

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 21 July 2005
Place: Civic Offices, High Street, Epping **Time:** 10.00 am - 4.52 pm
Members Present: P McMillan, T Richardson, Mrs P Smith and Ms S Stavrou
Other Councillors: (none)
Apologies: (none)
Officers Present: J Nolan (Environmental Services), Ms A Mitchell (Assistant Head of Legal, Administration and Estates (Legal)), K Tuckey (Environmental Services), David Baker (Planning), Richard Gardiner (Environmental Health), Z Folley (Democratic Services Assistant) and S G Hill (Senior Democratic Services Officer)

26. ELECTION OF CHAIRMAN

RESOLVED:

That, in accordance with the terms of reference for the Licensing Committee, Councillor Mrs P Smith be elected Chairman for the duration of the Sub-Committee meeting.

27. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda item 12 (Application to vary Premises Licence, Duke of Wellington, Loughton) by virtue of being a Loughton District Councillor. She declared that her interests were prejudicial and indicated that she would leave the meeting for the consideration and voting thereon.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda item 15 (Application to vary Premises Licence, The Angel, 48 Sun Street, Waltham Abbey) by virtue of being the Deputy Mayor of Waltham Abbey Town Council. She declared that her interests were prejudicial and indicated that she would leave the meeting for the consideration and voting thereon.

28. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

29. 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 will involve the disclosure of exempt information as defined below in the relevant Paragraph of Part 1 of Schedule 12A of the Local Government Act 1972:

Agenda Item No.	Subject	Exempt Information Paragraph No.
6	Application for exemption to display a Private Hire Vehicle Licence Plate – Mr G Jackson	4
7	Application for Hackney Carriage Drivers' Licence - Mr H Estrada	4

30. APPLICATION FOR EXEMPTION TO DISPLAY A PRIVATE HIRE VEHICLE LICENCE PLATE - MR G JACKSON

The Sub- Committee considered an application from Mr G Jackson for an exemption to display a private hire vehicle license plate. Members noted that officers did not have delegated powers to grant this application and, as a result the application had to be considered by the Sub-Committee. The Chairman welcomed the applicant and introduced the Members and officers present. The Environmental Health Manager informed the Sub-Committee of the circumstances under which the license could not be issued under delegated authority.

Mr Jackson made a short statement to the Sub-Committee in support of his application. During which he stated that he required the exemption in order to gain employment in the luxury car business. The applicant answered a series of questions 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 decision.

RESOLVED:

That the application by Mr G Jackson for an exemption to display a Private Hire Vehicle Licence plate be granted subject to the Council's standard terms and conditions.

31. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR A ESTRADA

The Sub- Committee considered an application from Mr Estrada for a Hackney Carriage Driver's License. Members noted that Mr Estrada has not held a full DVLA licence for three years and therefore the application has been refused by officers in accordance with the Delegated Authority Rules. The Chairman welcomed the applicant and introduced the Members and officers present.

Mr Estrada made a short statement to the Sub-Committee in support of his application before answering a series of questions from Members of the Sub-Committee. 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 decision.

RESOLVED:

That a Hackney Carriage Drivers License be granted to Mr Estrada subject to the Council's standard terms and conditions.

32. PRESS AND PUBLIC

RESOLVED:

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

33. LICENSING ACT 2003 - APPLICATION TO VARY PREMISES LICENSE - THE CHEQUERS, MATCHING GREEN, HARLOW

The Sub-Committee considered an application to vary a premises license for the Chequers, Matching Green Harlow. The Environmental Health Manager reported that the variation had already been granted under delegated authority, however representations concerning the conversion had been received from interested parties including local residents, Matching Parish Council, and District Councils Councillor Morgan and Kelly who were in attendance to present their case. It was reported that Planning Services in their role as a Responsible Authority had also submitted representations. These concerned the level of noise and disturbance that could result from the variation.

The Environmental Health Manager reported that since the application was submitted two e-mails had been received from the applicants' legal representatives. They addressed concerns about parking near the premises and reported steps taken to address the concerns. The correspondence also revised the extension sought for the sale of alcohol on Mondays to Saturdays.

After discussing the application and considering the objections the applicant reported that he was prepared to withdraw the proposed variation and continue with existing hours and facilitates. The Environmental Health Manager advised that this request could be granted under delegated authority provided he supplied a copy of the supper license for the premises. It was also agreed that Matching Parish Council be notified of this decision and the conditions of the new license.

