate on the small green outside with their drinks during the summer months and that this would lead to broken glasses in the area. The objectors also felt that granting the application would lead to a lot of noise in the area over the whole period of the evening, including taxis using their horns to alert customers of their arrival.

(g) Questions for the Objectors from the Panel

The Panel had no questions for the objectors present at the meeting.

(h) Questions for the Objectors from the Applicant

The applicant had no questions that they wished to ask of the objectors present at the meeting.

(i) Closing Statement by the Applicant

In a short closing statement, the applicant's barrister stated that although the applicants would prefer a 1:00 a.m. Public Entertainment Licence, they would be prepared to accept an earlier closing time. It was stated that with no other venues in Loughton with a late licence, the local police might be in favour of some staggered closing times. It was maintained that there would be minimal disruption to residents in High Beech Road and Smarts Lane, as most of the customers would leave the vicinity via the High Road.

(j) Consideration of the Application by the Panel

The Chairman requested that the participants leave the Chamber whilst the Panel debated the application in private.

The Panel was of the general opinion that the proposal had been well thought out and professionally presented. There had been consultation undertaken with various agencies and it was not intended to run the establishment as a club. However, there were a number of issues that required debate. The first was that of parking within the vicinity. It was highlighted that Smarts Lane was a narrow street that offered few opportunities for non-residents to park, traffic calming measures had been installed in High Beach Road that reduced further the opportunities for parking, and there was some doubt expressed about whether the two nearby public car parks could accommodate the expected number of cars or if they would still be open until 1:00 a.m.

The Panel was also reminded that the Association of Chief Police Officers had recently issued a statement that declared their opposition to staggered closing times for alcohol establishments, as it was felt that this would not lead to the desired reduction in anti-social behaviour. The Panel welcomed the suggested condition that noise from licensed events should be inaudible from outside the premises.

There was also the issue of customers from the premises imbibing their drinks on the green outside the establishment during the summer months. It was pointed out that any member of the public could use the green, however, it was expected that the doormen would prevent customers from leaving the premises with drinks. The Panel was also of the opinion that staff from the premises would manage the expected taxis at the end of each evening with minimal disruption to local residents.

The Head of Environmental Services reminded the Panel that the issues of the venue's capacity as well as drinking up time were not matters for the Panel's consideration. The Panel were only to consider the issues with regards to the application for a Public Entertainment Licence.

The Panel were aware of the concerns raised by the objectors, who were all local residents, but the premises had been a public house for a considerable number of years with the attendant problems of parking and noise in the vicinity. It was highlighted that the applicants would not be able to control their customers once they had left the immediate vicinity.

The Chairman invited the participants back into the Chamber and informed them of the Panel's decision. The Panel then adjourned for ten minutes before hearing the next case.

RESOLVED:

- (1) That the Minx Public House be granted a Public Entertainment Licence, subject to the Council's standard terms and conditions;
- (2) That the Licence hereby granted permits public entertainment to take place at the premises until 12.00 a.m. on Friday and Saturday nights;
- (3) That noise from the licensed events shall be inaudible at the façade of the noise sensitive premises; and
- (4) That no entry be permitted to the premises for paying customers after 11.00 p.m. on Friday and Saturday nights.

39. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE – THE QUEENS HEAD, PATERNOSTER HILL, WALTHAM ABBEY

The Chairman welcomed the participants, and requested that they introduce themselves to the Panel and officers. In attendance on behalf of the application was Mr N Laurie, the applicant, and Mrs Scott, the area manager for McMullen's, who were legally represented by their solicitor Mrs Hughes. Objecting to the application were Mr J Wyatt representing the Paternoster North Residents Association, and Mr A Pegg, a local resident. The Chairman confirmed with the officers present that all the relevant processes had been complied with. The Chairman then introduced the members and officers present, and explained the procedure that would be followed for the determination of this application.

(a) The Application before the Panel

The Head of Environmental Services informed the Panel that Mr N Laurie had applied for a Public Entertainment Licence to run until 11.00 p.m. on Monday to Saturday nights and 10.30 p.m. on Sunday nights at the Queens Head Public House in Waltham Abbey. Letters of objection had been received from Councillor Haines, as well as the Paternoster Hill Residents Association, the Crooked Mile Residents Association, the Paternoster North Residents Association, five local residents and Waltham Abbey Town Council in respect of the application. Neither Essex Police or Essex Fire and Rescue Service had made any objections to the application. Officers of the District Council had no objections to the application, although it had been recommended to the Panel that if the application were to be granted that the following conditions be stipulated in addition to the Council's standard terms and conditions:

- *That an entrance lobby with two sets of doors, with self-closing devices, be installed to the satisfaction of the Licensing Authority, for the purposes of access and egress to any licensed events; and*
- *That an appropriate automatic noise control device be used for any amplified sound and should be set so that the volume of any amplified sound emanating from the premises be inaudible at the façade of the noise sensitive premises.*

A map was distributed showing the location of the objectors in relation to the Queens Head Public House.

