

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

**Committee:** Licensing Sub-Committee                      **Date:** 22 December 2005

**Place:** Civic Offices, High Street, Epping              **Time:** 10.00 - 11.18 am

**Members Present:** Mrs M Sartin, F Maclaine and Mrs J Davis

**Other Councillors:** (none)

**Apologies:** Mrs R Gadsby

**Officers Present:** S Harcher (Environmental Services), L Cole (Legal Services Officer), E Cox (Licensing Officer), D Baker (Planning Services Officer), R Gardiner (Environmental Health Officer), J Evans (Planning Services) and Z Folley (Democratic Services Assistant)

### **119. ELECTION OF CHAIRMAN**

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

### **120. DECLARATIONS OF INTEREST**

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

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

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

### **122. 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 – Mr M Butt	4

7. Application for exemption to display Private Hire Vehicle Licence Plate-  
Mr A Pryor 4

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

The Sub – Committee considered an application from Mr Butt for a Hackney Carriage Drivers' Licence . Members noted that Mr Butt had not held a full DVLA licence for three years, thus preventing officers granting the license in accordance with the Delegated Authority rules. A copy of the applicants driving license and appeal form was attached to the report.

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 Sub – Committee asked the applicant to leave the Council Chamber so that they could discuss and determine the application in private. The Sub – Committee felt that they could not grant the application because the applicant had not gained the experience required by the legislation. The Sub – Committee asked the applicant to return to the meeting to inform him of the decision.

**RESOLVED:**

That the application from Mr Butt for a Hackney Carriage Drivers Licence be refused.

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

The Sub – Committee considered an application from Mr A Pryor for an exemption to display a Private Hire Vehicle. The reasons for the application as supplied by the applicant was attached to the report.

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 Sub – Committee asked the applicant to leave the Council Chamber so that they could discuss and determine the application in private. The Sub – Committee asked the applicant to return to the meeting to inform him of the decision.

**RESOLVED:**

That the application for an exemption to display a Private Hire Vehicle plate from Mr A Pryor be granted.

**125. PRESS AND PUBLIC****RESOLVED:**

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

**126. LICENSING ACT 2003 - APPLICATION - PREMISES LICENCES**

The three councillors that presided over this item were Councillors F Maclaine, Mrs J Davis and Mrs M Sartin. Also present was Mr Smith from Punch Taverns Plc - the brewery applying for the new license.

The Sub-Committee considered an application to convert and vary a premises license for the Gunmakers Arms, Loughton. The application sought:

- (a) To serve alcohol until 23.00 hours Monday to Wednesday, 00.00 hours Thursday, 00:30 hours, Friday, 01.00 hours Saturday and 22:30 hours Sunday
- (b) further additional hours on a specified number of days on and around bank holidays
- (c) an additional 10 minutes, to allow 30 minute drinking up time, after the last permitted sale of alcohol.
- (d) As well as sale of alcohol during the above hours, recorded music, karaoke and live music limited to 2 entertainers

Representations had been received from the Responsible Authority for Planning Services. This suggested that the hours sought were likely to cause noise nuisance to neighbours. The Environmental Services team had also expressed concerns about the public nuisance that could be caused by use of the rear garden and live and recorded music. To address these concerns the applicant had agreed to close the outside gardens and stop live music at 23:30. As a result of these steps, the representation made about these activities had been withdrawn.

**Presentation of the Applicant's Case**

Mr Smith presented the case. He stated that the proposed hours should fit in with the new work patterns of the local community. The majority of the premises customers base comprised local residents. Removing the current restraints on hours should introduce the flexibility necessary to deal with the needs of the business which was varied and unpredictable. The new hours would not be used fully but only when demand suggested they were necessary and would not cause any problems. The proposals should ease dispersal and avoid a concentrated out flux. Mr Smith was willing to agree that there be no drinking on the forecourt after 23:00 to reflect that local residents were sensitive to noise in this area. Customers who did not comply with this would not be served. He had the ability to control activities on the premises but not outside. He was prepared to display signs to encourage patrons to leave quietly. There was seating facilities at the rear gardens. Customers were not encouraged to drink in the front garden as this was only intended to deal with any overspill of customers from the public house.

**Presentation of the Objectors Case**

Mr Baker of Planning Services referred to a map of the location. It indicated the premises was located within a residential area. He welcomed the new conditions

offered by the applicant to close the outside area at 23:30, but despite this and in view of the residential setting, still expressed concern about the noise that was likely to be generated in the outside areas especially by patrons leaving in cars. He suggested that activities in the forecourt would be difficult to control. The area was not sealed therefore could be entered by non customers which Mr Smith had implied the premises could not control. Mr Gardiner of Environmental Services suggested that a premises supervisor should be present to monitor public nuisance.

Mr Smith indicated that the steps previously referred to should adequately deal with the issues raised in the representations. Live music would be two in a bar entertainment. The establishment already had this entitlement. It was anticipated that the nature of the business or customer base would not change as a result of the proposals. The premises contained the details of taxi companies for customers.

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

The Sub – Committee noted that no residents had made representations against the case. The representations were based on what was likely to happen. No evidence could be made available to support this. The Sub – Committee considered the steps in the application designed to prevent public nuisance and protect children from harm. The Sub-Committee were satisfied with the proposals subject to the addition of an extra condition that notices were displayed to encourage patrons to leave quietly to minimize public nuisance.

#### **RESOLVED:**

That the application to vary a premises license at the Gunmakers Arms, Loughton be granted subject to the conditions specified in the application and the additional condition that notices be displayed to ask patrons to leave the premises quietly.

**CHAIRMAN**