

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

**Committee:** Licensing Sub-Committee                      **Date:** 9 March 2006  
**Place:** Civic Offices, High Street, Epping              **Time:** 10.05 - 11.15 am  
**Members Present:** Mrs R Gadsby, Mrs M Sartin and F Maclaine  
**Other Councillors:**  
**Apologies:** M Cohen  
**Officers Present:** J Nolan (Environmental Health Manager), A Mitchell (Assistant Head of Legal, Administration and Estates (Legal)) and G J Woodhall (Democratic Services Officer)

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### **152. ELECTION OF CHAIRMAN**

#### **RESOLVED:**

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.

### **153. DECLARATIONS OF INTEREST**

Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in item (6) of the agenda (Application to vary a Premises Licence – Market Kebabs, Market Square, Waltham Abbey), by virtue of being the ward member for the premises. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon.

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

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

### **155. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - MARKET KEBABS, MARKET SQUARE, WALTHAM ABBEY**

The three Councillors that presided over this item were Councillors Mrs M Sartin, Mrs R Gadsby and F Maclaine. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee and officers. In attendance on behalf of the application was Mr Tanak, who was representing the applicant Mr A Dokgoz. There were no objectors present. 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 Market Kebabs in the Market Square, Waltham Abbey, along with a representation from an interested party. The application had requested permission to provide late night refreshment until midnight on Sunday to Thursday and 1.00am on Friday and Saturday, and to remain open to the public for a further fifteen minutes after the provision of late night refreshment had ceased.

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

Mr Tanak stated that the premises had been closing at 11.00pm each evening following the refusal of the previous application to vary the premises licence on 13 October 2006. Mr Tanak informed the Sub-Committee that staff cleared the rubbish from outside the premises, and that any noise in the general vicinity of the premises was more likely to be from customers of the nearby public houses rather than patrons of the premises. The establishment had been in business for eight years, and that if it had repeatedly opened beyond the permitted hours, as alleged by the representation, then it would have been brought to the attention of Environmental Health Officers.

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

In response to questions from the Sub-Committee, Mr Tanak reiterated that staff cleared the rubbish from outside the premises when it had closed. Mr Tanak stated that the premises would put up notices asking patrons to leave the establishment quietly.

**(d) Questions for the Applicant from the Officers**

There were no questions from the officers for the applicant.

**(e) Applicant's Closing Statement**

Mr Tanak stated that the premises were seeking an extra hour during the week and an extra two hours at the weekend in order to reclaim the trade that had been lost in the previous five months since the premises had to close at 11.00pm every evening.

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

The Sub-Committee felt that the business had been established in the area for a number of years and trade had suffered since it had to close at 11.00pm each evening. Whilst there were a number of complaints concerning noise in the area late at night, there was no evidence to suggest that the premises was solely to blame. The Sub-Committee agreed to grant the requested hours for late night refreshment and being open to the public, but also determined to add an additional condition regarding litter in the vicinity of the premises. The Chairman informed the applicant of the Sub-Committee's decision.

**RESOLVED:**

That the application to vary a Premises Licence at Market Kebabs in Market Square, Waltham Abbey be granted subject to the conditions contained within the application, and the following additional condition agreed at the meeting:

- (a) that all litter be cleared from the vicinity of the premises after the establishment has closed each day.

**156. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - THE MINX, 126 HIGH ROAD, LOUGHTON**

The three Councillors that presided over this item were Councillors Mrs Sartin, Mrs Gadsby and Maclaine. 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: Mr P Mason, Area Manager for Mitchell and Butler; Mr R Maharajah, the designated Premises Supervisor; and Ms L Sharkey, a solicitor representing Mr Maharajah. 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 Minx at 126 High Road in Loughton, along with representations from interested parties. The application sought to vary the permitted hours for films, indoor sporting events, live music including making music, dancing and the supply of alcohol as follows:

- Monday to Wednesday, 10.00am to 12.00am; and
- Thursday to Sunday, 10.00am to 1.00am.

The application also requested that late night refreshment be provided from 11.00pm to 12.00am on Mondays to Wednesday, and 11.00pm to 1.00am on Thursdays to Sundays, with the premises being permitted to open from 9.00am to 12.30am on Mondays to Wednesdays, and to 1.30am on Thursdays to Saturdays. In addition, the application also requested the opportunity to open for the transmission of recognised international events that were outside the hours requested, and that an extra hour be granted for bank holiday weekends, the Christmas period (an additional two hours on Christmas Eve), various Saints days and the commencement of British Summertime. The Environmental Health Manager further added that in 2005, the Premises had been granted a Public Entertainment Licence but that the initial application to vary the Premises Licence had not been dealt with correctly, although the applicant had erroneously believed that it had been granted, and consequently the Sub-Committee was reconsidering the application.

