

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 3 November 2005
Place: Civic Offices, High Street, Epping **Time:** 10.00 am - 12.45 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), R Ferriera (Legal Executive), D Baker (Planning Services Officer), Z Folley (Democratic Services Assistant) and K Tuckey (Environmental Services)

96. 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.

97. DECLARATIONS OF INTEREST

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

98. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

99. 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 Information Item No.	Subject	Exempt Paragraph No
6.	Application for a Hackney Carriage Drivers' Licence –	4

Mr Mir

- | | | |
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| 7. | Application for exemption to display Private Hire Vehicle Licence Plate-
Mr Wright | 4 |
| 8. | Application for a Hackney Carriage Drivers' Licence –
Mr Baskaran | 4 |

100. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR W MIR

Due to the unavailability of the applicant, this application was deferred for consideration at the next meeting.

101. APPLICATION FOR EXEMPTION TO DISPLAY PRIVATE HIRE VEHICLE PLATE - MR WRIGHT

The Sub – Committee considered an application from Mr Wright for an exemption to display a Private Hire Vehicle License Plate.

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

The Sub – Committee considered a copy of the application detailing reasons for the exemption.

The applicant made a short statement in which he explained that the exemption would support his work as a chauffeur.

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 agreed to grant the application and returned to the Committee Room to report their decision.

RESOLVED:

That the application made by Mr Wright for an exemption to display a Private Hire Vehicle License plate be granted.

102. APPLICATION FOR PUBLIC HIRE DRIVERS' LICENCE - MR BASKARAN

The Sub – Committee considered an application from Mr Baskaran for a Hackney Carriage Drivers' Licence . Members noted that Criminal Records Disclosure showed relevant convictions, thus preventing officers granting the license in accordance with the Delegated Authority rules. The Head of Environmental Services also reported other convictions.

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

The applicant made a short statement and answered a number of questions from the Sub – Committee and made a final statement in support of his application. The Head of Environmental Services tabled a copy of the applicants appeal to the Sub – Committee. The applicant circulated photocopies of various other documentation detailing the provisions of his present public carriage license. To ensure that the evidence for the case could be properly evaluated, the Sub-Committee requested to see the original documentation for this information which had not been made available and agreed that the application be deferred to allow this to be obtained

RESOLVED:

That the applicant by Mr Baskaran for a Hackney Carriage License be deferred to the next meeting to enable the applicant to obtain the original supporting documentation for the case.

103. PRESS AND PUBLIC

RESOLVED:

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

104. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENSE AT THE FORRESTERS ARMS, HIGH ONGAR

The three councillors that presided over this item were Councillors T Richardson, Mrs P Smith, and Mrs S Stavrou. Councillor P McMillan acted as an observer. Also present were Mr Lee Hoddinott from James – Motion and Mr Paul Monk, manager of the public house. No objectors were present at the meeting.

The Sub-Committee considered an application to vary a premises licence for the Forresters Arms, High Ongar. The application sought permission:

- (a) to permit the sale of alcohol from 11.00 hours to 24.00 hours, Sunday to Thursday and from 11.00 to 01.00 Friday to Saturday
- (b) to permit occasional regulated entertainment in keeping with the style of operation;
- (c) to provide refreshments after 23.00 hours;
- (d) to remain open for 30 minutes after the end of permitted hours for the sale of alcohol as a 'wind down' period.

Presentation of the Applicant's Case

Mr Hoddinott from James – Motion presented the case and he was assisted by Mr Monk, manager of the public house. Mr Hoddinott outlined the additional hours sought and suggested that they had been requested to provide customers with an enhanced opportunity to enjoy the facilities offered.

Mr Monk took over the management of the premises in May 2005. The premises provided facilities for local residents and attracted a community based clientele. Mr Monk resided at the establishment with his wife and young daughter and they fitted in well with the local community. No objections had been made by local residents who appeared happy with the proposals.

In response to Member questions, it was stated that locals around High Ongar rather than destination drinkers constituted the establishments target clientele. It was envisaged this would not alter following the implementation of the proposals. No contact had been made with Planning Services who had suggested the additional condition that all outside areas be closed at 23.00. It was indicated that this request was already in place. The Environmental Protection team had raised no objections in relation to noise nuisance. The nearest noise sensitive dwelling was located immediately adjacent to the premises. The occupier had raised no complaints and his son lived in the bedroom nearest the public house.

Mr Baker of Planning Services reported that he had visited the site. He explained that the public house was located within a very quite small village which supported two public houses. The premises was situated in close proximity to approximately 10-12 houses and was attached to a dwelling. It was likely that any patrons leaving the premises during the late hours sought could disturb residents. It was also likely that given that the village was small in size the outflow would include customers who had travelled from other areas. This could increase the number of vehicles at the site and associated nuisance.

The applicant showed Members a copy of the public notice which had been displayed to inform of the application.

Consideration of Application by the Sub – Committee

The Sub- Committee asked the participants to leave the Council Chamber so that they could discuss and determine the application in private. The Sub - Committee considered a map detailing the location of the public house and took into account that Environmental Health were satisfied with the proposals and that no evidence was presented to suggest that noise nuisance would be caused by the extension. An additional condition was added to the application to ensure that this continued.

