

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

**Committee:** Licensing Sub-Committee                      **Date:** 29 September 2005

**Place:** Civic Offices, High Street, Epping              **Time:** 10.00 am - 1.35 pm

**Members Present:** Mrs R Gadsby, L Martin, Mrs P K Rush and Mrs M Sartin

**Other Councillors:** (none)

**Apologies:** (none)

**Officers Present:** S Harcher (Environmental Services), Ms A Mitchell (Assistant Head of Legal, Administration and Estates (Legal)), K Tuckey (Environmental Services) and Z Folley (Democratic Services Assistant)

### **80. ELECTION OF CHAIRMAN**

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

### **81. DECLARATIONS OF INTEREST**

Pursuant to the Council's Code of Member Conduct, Councillor L Martin declared a personal interest in agenda item 9 (Application to vary a Premises License at the Blue Monday, 63 Queens Road, Buckhurst Hill) by virtue of being a local ward member. He declared that his interests were prejudicial and indicated that he would leave the meeting for the consideration and voting thereon.

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

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

### **83. 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>
6	Private hire vehicle licence Miss C Lawson	4

**84. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR PRIVATE HIRE DRIVERS' LICENCE**

The Sub – Committee considered an application from Miss C Lawson for a Private Drivers' License. Members noted that Miss Lawson's applications indicated that she had not held a full DVLA driving License for the requisite period, thus preventing officers granting the license in accordance with the Delegated Authority rules. A copy of the applicants driving license together with her appeal to the Panel was attached to the agenda. It was noted that a similar application from the applicant was refused at the Licensing Panel meeting of 14 October 2004.

The Chairman welcomed the applicant and her father Mr James, introduced the Members and Officers present, and explained the procedure that would be followed to determine the application.

The applicant made a short statement in which she stated that she required the licence to drive for her fathers business which transported children to school. Mr James reported that she had been driving for two years and would be involved in local runs for the service. The participants answered a number of questions from the Sub – Committee and made a final statement in support of their application. The Sub – Committee retired to the Members' Room to debate the application in private. The Sub – Committee noted that the applicant had gained one years further driving experience since the application was last considered. The Sub – Committee agreed to support the application and returned to the Committee Room to report their decision.

**RESOLVED:**

That the application for a Private Hire Drivers' License form Miss C Lawson be granted.

**85. PUBLIC AND PRESS**

The public and press were admitted to the meeting for a further public session.

**86. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENSE - THE GATE KEEPER, LONDON ROAD**

The three Councillors that provided over this item were Councillors Mrs Sartin, Mrs Rush and Martin. Mrs R Gadsby acted as an observer. Also present was Mr Stockwell, manager of the public house. No objectors were present at the meeting.

The Sub – Committee considered an application to convert and vary a premises licence for the Gate Keeper, London Road, Harlow. The application sought permission:

- (a) to permit regulated entertainment comprising: Occasional live music and amplified voice, recorded music by juke box and music systems (usually background), comperes for functions and quizzes and similar forms of entertainment, indoor pub games comprising a sporting event in the presence of an audience, exhibition of video entertainment on screens and amusement machines
- (b) to the extent that the variation in paragraph 3 is not granted to permit sale of alcohol and such regulated entertainment until 12.30p.m to the

following morning on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day

- (c) On all days to open for the sale of alcohol and such regulated entertainment from 10.00a.m to 12.30.a.m the following morning
- (d) To permit provision of refreshment after 11.00p.m
- (e) To remove all embedded restrictions under LA 1964, and in particular those restrictions relating to the Childrens Certificate, Supper Hours Certificate, Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of alcohol etc) Act 1985.

The Sub – Committees attention was drawn to a letter submitted by two residents who lived near the premises. The letter expressed concern about the noise made by patrons of the establishment when leaving the car park, noise from the outside area and stated that the proposals were unreasonable given the residential nature of the area. The objections suggested that the management of the establishment had not made any effort to stop the problems and that the proposals would add to these existing concerns.

#### **Presentation of the Applicant's Case**

Mr Stockwell presented the case. He advised that the additional hours were only sought for key events such as Christmas and New Year. For the remainder of the year, existing hours would still apply.

He reminded the meeting that the premises comprised of a restaurant and a bar serving alcohol and outlined the existing hours and those sought for the two sections.

Mr Stockwell was questioned by the Sub – Committee. In response he said a system was in place to regulate noise and that outside music would be switched off at 11.00p.m. Signs could be displayed to ask patrons to leave the car park quietly. Not much noise was generated by the facility as steps had been taken to deal with such disturbance. About 12 – 13 houses were located near the establishment. Air Conditioning had been installed and windows and doors were not usually opened which sound proofed the unit. Background music was played in the foyer and the outside speakers could be disconnected and were not frequently used. There was a double door entrance plus a fire exit. A gate was to be fitted on the car park to lock the facility when the establishment was closed to prevent it being accessed by the general public. In his experience there had only been one incident

#### **Consideration of Application by the Sub – Committee**

The Sub – Committee retired to discuss the application in private where they took advice from officers on the four licensing objectives in relation to the representation received and the representations of the applicant. To address likely public nuisance concerns raised in this, it was agreed a variation to the application reducing the hours sought for Sundays and Good Fridays would be acceptable. The Sub – Committee took into account the concerns raised about the disturbance from the car park and agreed that to lessen this, a condition be added to the license to state that the gates to the car park be locked to Members of the public during hours of closure. The Sub – Committee noted that the application was for indoor music, however felt the applicant should be reminded to disconnect the outside speakers to ensure that no music was played externally. To further address potential public nuisance concerns,

the Sub – Committee agreed that a conditions be added to restrict the consumption of alcohol outside the premises.

