

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 24 November 2005  
**Place:** Civic Offices, High Street, Epping              **Time:** 10.10 am - 1.50 pm  
**Members Present:** Mrs J Davis, Mrs P Smith and K Wright  
**Other Councillors:** (none)  
**Apologies:** Ms S Stavrou  
**Officers Present:** L Cole (Legal Services Officer), J Nolan (Environmental Services) and G J Woodhall (Democratic Services Officer)

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### 108. 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.

### 109. DECLARATIONS OF INTEREST

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

### 110. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

### 111. 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 would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
6	Hackney Carriage Drivers' Licence Application – Mr W Mir	4
7	Private Hire Plate Exemption	4

	Application – Mr D Gelade	
8	Private Hire Plate Exemption Application – Mr A Pryor	4
9	Hackney Carriage Drivers' Licence Application – Mr K Baskaran	4
10	Private Hire Plate Exemption Application – Mr P Wheeler	4

**112. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVERS' LICENCE**

The Sub-Committee considered an application by Mr W Mir for a Hackney Carriage Driver's Licence. The Sub-Committee were advised that Mr Mir had not arrived for the meeting to present his application. Members noted that consideration of this application had been deferred from a previous meeting, which the applicant had also not attended. The Sub-Committee was satisfied that Council Officers had taken all reasonable steps to ensure the attendance of the applicant and that as the applicant had given no reason for his non-attendance, the application should be considered in his absence.

The Sub-Committee felt that, as this was the second meeting that the applicant had failed to attend, the application should be deemed refused.

**RESOLVED:**

That the application by Mr W Mir for a Hackney Carriage Driver's Licence be refused as he did not meet the Council's Licensing criteria in that he had not held a DVLA Driving Licence for three years.

**113. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE VEHICLE LICENCE EXEMPTION TO DISPLAY A PLATE**

The Sub-Committee considered an application by Mr D Gelade for a Private Hire Driver's Licence exemption to display a 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 licence could not be issued under delegated authority.

The applicant made a short statement to the Sub-Committee in support of his application, before answering a number of questions from members of the Sub-Committee. The Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That the application made by Mr D Gelade for an exemption to display a Private Hire Vehicle Licence plate be refused, as the applicant had provided insufficient evidence to support his application.

**114. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE VEHICLE LICENCE EXEMPTION TO DISPLAY A PLATE**

The Sub-Committee considered an application by Mr A Pryor for a Private Hire Driver's Licence exemption to display a 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 licence could not be issued under delegated authority.

The applicant made a short statement to the Sub-Committee in support of his application, before answering a number of questions from members of the Sub-Committee. The Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That the application made by Mr A Pryor for an exemption to display a Private Hire Vehicle Licence plate be refused, as the applicant had provided insufficient evidence to support his case.

**115. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVERS' LICENCE**

The Sub-Committee considered an application by Mr K Baskaran for a Hackney Carriage Driver's Licence. 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 licence could not be issued under delegated authority.

The applicant made a short statement to the Sub-Committee in support of his application, before answering a number of questions from members of the Sub-Committee. The applicant then made a short closing statement to the Sub-Committee before the Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That the application by Mr K Baskaran for a Hackney Carriage Driver's Licence be refused as he did not meet the Council's Licensing Criteria in that his record from the Criminal Records Bureau revealed relevant offences under the conviction criteria.

**116. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE VEHICLE LICENCE EXEMPTION TO DISPLAY A PLATE**

The Panel considered an application by Mr P Wheeler for a Private Hire Driver's Licence exemption to display a 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 licence could not be issued under delegated authority.

The applicant made a short statement to the Sub-Committee in support of his application, before answering a number of questions from members of the Sub-Committee. The Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision. Following the determination of this application, the Sub-Committee took a 40-minute break and reconvened at 1.00pm.

**RESOLVED:**

That a Private Hire Driver's Licence exemption to display a plate be granted to Mr P Wheeler, subject to the Council's standard terms and conditions.

**117. INCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

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

**118. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - SHAMRAT INDIAN BRASSIERE, BUCKHURST HILL**

The three Councillors that presided over this item were Councillors Mrs P Smith, Mrs J Davis and K Wright. The Chairman welcomed the participants, and requested that they introduce themselves to the Sub-Committee and officers. In attendance was a representative of the applicant, Mr Ali, who worked at the Brasserie. There were no objectors in attendance. The Chairman then introduced the members and officers present, and explained the procedure that would be followed for the determination of this application.