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

Ms Sharkey explained that the Public Entertainment Licence applied to the downstairs section of the premises where there was a dance floor and entertainment area. The upstairs section of the premises was a Lebanese restaurant with 45 covers, which currently traded until 12.00am each evening under a Supper Licence. There were no plans to change the current nature of the business.

There had been 35 objections received when the Public Entertainment Licence had been considered and granted, but only three had been received in respect of this application. Ms Sharkey contended that none of the objections had dealt with specific instances at the premises, only a fear of what might happen. The premises had mistakenly believed that it had been granted the variations and had been opening for the longer hours, but there had not been a single instance of disorder during this period. Previously, customers had left the premises to attend one of the nightclubs in the area, but now they tended to remain at the premises until 1.00am and then went home. The premises had arrangements with two local taxi firms to pick up customers from the premises, but neither firm was permitted to use their car horns.

Ms Sharkey contended that the premises would want to use the longer hours regularly on a Thursday, Friday and Saturday, but that the longer hours during the week would be for occasional use only. During 2005, the premises had held 26 midweek private functions, but a Temporary Event Notice would only allow twelve such events per year. Thus, the application if granted would provide the premises with the flexibility to offer facilities for such events. Mr Mason added that Mitchell and Butlers had received no complaints regarding the premises whilst Mr Maharajah had been the designated Premises Supervisor.

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

Mr Mason explained that the long list of notable dates contained within the application, for which an additional hour had been requested, was a generic application from Mitchell and Butler. Not all the dates listed would be required but they had been included to provide the business with additional flexibility. The applicant agreed to remove the request for an additional hour at the commencement of British Summertime, and reassured the Sub-Committee that only the Bank Holiday weekends and Christmas dates listed would probably be used. It had already been agreed with the police that the premises would not open outside the permitted hours for the transmission of recognised international events, and it was requested that this option be removed from the application. The applicant also agreed to remove the request for an additional hour on 1 January, Valentines Night, Burns Night, St David's Day, Halloween, Boxing Day, 27 December, 28 December and 30 December from the application. In addition, it was agreed that only an additional hour would be requested for Christmas Eve, not the original extra two hours.

**(d) Questions for the Applicant from the Officers**

There were no questions from the officers for the applicant.

**(e) Applicant's Closing Statement**

Ms Sharkey stated that the premises had been trading well over the last twelve months and the requested variation of the licence would enable the business to be more flexible and successful.

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

The Environmental Health Manager advised the Sub-Committee that Late Night Refreshment would include items such as coffee as well as food. It was also confirmed that there had been no representations from Environmental Health Officers regarding noise nuisance from the premises. The Environmental Health Manager reminded the Sub-Committee that any licence granted could be reviewed at a later date if representations from the public were received stating that the conditions of the Licence had been contravened.

The Sub-Committee felt that the premises had implemented all the necessary noise reducing measures as a result of the Public Entertainment Licence application the previous year, and welcomed the restriction on taxis using their horns when picking up patrons. The Sub-Committee upheld the condition agreed with the police regarding the removal of the permission to open for the transmission of recognised international events, and the removal of certain notable dates as agreed in the meeting with the applicant. The Chairman informed the applicant of the Sub-Committee's decision.

**RESOLVED:**

That the application to vary a Premises Licence for The Minx at 126 High Road, Loughton be granted subject to the conditions contained within the application, and the following additional conditions agreed at the meeting:

(a) that the premises not be permitted to open outside the designated hours for the transmission of recognised international events;

(b) that the premises not be granted an additional hour to be added to the standard finish time for the following notable dates:

- (i) 1 January;
- (ii) Valentines Night;
- (iii) Burns Night;
- (iv) St David's Day;
- (v) Halloween;
- (vi) Boxing Day;
- (vii) 27 December;
- (viii) 28 December; and
- (ix) 30 December; and

(c) that the premises be granted an additional hour to be added to the standard finish time for Christmas Eve.

**157. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - LINDSAY STREET COMMUNITY CENTRE, FRAMPTON ROAD, EPPING**

The Environmental Health Manager reported that the application to vary a Premises Licence at the Lindsay Street Community Centre in Frampton Road, Epping had been withdrawn. The applicant had not followed the correct consultation procedure, and therefore the Sub-Committee could not hear the case at the current time.

**CHAIRMAN**