

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Licensing Sub-Committee                      **Date:** 18 August 2005

**Place:** Council Chamber, Civic Offices,              **Time:** 10.00 am - 1.10 pm  
High Street, Epping

**Members Present:** M Cohen (Chairman), Mrs R Gadsby, L Martin and P McMillan

**Other Councillors:** (none)

**Apologies:** (none)

**Officers Present:** J Nolan (Environmental Services), E Cox (Licensing Officer), E Davis (Environmental Protection Officer), K Tuckey (Environmental Services), A Hendry (Democratic Services Officer) and R Ferriera (Legal Executive)

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### **40. ELECTION OF CHAIRMAN**

#### **RESOLVED:**

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

### **41. DECLARATIONS OF INTEREST**

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

### **42. PROCEDURE FOR THE CONDUCT OF BUSINESS**

The Sub-Committee noted the agreed procedure for the conduct of business, and the Terms of Reference.

### **43. 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:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph No</b>
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6	Private Hire Driver's Licence Exemption to Display Plate - Mr Hopps	4
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**44. PRIVATE HIRE OF VEHICLE LICENCE EXEMPTION TO DISPLAY PLATE - MR C. HOPPS**

The three Councillors that presided over this item were, Councillors Cohen, Gadsby and McMillan. Councillor Martin acted as an observer.

The Sub-Committee considered an application by Mr C Hopps for an exemption to display a Private Hire Vehicle Licence plate. Members noted that officers did not have delegated powers to grant this application and it must come before the panel for consideration.

The Chairman welcomed the applicant, introduced the members and officers present and explained the procedure that would be followed for the determination of this application.

The applicant made a short statement in support of his application, before answering a number of questions from the members of the Sub-Committee. The Sub-Committee then retired to debate the application in private.

**RESOLVED:**

That the application be deferred in order for the applicant to supply the following information to officers and the Sub-Committee. This information to be a business plan and evidence (in the form of letters) from projected clients that they would employ Mr Hopps only if his vehicle did not carry a Private Hire Vehicle Licence Plate.

**45. PUBLIC AND PRESS**

**RESOLVED:**

That the Public and Press be invited back to the meeting for the remaining items of business.

**46. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - THE TOBY CAVERY, BUCKHURST HILL**

This item was withdrawn.

**47. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - THE VICTORIA TAVERN, SMARTS LANE, LOUGHTON**

The three Councillors that presided over this item were, Councillors Cohen, Gadsby and Martin. Councillor McMillan acted as an observer. Also present were Mr Keith Clark from Punch Taverns, Mr Paul Davis-Jones local resident and objector and Mr Edward Davis, from the Environmental Health section of the district council.

Members of the Sub-Committee considered an application to convert and vary a premises licence for the Victoria Tavern, Smarts Lane, Loughton. The application sought permission:

- to an additional hour every Thursday, Friday and Saturday;

- two additional hours following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend;
- two additional hours following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend;
- a further additional hour every Christmas eve;
- a further additional hour every Boxing day;
- to reflect the existing New Years Day hours;
- Drinking up time- to allow 30 minutes drinking up time after the last permitted sale of alcohol;
- and all of the above to be for the sale of alcohol, recorded music and live music, limited to two entertainers.

The Environmental Health Manager stated that representations concerning the application had been received from interested parties. These consisted of a petition objecting to the extended opening hours, and a letter of objection from a local resident. Copies of which were attached to the report. It was reported that following statutory consultation two replies were received, one from the relevant Planning Services and one from the Environmental Protection Team both indicated that the use of the beer gardens is likely to cause noise nuisance to adjoining residents late at night and the playing of live music until midnight was also likely to cause disturbance. Copies of these letters were attached to the report.

#### **Presentation of the Applicant's case.**

Mr Keith Clark, Business Relations Manager of Punch Taverns Plc was in attendance to present their case. He described the premises saying that it was a traditional style tavern without any sport on TV and no gambling machines. He went on to outline their application as outlined above. He pointed out that the police had endorsed their application and their current management of the tavern, with there being no indication that the longer hours will cause any problems.

Mr Clark was then questioned by the panel, the Environmental Health officer and the objector, who put various questions about the application. In response Mr Clark confirmed that the tavern did not have air conditioning, would continue to serve food with a separate area for dining, and he confirmed that they would be happy to accept a variation that music would be allowed only up to 11p.m. and not 1a.m. as originally asked for. He would also accept that there should be no piped music fed to the beer garden, and that the staff would be vigilant and monitor any latecomers for signs of disorder and excess inebriation.

#### **Presentation of the Objector's case.**

Mr Davis-Jones was the organiser of the petition of local residents who were concerned about the potential for noise disturbance if the longer hours were granted. He felt that once the other pubs in the area closed that they would then go to the Victoria Tavern to continue drinking. Also the beer garden was seen as a potential cause of noise disturbance.