RESOLVED:

That the actions agreed by the applicant and the Environmental Health Manager be noted.

34. LICENSING ACT 2003 - APPLICATION TO VARY PREMISES LICENCE FOR THE KINGS HEAD, NORTH WEALD

The Sub-Committee were advised that the application had been withdrawn prior to the meeting.

35. LICENSING ACT 2003 - APPLICATION TO VARY PREMISES LICENCE FOR THE GOLDEN LION, BORDERS LANE, LOUGHTON

The Sub-Committee considered an application to convert and vary a premises license for the Golden Lion, Borders Lane, Loughton. The variation requested that the premises hours for the sale of alcohol, refreshments and regulated light entertainment be extended. The Environmental Health Manager reported that representations had been received from Responsible Authorities for Planning and Environmental Control concerning the variation and as a result there was a need for the application to be considered by the Sub-Committee.

(i) Presentation of the Applicant's Case

The Chairman introduced the manager of the premises and the solicitor present to report the merits of the application. The representatives made the following points:

- (a) local residents formed the premises main customer base.
- (b) No residential properties were situated immediately next to the premises due to the sheltered nature of the grounds surrounding the establishment.
- (c) No representations concerning the variation had been received from local residents or the nearby old peoples home.
- (d) A noise limiter device had been installed to ensure emissions complied with legal requirements.

(ii) Presentation of the Responsible Authorities Case

The Sub-Committee considered the representations received from the Responsible Authority for Environmental Services. Mr Gardiner, of the services technical team reported the concerns. He advised that the proposals were likely to result in increased levels of noise nuisance from amplified sound. This was a particular concern given the proximity of the premises to residential properties. He also stated that it was important that the volume of any music met legal requirements. He stated that this could be achieved by a condition, which stated that the Premises Supervisor took steps to monitor volume and ensured that it was inaudible at the boundary of the property.

The Sub-Committee considered the concerns of the Responsible Authority for Planning Services. Mr Baker, of the team stated that the proposals were likely to result in patrons using the premises parking facilities and outside decking during the extension. He stated that to limit the noise nuisance problems that could result from such activities, a condition be added to the application to state that the sale of alcohol be limited to 12.00pm and the outside patio be cleared after 11.30pm.

(iii) Applicant's response to representations

In response to the representations, the applicant's solicitor reported that:

- (a) The Licensing Act 2003 stated that any conditions attached to a conversion had to be necessary and not duplicate powers already available under existing legislation. The condition suggested by Environmental Services did not comply with this provisions as its objectives for controlling public nuisance could be achieved through environmental legislation. In practice, the condition

would be difficult to enforce as the variables which affected noise levels (such as background noise) changed constantly.

- (b) The legislation stated that the application could be call-in for review in six months time. This provision would be enacted if concerns were raised about the application once it had been put into practice.
- (c) To address noise disturbance concerns, the conditions had been revised to ensure that the rear garden would close at 11.30pm. Signs could be displayed to ask patrons to leave quietly.

(vi) Consideration of application by the Sub-Committee

The Sub-Committee noted that no representations concerning the variation had been received from local residents. The Sub-Committee also received advice from officers about the condition proposed by Environmental Services. Officers stated the condition did not comply with sections of the Guidance to the Act concerning the need for conditions to be necessary precautions which could not be derived from existing legislations. In view of these considerations, Members agreed that the application be granted subject to the conditions derived from the application only.

RESOLVED:

That the application to vary a premises licence at the Golden Lion, Borders Lane, Loughton be granted subject to conditions derived from the application form only.

36. LICENSING ACT 2003 - APPLICATION TO VARY PREMISES LICENSE FOR THE DUKE OF WELLINGTON, WELLINGTON HILL, LOUGHTON

The Sub-Committee considered an application to vary a premises license for the Duke of Wellington, Loughton. The variation sought to permit alcohol sales and regulated entertainment between 10.00am and 12.00 p.m on Monday to Sunday. The Environmental Health Manager reported that since the agenda for the meeting had been published the Police had withdrawn their objections to the application.

(i) Presentation of the applicant's case

The Chairman introduced the landlord of the premises and the solicitor present to report the merits of the application. The representatives made the following points:

- (a) The establishment was located within a semi rural location. It was a food led public house, which sold alcohol primarily to diners.
- (b) The variation would not lead to changes to the way in which the premises had already been trading under its existing license.
- (c) Indoor activities at the establishment consisted of sports (darts, snooker), films and videos.