**(a) The Application before the Sub-Committee**

The Environmental Health Manager informed the Sub-Committee that an application to vary a Premises Licence had been received in respect of the Shamrat Indian Brassiere in Queens Road, Buckhurst Hill, along with representations from interested parties and the responsible authorities for Environmental Control. The applicant had requested permission to serve alcohol, provide late refreshments, and be open to the public from 9.00am to 2.00am every day. The application had also requested that permission be given for live music to be performed and recorded music to be broadcast from 6.00pm to 2.00am every day, with the exception of live music from 9.00am New Year's Eve to 5.00am New Year's Day.

**(b) Presentation of the Applicant's Case**

Mr Ali outlined the nature of the business at the Shamrat Indian Brassiere. He stated that it was not his wish to cause the Brassiere's neighbours any distress but that the establishment was seeking a 2.00am Sale of Alcohol and Late Night Refreshment Licence. However, if the Sub-Committee saw fit not to grant the requested hours then the Brassiere would expect their Grandfather rights of 12.00am to be approved. Finally, Mr Ali explained that the entertainment consisted of the occasional performance by three magicians who also played musical instruments.

**(c) Questions for the Applicant from the Sub-Committee**

In response to questions from the Sub-Committee, Mr Ali confirmed that the establishment was an Indian restaurant with 62 covers that served hot food to the table with alcohol. The Brassiere was currently open from 5.30pm until 11.00pm from Sunday to Thursday, and 12.00am on Friday and Saturday, with last orders for food approximately 30 minutes before the premises closed. Mr Ali explained that the Brassiere did not open during the day as there would not be sufficient trade, and the premises did not have the necessary rest areas for staff. The management were very careful over late admittance to the premises, especially people who had obviously been drinking. Mr Ali stated that very few people were permitted entry to the Brassiere after 11.30pm on Friday and Saturday nights.

As the Brassiere was in a residential area, if any guests were being boisterous then initially the waiters would calm them down at the table, and following the completion of their meal, they would be kept within the confines of the restaurant until their taxi arrived. In respect of waste, the staff regularly cleared the pavement outside of the establishment, and the Brassiere did not permit take-away orders, which also helped to prevent littering of the pavement. Mr Ali confirmed that no noise inhibitors were fitted within the restaurant, and that it was unlikely that the premises would want to start live music at 9.00am; but the applicant was prepared to be flexible over the requested hours.

**(d) Presentation of the Officers' Case**

The responsible authority for Environmental Control had made a representation in relation to preventing public nuisance from amplified sound. It had been requested that in order to prevent public nuisance, the Premises Supervisor should monitor the volume of music emanating from the premises such that it would be inaudible at the boundary of any properties where the occupiers were likely to be sensitive to noise. Mr Ali confirmed that the condition had already been agreed, and thus the representation was withdrawn.

**(e) Consideration of the Application by the Sub-Committee**

The Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated the application in private. The Sub-Committee felt that the hours that had been requested were excessive in view of the location of the Brassiere in a residential area, and were minded instead to grant Grandfather rights of 12.00am for Sale of Alcohol plus Live and Recorded Music, and 12.30am for Opening Hours and Late Night Refreshment. The Sub-Committee also confirmed the noise pollution condition that had been requested by Environmental Control. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That the application to vary a Premises Licence at The Shamrat Indian Brassiere in Buckhurst Hill be granted subject to the conditions contained within the application, and the additional conditions agreed at the meeting in relation to:

- (a) Opening hours to be 11.00am to 12.30am Monday to Sunday;

- (b) Sale of Alcohol to be only permitted between the hours of 5.30pm and 12.00am, Monday to Sunday;
- (c) Live music to be only permitted between the hours of 5.30pm and 12.00am, Monday to Sunday;
- (d) Recorded music to only be permitted between the hours of 5.30pm and 12.00am, Monday to Sunday;
- (e) Late night refreshment to be permitted between the hours of 11.00am and 12.30am, Monday to Sunday; and
- (f) The Premises Supervisor shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Premises Supervisor shall ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

**CHAIRMAN**