RESOLVED:

That the application to vary a premises license at the Forresters Arms, High Ongar be granted subject to the conditions contained in the application form and the additional condition agreed at the meeting that the noise nuisance should not be auditable at the façade of the nearest noise sensitive dwelling.

105. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - MARKS AND SPENCER, LOUGHTON

The Head of Environmental Services reported that this application had been withdrawn prior to the meeting.

106. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE KINGS INN ONGAR

The Head of Environmental Services reported that this application had been withdrawn prior to the meeting.

107. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE MAYPOLE, CHIGWELL

The three councillors that presided over this item were Councillor P McMillan, Mrs P Smith, and Mrs S Stavrou. Councillors T Richardson acted as an observer. Also present were Mr James Rankin from the Spirit Group Ltd and Mr Nigel Corporon, manager of the public house. Two objectors, Mr John Cuffley and Ms Rachael Mason were also present.

The Sub-Committee considered an application to vary a premises licence for the Maypole, Chigwell. The application sought permission:

- (a) to extend the hours for the sale of alcohol and other licensing activities and late night refreshments to: 00.00 Sunday to Thursday, 01.00 Friday Saturday and 02.00 Sunday.
- (c) to remove all restrictions relating to drinking up time.
- (d) to allow accompanied children under 16 to be permitted in the bar in line with the provisions of the Licensing Act 2003
- (e) to allow limited entertainment in line with the current provisions of Section 182 Licensing Act.

The Head of Environmental Services reported that representations to the variation had been received from the Responsible Authorities for Planning Services and Environmental Protection. An agreement had been reached prior to the meeting between the services and the applicant's representatives. This adjusted the hours sought to those set out above and added a condition that the garden be closed at 23.30. As a result of this, the Responsible Authorities had withdrawn their representations.

Presentation of the Applicant's Case

Mr Rankin from the Spirit Group Ltd presented the case and he was assisted by, Mr Nigel Corporon, manager of the public house. He reported that Mr Corporon had managed the establishment since June 2004 and had many years experience in the trade. He had made substantial improvements to change the business into a family focused diner. As a result of the improvements, alcohol was now only sold to customers over 21 and staff had been retrained. Previously disenfranchised customers were returning the public house. Mr Cuffley, who lived in the vicinity had expressed concern over teenagers causing nuisance in the car park and removing benches. A barrier had been put up to divide Mr Cuffley's property and the public house. This had solved the problem. In addition, CCTV and sensors had been installed to monitor anti – social behaviour in the car park. In November 2005, improvement works were to be undertaken to redesign the layout so to decrease the bar area and increase the size of the restaurant. The additional hours were required only for occasional events. The Sub – Committee were reminded that the application could be reviewed if granted, to consider any relevant representation made about its operation.

In response to Member questions, the participants reassured the Sub – Committee about the steps that he intended to undertake to ensure that the outside patio was cleared by 23.30 and patrons left quietly. He advised that no children were allowed in

the bar after 21.00 and the restaurant would be a non smoking area after the refurbishment.

Presentation of the Objectors Case

Mr Cuffley, a nearby resident reported that he had been asked to attend this meeting by the residents of housing adjacent to the car park. He stated that the facility was used as a meeting place for young people and was the scene of nuisance behaviour and caused noise nuisance. The variation would attract customers from other areas and increase nuisance from the car park as many patrons would have to drive to the destination because there was no public transport late at night. The site was situated within a semi rural area containing approximately 500 houses. The extension was not appropriate given this setting.

The Head of Environmental Services reported that the Licensing Section had received a phone call from a resident who had been invited to this meeting to report objections submitted to the section in a letter against her name. She contacted the section to report that she had not signed this letter of objection and had no knowledge about the correspondence. Letters with the same text but with differing residents signatures were contained in the information pack previously circulated with the agenda for the meeting. The Head of Environmental Service expressed caution about the authenticity of these letters. Attention was also drawn to a residents petition raised to object to the application and other letters of objection.

Consideration of the Application by the Sub – Committee

The Sub – Committee asked the participants to leave the Council Chamber so that they could consider and determine the application in private. The Sub – Committee suggested that the letters of objection questioned at the hearing should not carry the same weight as those that had been individual written with original wording. The Sub – Committee noted that the petition had been made against the initial hours sought by the application. However these had since been decreased by the applicant which raised questions about the weight and relevance of the information. The Sub – Committee were impressed by the steps that the applicant had been taking to prevent nuisance behaviour at the establishment. Given this the Sub – Committee agreed that the application be granted subject to additional conditions in relation to the protection of children from harm and public nuisance.

RESOLVED:

That the application to vary a Premises License at the Maypole, Chigwell be granted subject to the revisions reported by the applicant at the onset of the item, the conditions contained within the application, and the additional conditions agreed at the meeting namely:

- (i) That noise nuisance should not be auditable at the façade of the nearest noise sensitive dwelling.
- (ii) That the outside drinking areas be cleared and closed by 23:30
- (iii) That no children be permitted in the bar area after 21:00
- (iv) That signage be displayed to inform of condition (iii) above and ask patrons to leave the premises and the car park quietly

CHAIRMAN