(ii) Presentation of Objector's case

The Sub-Committee noted the concerns raised by Mr Lowther who lived near the premises about the disturbance to residents sleep that could result from the proposed extension of hours. Mrs Dearing the landlady of the establishment attended the meeting to responded to the concerns. She stated that the nuisance referred to

was probably caused by the activities of local youths who used the waste land near the premises. In response to questions, Mrs Dearing reported the arrangements in place to prevent crime and disorder. She stated that notices stating that children had to be accompanied by adults were displayed and that staff verbally reinforced the requirement.

(iii) Consideration of the Application by the Sub – Committee

The Chairman asked the participants to leave the room so that they could consider the application in private. In reaching the decision, the Sub-Committee took into account the conditions attached to the application designed to prevent public nuisance. With these considerations in mind the Sub-Committee agreed that the applications be granted.

RESOLVED:

That the application to vary a premises licence at the Duke of Wellington, Wellington Hill, Loughton be granted subject to conditions derived from the application form only.

37. LICENSING ACT 2003 - APPLICATION TO VARY PREMISES LICENSE FOR THE CRUSADER, 42 HIGH ST, ROYDON

The Sub-Committee considered an application to vary a premises license for the Crusader, Roydon. The application sought to permit occasional regulated entertainment and the sale of alcohol between 10.00am to 11.00pm Sunday to Thursday and between 10.00am to 12.00 pm Friday and Saturday. The Environmental Health Manager reported that the proposals were set out in a letter issued on 9 June 2005 by the applicants, McMullen and Son Ltd which revised their initial application following the receipt of letters from interested parties.

(i) Presentation of applicant's case

The Chairman introduced Mr Gill, of McMullen and Son Ltd and the manager of the premises, Mr Sullivan. To support their case they reported:

- (a) the premises was a village based establishment which attracted local residents.
- (b) No representations concerning the variation had been received from local residents
- (c) Changes had been made to the application to address any potential noise nuisance concerns . This included decreasing the opening times sought to 11.00pm on Sunday to Thursday and 12.00pm Friday to Saturday.
- (d) Steps were already taken to prevent noise disturbance. The manager and staff supervised dispersal from the premises to promote a gradual out flux to minimise impact . Notices were displayed in the car park to encourage customers to leave quietly.
- (e) Under the existing license, late night music events were held approximately 15 times a year. As they were not a regular part of the business, noise control devices to regulate sound was not necessary. The manager and staff took action to ensure that music was inaudible at the boundary of the premises.

(ii) Presentation of objector's case.

Mr and Mrs Burgess who lived near the premises attended the meeting to express their concerns. They pointed out that the public house was located within a residential areas and faced their house. Noise from outside the business after closing time already caused problems and would be exacerbated by the extension. In response to questions, the objectors stated that letters of complaint had been sent to McMullen and Son Ltd to register concerns about the premises existing activities.

(iii) Consideration of application by the Sub-Committee.

Members paid particular attention to the wording of the condition in relation to the protection of children. The Sub-Committee were of the view that the condition be clarified to ensure children under the age of 18 be excluded from the premises after 10.00pm. Subject to this change, the applicant was granted.

RESOLVED:

That the application to vary a premises licence at the Crusader, Roydon be granted subject to conditions derived from the application form and the letter submitted by McMullen and Sons Ltd on 9 June 2005.

38. LICENSING ACT 2003 - APPLICATION TO VARY PREMISES FOR THE FORESTER ARMS, BALDWYNS HILL, LOUGHTON

The Sub-Committee considered an application to vary a premises license at the Forester Arms, Baldwins Hill, Loughton. Members were advised that the applicant wished to provide alcohol between the hours of 10.00am to 12.00 pm Monday to Thursday and to 1.00 pm Friday to Sunday.

The Environmental Health Manager reported that a letter had been received from the applicant's solicitors to support the case. He also advised that following statutory consultations, representations had been received from the Responsible Authority for Planning Services.

(i) Presentation of the applicant's case.

The applicant's barrister, a representative of the Brewery who made the application and the manager of the premises attended the meeting to present their case.