**RESOLVED:**

That the application to vary a premises license at the Gate Keeper, London Road, Harlow be granted subject to the conditions specified in the application form and the additional condition agreed at the meeting which were as follows:

- (a) That Licensable activities take place on Sundays and Good Friday between the hours of 10 a.m and 11.30 p.m with a 30 minute winding down period
- (b) No consumption of alcohol outside the premises after 11.00p.m.
- (c) That the gates to the car park be locked to the public during the hours the premises is closed
- (d) That signs be out up inside and outside the premises to remind patrons to leave quietly.

**87. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENSE - BLUE MONDAY, 63 QUEENS ROAD, BUCKHURST HILL**

The three Councillors that presided over this item were Councillors Mrs Sartin, Mrs Gadsby, Mrs Rush. Also present were Mr Clark from the brewery making the application and Mrs Farthing, the Licensee of the premises. Councillor Mrs A Haigh attended as a local ward member. Local residents Mr J Robinson and Mrs R Waits were also present.

The Sub – Committee considered an application to convert and vary a premises license for the Blue Monday, 63 Queens Road, Buckhurst Hill. The application sought:

- (a) an additional hour every Friday and Saturday
- (b) Bank Holidays: a further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
- (c) Easter: a further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
- (d) A further additional hour every Christmas Eve.
- (e) A further additional hour every Boxing Day
- (f) To reflect existing New Year's Eve/Day hours
- (g) Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time, after the last permitted sale of alcohol
- (h) All of the above to be for the sale of alcohol, recorded music, karaoke and live music ,limited to two in a bar entertainers.

**Presentation of the Applicants case**

Councillor Mrs Sartin reported that Councillor Mrs Haigh had contacted her to report her concerns and the objections she had received concerning the application. Councillor Mrs Sartin reported that she had noted these representations and had not formed a view.

Mr Clark presented the case and he was assisted by Mrs Farthing, the Licensee of the premises. Mr Clark outlined the application and suggested that it supported the spirit of the Licensing Act 2003. He stated that a drinking up time of 30 minutes was being volunteered to facilitate dispersal. No representations concerning the variation had been received from the Police. He reported that prior to the meeting, an additional condition had been agreed with Environmental Health to ensure that the rear garden be closed at 11.00p.m. He suggested that should the variation be agreed, it was likely that the premises customer base would remain same, but with slower dispersal rates. He reported that CCTV and air conditioning had been installed and a door supervisor was provided from Thursday to Sunday.

Mrs Farthing added that she was willing to discuss any issues with residents and reminded them that they could request that the application be reviewed, should it be granted, at a future date. She stated that she had twelve years experience in managing bars and had attended a brewery personal licence course and was accredited.

In response to questions, Mr Clark stated that no external music was played, however accepted that internal music might be heard outside when the front door was open. There was a single front 'folding back' door which could be made sound proof. Front doors and windows were open in the summer months and closed in the early evening during winter. Mr Clark outlined the location and said that the premises backed on to a car park and was near to a block of flats. He said that he was aware that two incidents had occurred at the establishment during the last two weeks however was unaware of two prosecutions against the premises. A map of the immediate area to show the location of the establishment was circulated. A business Plan for the premises stated that additional staff would be appointed to supervise out flux if the need arose.

### **Presentation of Objectors' Case**

The objectors addressed some of the points covered by Mr Clark. Mr Robinson who lived in a nearby street said that patrons of the premises often parked cars in his road which disturbed residents particularly late at night. Patrons also accessed the garden of a nearby nursery. He had contacted the Police on two occasions to express his concerns but no action followed. The variation would prolong dispersal, lead to additional parking problems and exacerbate existing problems.

Mrs Waits reporting her concerns about the application which related to noise nuisance.

Councillor Mrs A Haigh attended the meeting as the local ward Member to present her concerns. She stated that she had received representations over the past three years in relation to the noise caused by activities associated with the premises and had contacted the Environmental Health team to report these concerns. She stated that the area consisted of a mixture of residential properties, businesses and one other public house. She stated that she had reported one incident of late night noise nuisance to Environmental Health and took up the issues with the police. She stated that residents had expressed concern about the Police response to these issues. She also expressed concern about parking in disabled bays and outside the Parish Offices as the act obstructed the pathway. She advised that she had spoken to the manager about this.

Mr Courtney of the Responsible Authority for Planning Services reported that in light of the proposed condition to close the garden at 11.00p.m the team would withdraw their representation against the application.

**Consideration of Application by the Sub – Committee.**

In considering the application, the Sub – Committee noted that the Police had not made any representations concerning the variation however had been called to the premises twice. Officers also reminded Members, when considering the representation received that those not made in accordance with the Licensing Act 2003 could not be taken into account. The Sub – Committee agreed that the variation be granted subject to a series of conditions to minimize public nuisance.

**RESOLVED:**

That the application to vary a premises licence at the Blue Monday, 63 Queens Road, Buckhurst Hill be granted subject to the conditions specified in the application form and the following conditions agreed at the meeting:

- (a) That the garden be closed to patrons from 11.00p.m
- (b) That all doors and windows be closed from 7.00p.m
- (c) That there be no new entries or re-entries after 11.00p.m
- (d) That no extra hours be granted for Bank Holiday weekends, Easter Christmas Eve and Boxing Day.

**88. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENSE - THE QUEENS ARMS, 13 MARKET SQUARE, WALTHAM ABBEY**

It was reported that this application had been withdrawn as the representation received in relation to the case had been withdrawn.

**CHAIRMAN**