

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub Committee Tuesday 2nd April 2024

Place: Council Chamber - Civic Offices

Time: 10.15 am

Democratic Services: T Larsen, Democratic Services (Direct Line 01992 564243)
Email: democraticservices@eppingforestdc.gov.uk

**6. APPLICATION FOR PREMISES LICENCE - CHICKAROS CHICKEN CHIGWELL,
783 CHIGWELL ROAD, WOODFORD GREEN, CHIGWELL, IG8 8AU (Pages 2 - 5)**

To consider the attached application for a Premises Licence

Agenda Item 6

OBJECTION TO PREMISES LICENCE APPLICATION (LICENSING ACT 2003)

Chickaros Chicken Chigwell 783 Chigwell Road, Chigwell, Essex, IG8 8AU

1.0 Outline of circumstances leading to the objection to the Premises Licence application.

- 1.1 The application seeks to allow the sale of late-night refreshment from 23:00 to 03:00 Mondays – Sundays.
- 1.2 Essex Police have objected to this application under the licensing objectives:
 - Crime and Disorder
 - Prevention of Public Nuisance
- 1.3 The reason for this are, Essex Police feel that the premises will become a destination venue for youths to congregate due to the late timings it can sell food (as proposed on the application). This would most likely cause anti-social behaviour to the nearby residents and people attending the premises.
- 1.4 Secondly, the immediate area is residential and persons attending the premises will have to walk through these residential parts in order to access the premises. In the late/early hours this is likely to cause a public nuisance to those residents with the increased footfall and customers loitering outside of the premises.
- 1.5 Thirdly, the premises is requesting to carry out take-away food until 03:00am. Essex police feel that the noise from take-away drivers with their vehicles, waiting outside for deliveries and talking will also create a public nuisance to the residents that live in the immediate vicinity until past 3am.
- 1.6 Essex Police believe that on the balance of probabilities there will be an increase in crime, disorder and public nuisance during the hours the premises is open if the application is granted in its current form.
- 1.7 Essex Police have concerns regarding dispersal as the only way that patrons can disperse the area is via private vehicles and private hire vehicles. Patrons will have to meet their transport along Chigwell Road which could mean that there is a throng of persons in the area leading to crime and disorder and public nuisance in the early hours of the morning as the premises is intending to stay open to the public until 01:00am Mondays – Sundays (Take-aways via phone order, etc only until 03:00am).
- 1.8 Annex 1 at the end of bundle shows view of the area to show how close the venue is to residential properties.
- 1.9 The premises has operated, in the past, as a restaurant but did not offer take-aways. During this period there were no reported crimes made to police.
- 1.10 Essex Police have further concerns that the conditions offered up by the application would not uphold the 4 licensing objectives.

2.0 Outcome Sought

- 2.1 Essex Police feel that by having a licence until 0300 hours during the weekdays and weekends and allowing customers to attend the premises until 0100 hours on weekdays and weekends, there will be increased crime and disorder and public nuisance.
- 2.2 Essex Police would suggest that the following times for the late-night refreshment be:
Sundays: 23:00 – 00:00.
Mondays – Saturdays: 23:00 – 00:30
- 2.3 Essex Police further feel that the following conditions offered by the applicant be amended:
- *The premises will be closed to the general public from 01:00.*
 - *An outside seating area will be used for customers up until 23:00 hours.*
- 2.4 Essex Police feel that under Prevention of Public Nuisance these conditions should be amended to:
- *The premises will be closed to the general public from 23:00.*
 - *The outside seating area will be used for customers up until 22:00 hours.*
- 2.5 The Guidance issued under section 182 of the Act provides useful guidance:
a) Paragraph 11.26
It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 2.6 Furthermore, case law provides additional guidance on balancing financial considerations and the need to promote the licensing objectives, viz:
a) In the case of R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312, Lord Justice Toulson said:
"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact."
The decision is important because it illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic

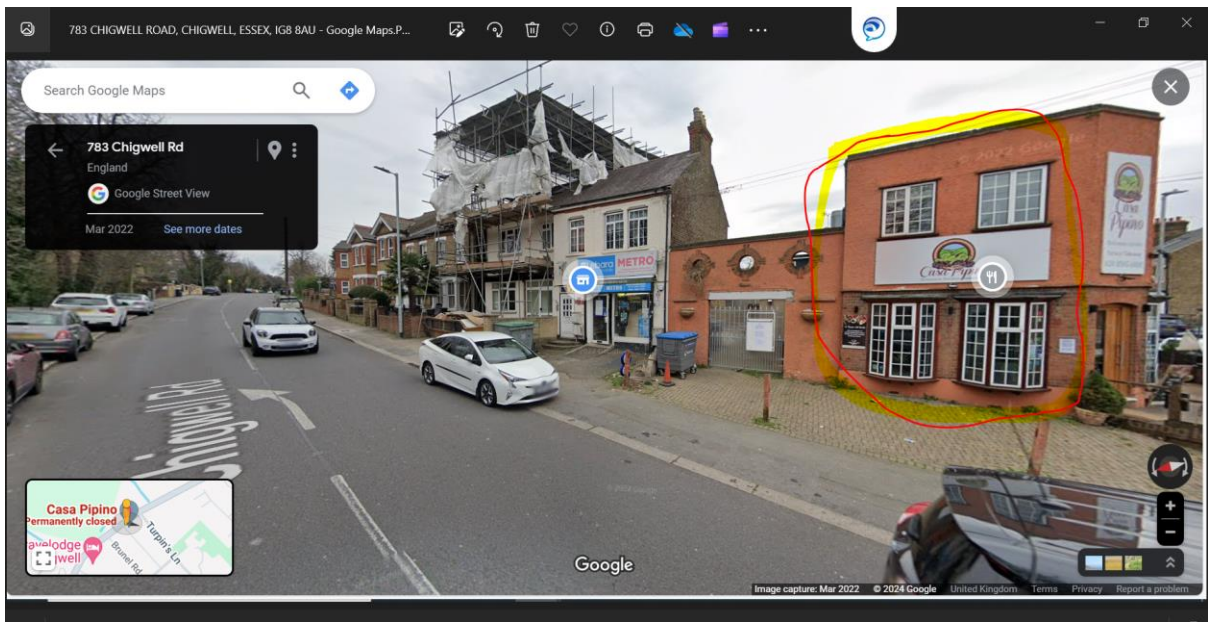
environment and should not be looked at entirely in isolation. The effect on a range of factors such as crime and the quality of life for residents and visitors must be considered and not just the narrow consideration of the premises itself.

b) In the case of *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)*(2016) Mr Justice Jay said:

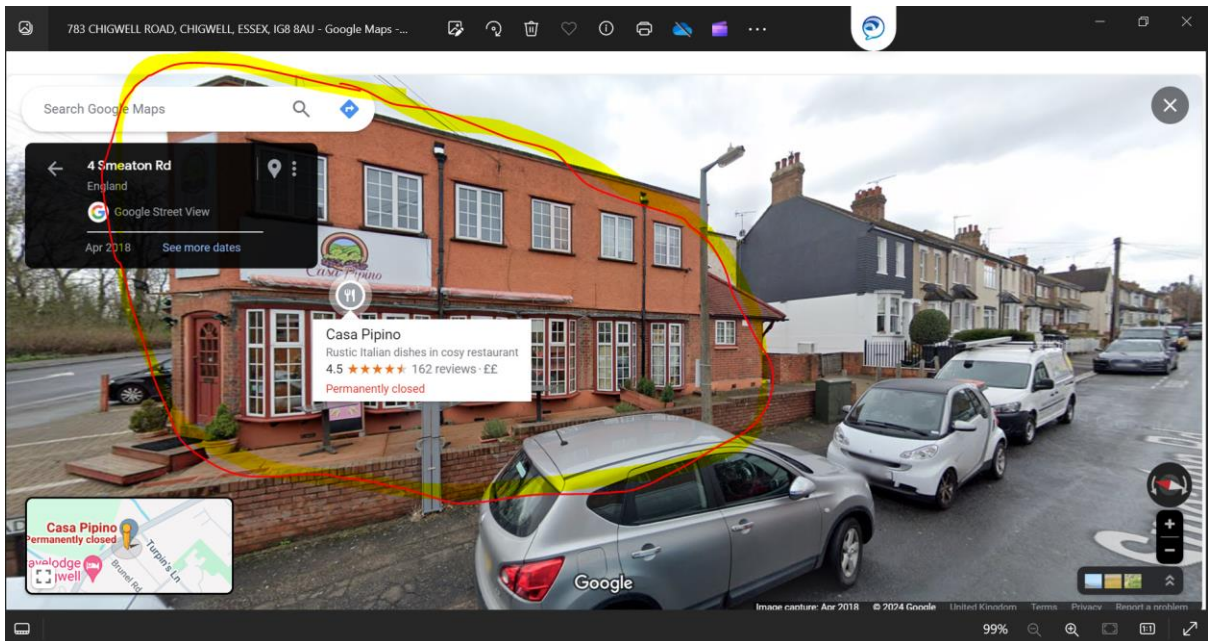
The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

2.6 Essex Police wish for the committee to view what has been presented and see if Essex Police's viewpoint is in line with those on the committee. Essex Police wish for the premises to be in keeping with residents in the immediate vicinity.

Annex 1



*Circled in red/yellow is the proposed premises.



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Both Images obtained from Google Maps.