During the presentation the Sub-Committee noted the following points:

- (a) To address concerns raised by Planning Services about potential noise problems and disturbance to residents during the later hours of the extension, the garden and terrace would shut at 11.30pm. Signage to encourage customers to leave quietly would also be displayed.
- (b) The majority of the public house's clientele were local residents and over 25.
- (c) Only two complaints had been received about the behaviour of patrons. It was subsequently determined that the objections concerned activities which were not related to the businesses activities.
- (d) No children under the age of 16 were allowed to approach the bar unless accompanied by an adult or enter the premises after 9.00pm.

(ii) Presentation of Objectors Case

The Environmental Health Manager advised that several letters of objection had been received from residents about the variation. The objections stated that the extension would worsen existing parking problems at the site baring in mind its limited parking facilities. Concern was also expressed about noise disturbance caused by amplified sound during music nights held under the current license and that the problem would worsen as a result of the extension. Local residents Mr and Mrs Giles attended the meeting to present their objections. They reported that they lived directly opposite the public house and that music events held at the premises sometimes on consecutives nights disturbed their sleep.

The Sub – Committee considered the representations received by the Responsible Authority for Planning Services. Mr Baker of the service reported that in view of the proximity of the public house to residential properties, the application was likely to generate noise nuisance from patrons drinking during anti-social hours and leaving late at night. He stated that although the condition agreed with the applicants to close the beer gardens and the outside terrace at the front patio addressed concerns, it still did not satisfy overall concerns about the proposed opening hours.

(iii) Consideration of application by Sub-Committee.

In considering the application Members noted the concerns reported at the meeting about the level of noise and disturbance that could result from the application. The Sub-Committee were mindful of the need to minimise such disruption to local residents baring in mind the premises rural location and proximity to residential properties. In light of these issues, the Sub-Committee agreed that the application as outlined be refused and a variation which reduced the hours sought by the applicant to limit public nuisance problems be granted.

RESOLVED:

- (1) That the variation as outlined in part B 1 of the application be refused on the grounds of:

The prevention of public nuisance likely to result from the noise disturbance associated with the extended hours applied for, oral representations received at the meeting and residential nature of the area concerned.

- (2) That the following variation be granted:

An additional half an hour at the end of the day seven days a week.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day to reflect existing new years eve/day hours.

Drinking up time of 30 minutes after last permitted sale of alcohol.

All of the above to be for the sale of alcohol, the performance of recorded and live music be limited to two entertainers.

39. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE FOR THE ANGEL, 48 SUN STREET, WALTHAM ABBEY

The Sub-Committee considered an application to vary a premises license for the Angel, Waltham Abbey. The application sought to permit the sale of alcohol and provision of regulated entertainment between 10.00am and 12.00pm on Sunday to

Saturday . The proposals were detailed in a letter issued on 9 June 2005 by McMullen and Son (the Brewery making the application), which amended their initial application to address representations made by interested parties. It was noted that no representations had been received from Responsible Authorities.

(i) Presentation on Applicant's case.

Mr Gill of McMullen and Son attended the meeting to present the application. Mr Gill briefly outlined the history of the establishment and the proposals. He stated that the public house was located near to the town centre but was a local community establishment. The variation would not lead to changes to the current community based style of business. Mr Gill reminded Members that the variation included a 30 minutes wind down period after the end of permitted hours. He advised that this provision should promote a more gradual dispersal of customers.

(ii) Presentation of Objectors Case.

The Environmental Health Manager reported that representations had been made by two Waltham Abbey Residents, The objections drew attention to the affect potential noise nuisance problems would have on the nearby block of elderly peoples flats. Mr Gill reminded the Sub-Committee that the application had been revised to allay such concerns. In addition their letter of 9 June 2005 detailed a series of steps the establishment would take to minimalism disturbance to neighbours.

In response to questions Mr Gill described the mix of properties located near the premises.

(iii) Consideration of application by Sub-Committee.

Members noted that the applicant had revised their application to address representations received by local residents. Members also took into the conditions the applicants were prepared to offer to assure residents that they intended to run the premises in a responsible manor. The Sub-Committee agreed that the application be granted subject to conditions.

RESOLVED:

That the application to vary a premises licence at The Angel, Waltham Abbey be granted subject to:

- The conditions contained in the application form
- The letter submitted by McMullen and Sons Ltd on 9 June 2005 and
- The following additional condition agreed at the meeting in relation to the protection of Children:
- that all persons under the age of 18 be excluded from the premises after 22.00 p.m.

CHAIRMAN