The panel, officer and Mr Clark then had a chance to question Mr Davis-Jones. In response Mr Davis-Jones conceded that he was more concerned about the future management of the tavern once the landlord had changed.

#### **Applicants closing remarks.**

Mr Clark had taken aboard the point of noise disturbance from live music and would be willing to stop the live entertainment at 11p.m. He also agreed that it would be difficult to manage the beer garden and would be content to keep to the existing times. But emphasised that what they proposed would not cause any extra traffic to the area.

### **Consideration of application by the Panel.**

The panel then retired to discuss the application in private where they took advice from relevant officers on Zoning and the existing Christmas and New Years opening hours allowed by law. The panel took into account the probable causes for the prevention of public nuisance and the prevention of crime and disorder.

#### **RESOLVED:**

That the application to vary a premises licence at the Victoria Tavern be granted to:

1. Permit sale of alcohol up to 11p.m.on Thursday, Friday and Saturday.
2. Permit the sale of alcohol up to 12 midnight every Friday, Saturday and Sunday (but not on Mondays) for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
3. Permit the sale of alcohol up to 12 midnight on the Thursday, Friday, Saturday and Sunday (but not Monday) of the Easter Holiday Weekend.
4. Permit the sale of alcohol up to 12 midnight on Christmas Eve and Boxing Day.
5. Note that New Years Eve and New Years day have their own nationally recognised closing times.
6. Remain open for 30 minutes after the end of the permitted hours for the sale of alcohol as a 'drinking up' period.
7. Include the Beer Garden with the premise as indicated on the plan supplied dated 6 December 2004 (drawing number 896627-001. revision A).
8. Have both live and recorded music restricted until the time indicated for the sale of alcohol above; and that no speakers are to be played in the Beer Garden; and no music amounting to a nuisance and arising out of licensed activities is to be audible from the façade of the nearest noise sensitive property.

#### **48. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - THE MONKHAMS, BUCKHURST HILL**

The three Councillors that presided over this item were Councillors Cohen, Gadsby and McMillan. Councillor Martin acted as an observer. Also present were Ms Joins

representing Greene King Brewing & Retailing Ltd., and Ms Elizabeth Cox a Licensing Officer.

Members of the Sub-Committee considered an application to convert and vary a premise licence for The Monkams, Buckhurst Hill. The application sought permission:

- to extend the hours open to the public on Friday and Saturday by one and a half hours;
- to extend opening hours on specified bank holidays and other public holidays;
- to extend opening hours during specified sporting events;
- to provide entertainment by way of live music and the playing of recorded music;
- to allow 40 minutes 'drinking up' time after the last permitted sale of alcohol.

The Environmental Health Manager stated that a representation concerning the application had been received from an interested party. This consisted of an email, a copy of which was attached to the report. No representations were received from statutory consultees.

#### **Presentation of the applicant's case.**

Ms Joins representing Green King Brewing & Retailing Ltd. told the panel that they were submitting the application to protect what they were doing at present and also they wished to extend their Friday/Saturday opening hours, but were happy to reduce their 'drinking up' time from 40 minutes to 30 minutes.

The panel then questioned Ms Joins. In response she confirmed that they would like live music up till 11p.m. and on Friday and Saturday up to 12 midnight. She also confirmed that they would like to withdraw their application concerning extended opening on certain sporting occasions. Although the Monkams did have a garden area they were willing to close it by 11p.m. every night. To reduce the possible noise nuisance they were also agreeable to restrict the music to be non-amplified and not to be played in the garden, and that the bar staff would be vigilant and monitor any latecomers for signs of disorder and excess inebriation.

There were no questions from the officers present.

#### **Applicants closing remarks.**

Ms Joins apologised to the panel for not knowing all the details of the application and assured the panel that the bar staff would do their best to ensure that the patrons left the establishment quietly and in an orderly manner.

#### **Consideration of the application by the Panel.**

The Panel then retired to discuss the application in private where they took advice from relevant officers on Zoning and Christmas and New Year licensing hours. The Panel took into account the probable causes for the prevention of public nuisance and the prevention of crime and disorder.

#### **RESOLVED:**

That the application to vary a premises licence at the Monkams be granted to:

1. Permit the sale of alcohol up to Midnight on Fridays and Saturdays.
2. Permit the sale of alcohol up to midnight on every Friday, Saturday and Sunday (but not Mondays) for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend and on the Easter Holiday Weekend.
3. Permit the sale of alcohol up to midnight on St George's and St Patrick's day and other public holidays, as long as they fall between a Monday and a Thursday.
4. Remain open for 30 minutes after the end of the permitted hours for the sale of alcohol as a 'drinking up' period.
5. Note that no entry to be granted to the premises after 11:30 p.m.
6. Have the Beer Garden to close at 11 p.m. and no music is to be played or relayed to the garden.
7. Have both live and recorded music to finish at 11p.m.; no live music to be amplified; and no music amounting to a nuisance and arising out of licensed activities is to be audible from the façade of the nearest noise sensitive property.

**CHAIRMAN**