

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 9 February 2006
Place: Civic Offices, High Street, Epping **Time:** 10.10 - 11.05 am
Members Present: Mrs J Davis, Mrs P K Rush, Ms S Stavrou and K Wright
Other Councillors: (none)
Apologies: (none)
Officers Present: L Cole (Legal Services Officer), J Nolan (Environmental Health Manager) and G J Woodhall (Democratic Services Officer)

138. ELECTION OF CHAIRMAN

RESOLVED:

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

139. DECLARATIONS OF INTEREST

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

140. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

141. EXCLUSION OF PUBLIC AND PRESS

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 M Bashir	4
7	Private Hire Plate Exemption Application - Mr D Gelade	4

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

The Sub-Committee considered an application by Mr M Bashir for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs J Davis, Mrs K Rush and K Wright. 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 a Hackney Carriage Driver's Licence be granted to Mr M Bashir, subject to the Council's standard terms and conditions.

143. 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. The three Councillors that presided over this item were Councillors Mrs J Davis, Mrs K Rush and K Wright. Members noted that officers did not have delegated powers to grant the application and, as a result, it 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 a Private Hire Driver's Licence exemption to display a plate be granted to Mr D Gelade, subject to the Council's standard terms and conditions.

144. INCLUSION OF PUBLIC AND PRESS**RESOLVED:**

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

145. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - PERFECT CHOICE PIZZA AND FRY CHICKEN

The three Councillors that presided over this item were Councillors Mrs J Davis, Mrs K Rush and K Wright. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee and officers. In attendance on behalf of the application were Miss P Veli and Miss A Veli, who were the owners of the business. 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 the 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 Perfect Choice Pizza and Fry Chicken in Borders Lane, Loughton, along with a representation from the responsible authority for Planning. The application had requested permission for the premises to provide late night refreshment from 11.00am until 12.30am Monday to Saturday and 11.00am until 10.30pm on Sunday.

(b) Presentation of the Applicant's Case

Miss Veli stated that the business was currently open until 11.00pm Monday to Thursday and 12.00am Friday and Saturday. The application requested an extension for the opening hours until 12.30am Monday to Saturday, but Sunday would remain as a 10.30pm closing time. The applicants explained that they wanted the extended hours in order to sell the remaining food that had already been cooked; it was not intended to cook further food during this period. The applicants confirmed that there had been an error on the application form and that the requested hours on Schedule O, hours premises are open to the public, should match the requested hours on Schedule L, late night refreshment.

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

In response to questions from the Sub-Committee, the applicants confirmed that the adjoining premises were a Chinese food take-away adjacent, a flat above, and a public house opposite. The applicants stated that they would normally halt cooking at 10.30pm if the premises were due to close at 12.00am, and the extra hours requested would enable the previously cooked food to be sold if available. The applicants confirmed that telephone orders were only accepted up until thirty minutes before closing, although some customers might take forty-five minutes to arrive at the premises for collection. The premises also had to be cleaned every night, and this could take up to ninety minutes to accomplish. Finally, the applicants stated that the premises would not necessarily stay open until 12.30am Monday to Saturday, but the extended hours would give the business additional flexibility.

(d) Questions for the Applicant from the Officers

There were no questions from the officers for the applicant.

(e) Presentation of the Officers' Case

The responsible authority for Planning had made a representation in relation to the existing planning consent for the premises, granted in 2001, which had restricted the hours of operation until 11.00pm Monday to Saturday and 10.30pm Sunday. If the applicants applied for planning permission to extend their hours of operation then a

limit of 12.00am might be granted, as no objections had been received from residents for the application under consideration. The applicants added that the application for planning permission would be made directly after the conclusion of the Sub-Committee's meeting.

(f) Applicant's Closing Statement

The applicants requested that the Sub-Committee grant the requested extended hours in order to enable their business to remain viable and prosper.

(g) Consideration of the Application by the Sub-Committee

The Environmental Health Manager advised the Sub-Committee that the Licence could be granted if planning permission had yet to be obtained, however the applicants would have to obtain both before extending their opening hours beyond 11.00pm. The Licence could not be granted conditionally upon obtaining planning permission as the Sub-Committee could only consider the application in relation to the licensing objectives as set out in the Licensing Act 2003.

The Sub-Committee felt that the application lacked precision, however the applicants were genuinely trying to run a good, viable business, and thus the Sub-Committee were minded to grant the application. The Chairman informed the applicants of the Sub-Committee's decision.

RESOLVED:

That the application to vary a Premises Licence at the Perfect Choice Pizza and Fry Chicken in Borders Lane, Loughton be granted subject to the conditions contained within the application.

146. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - ROYAL RIBS, LOUGHTON

The Sub-Committee considered an application to vary the Premises Licence at the Royal Ribs in Loughton High Road, Loughton. The three Councillors that presided over this item were Councillors Mrs J Davis, Mrs K Rush and K Wright. The Environmental Health Manager reported that the applicant, Mr K Bokhari, had not presented himself, as he was unaware that he had to attend the Sub-Committee for his application to be heard. Consequently, the applicant had requested that his application be deferred until the next meeting.

RESOLVED:

That, due to the absence of the applicant, the application to vary a Premises Licence at the Royal Ribs in Loughton High Road, Loughton be deferred until the next meeting of the Sub-Committee.

CHAIRMAN