(b) Presentation of the Applicant's Case

The applicant's solicitor explained that the applicant had decided, since the publication of the agenda, to restrict the application to only Thursday, Friday and Saturday nights, and not the whole week as indicated in the agenda. The Panel were reminded that the premises already had a Liquor Licence until 11.00 p.m., 10.30 p.m. on Sundays. It was intended to offer entertainment on an occasional basis, no more than two nights a month, and would be of the karaoke variety rather than a disco. There had been a noise limiter fitted at the premises, which would be reset by Building Control Officers, all doors and windows would be shut during the periods of entertainment, and a self-closing internal door would be fitted to the entrance lobby as per the officer's recommendation.

Signage within the establishment would encourage patrons to not disturb local residents when leaving, although there had not been any problems reported during the past two years, and the Karaoke disc jockey would make similar announcements towards the end of the evening. The applicant would ring for any taxis required by customers and liaise with the operators.

In conclusion, it was stated that granting the Public Entertainment Licence would regulate the entertainment held on the premises and provide a safeguard for the local residents. The Panel was reminded that concerns about the adjacent road were a matter for the Highways Authority.

(c) Questions for the Applicant from the Panel

The applicant stated that whilst the premises did not currently have air conditioning, there was a full ventilation system in place. Air conditioning would be relatively easy to install and was under consideration for the proposed refurbishment. The car park at the public house had capacity for up to 30 cars but had never been full during the two years that the applicant had run the establishment; it was pointed out that 90% of the customers walked to the premises.

(d) Questions for the Applicant from the Objectors

In response to questions from the objectors, the applicant stated that the target age group for their proposed entertainments was 18 to 80, although the premises did have a Children's Certificate until 9.00 p.m. in the evening. It was intended to refurbish the premises in order to attract more families. The applicant was also proposing a condition to the licence that the doors and windows of the premises must be shut when the entertainments were taking place, in order to soundproof the premises. The applicant stated that an overflow car park would not be required as most of the customers walked to the premises.

(e) Questions for the Applicant from the Officers

There were no questions that the officers wished to ask of the applicant.

(f) Presentation of the Objector's Case

In a short statement to the Panel, the representative of the Paternoster North Residents Association objected to the application on the grounds of traffic safety issues and of being detrimental to local residents. The Panel were informed that the sightlines for traffic leaving the establishment were very poor and that there had been a high accident rate along Paternoster Hill.

Further objections to the application cited the lack of public transport along Paternoster Hill, and the limited number of local minicab companies, which indicated that most customers would use their own cars. It was also felt that once the car park became full then customers would park in the adjacent narrow side roads. It was also requested of the Panel that if the application were granted then a permanent restriction be imposed to avoid the establishment from reapplying when the new Liquor Licensing Act 2003 came into force on 7 February 2005.

(g) Questions for the Objectors from the Panel

It was confirmed that the speed limit in operation for Paternoster Hill was 30 m.p.h.

(h) Questions for the Objectors from the Applicant

The applicant had no questions that they wished to ask of the objectors present at the meeting.

(i) Closing Statement by the Applicant

In their closing statement, the Panel were reminded that traffic issues should not be considered in relation to this application. The establishment would remain in situ, regardless of whether the application was granted or not, however, the granting of the Public Entertainment Licence would regulate the planned entertainment and provide a degree of protection for the local residents. Finally, it was reiterated that the applicant was only seeking a licence for Thursday through Saturday nights from 8.00 p.m. to 11.00 p.m.

(j) Consideration of the Application by the Panel

The Chairman requested that the participants leave the Chamber whilst the Panel debated the application in private.

The Panel agreed that the issue of the traffic should not be considered. The Panel were in agreement to grant the application, subject to the two extra conditions suggested by the officers. It was also felt that a further condition should be imposed requiring the applicant to install air conditioning throughout the premises.

The Chairman invited the participants back into the Chamber and informed them of the Panel's decision.

RESOLVED:

- (1) That the Queens Head Public House be granted a Public Entertainment Licence, subject to the Council's standard terms and conditions;

- (2) That the Licence hereby granted permits public entertainment to take place at the premises from 8.00 p.m. until 11.00 p.m. on Thursday, Friday and Saturday nights;
- (3) That an entrance lobby with two sets of doors, with self-closing devices, be installed to the satisfaction of the Licensing Authority, for the purposes of access and egress to any licensed events;
- (4) That an appropriate automatic noise control device be used for any amplified sound and should be set so that the volume of any amplified sound emanating from the premises be inaudible at the façade of the noise sensitive premises; and
- (5) That air conditioning be fitted throughout the premises prior to any licensed events taking place.

CHAIRMAN