

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 8 June 2006

Place: Civic Offices, High Street, Epping **Time:** 10.00 am - 1.45 pm

Members Present: Mrs P Smith (Chairman), Mrs M McEwen, Mrs R Gadsby and Mrs P K Rush

Other Councillors: (none)

Apologies: (none)

Officers Present: A Mitchell (Assistant Head of Legal, Administration and Estates (Legal)), J Nolan (Environmental Services), K Tuckey (Environmental Services), J Evans (Planning Services) and A Hendry (Democratic Services Officer)

1. 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.

2. DECLARATIONS OF INTEREST

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

3. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub–Committee noted the procedure agreed for the conduct of business and Terms of Reference.

4. 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 Item No | Subject | Exempt Information Paragraph No |
|-----------------------|---------------------------|--|
| 6 | Hackney Carriage Driver's | 4 |

Licence Application –
Mr S G Smith

7

Hackney Carriage Driver's
Licence Application -
Mr G Morse

4

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

The Three Councillors that presided over this item were, Councillors Mrs Smith, Mrs Gadsby and Mrs Rush.

The Sub-Committee considered an application by Mr S G Smith 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 officer 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 then 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 Drivers License be granted to Mr S G Smith subject to the Council's standard terms and conditions.

**6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976
APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE**

The Three Councillors that presided over this item were, Councillors Mrs Smith, Mrs Gadsby and Mrs Rush. During the course of the hearing, Councillor Mrs Gadsby received an urgent message that necessitated her leaving the meeting immediately. Councillor Mrs McEwen who had been sitting in reserve listening to the proceedings took her place on the Sub-Committee.

The Sub-Committee considered an application by Mr G Morse for the renewal of 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 officer 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 Sub-Committee had some difficulty in making sense of the dates of the convictions and the penalty issued as listed in his Driving Licence, as they were hand written and out of sequence. The applicant also contended that there were too many penalty points issued. The Environmental officer had requested clarification from the DVLA, but this had not arrived as yet.

The Chairman then 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 Drivers License be granted to Mr G Morse for a period of one month (due to exceptional circumstances), subject to the Council's standard terms and conditions, pending clarification from the DVLA. His case is to be reviewed again at the next meeting of the Licensing Sub-Committee, on 6th July 2006.

7. PUBLIC AND PRESS

RESOLVED:

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

8. LICENSING ACT 2003 - APPLICATION - PREMISES LICENCES

The three Councillors that presided over this item were, Councillors Mrs Smith, Mrs Rush and Mrs McEwen. Also present was David Heeks, Licence Holder; Brian Harris, Licensing Agent; Graham Knight, objector; and John Evans from EFDC Planning Services.

Members of the Sub-Committee considered an application to vary a premises licence for the Three Colts, 54 Princes Road, Buckhurst Hill. It was to:

1. Provide late night refreshment from 10.00 to 01.00 hours Sunday to Thursday and 10.00 to 02.00 hours Friday to Saturday;
2. Sale of alcohol from 10.00 to 12.30 hours, Sunday to Thursday and 10.00 to 01.30 hours Friday to Saturday;
3. Regulated entertainment to include sporting events and amplification of voice during opening hours;
4. Removal of restrictions on Children between 10.00 and 20.00 hours; and
5. To licence existing garage space.

It was reported that representation had been received from the responsible authority for Planning Services, a letter of objection signed by 33 people and individual letters from 26 interested parties, some of who were signatories to the aforementioned petition. In addition the officer had received 2 letters from interested parties supporting the application.

Presentation of the Applicant's Case

Mr Harris, the applicant's agent, reported that Mr Heeks took on the premises 6 months ago after spending 21 years in the Fire Brigade. He explained that Mr Heeks had initially asked to supply alcohol until 01.00; he is now amending that request to stop at midnight on every night. He was also happy to have a condition put on to put up notices asking people to leave quietly and to have no admissions after 23.00 hours. Mr Harris also requested that a half hour 'drinking up time' be added so that the actual closing time would be 00.30 hours.

Mr Harris noted that there was some concern about the indoor sporting activities that were mentioned in the application. He clarified this by saying it would be Pool and Darts, and the amplified voice would be for a quiz night to be held on Sundays.

Mr Heeks would like to provide food in the future, and to this end would like to convert his garage into a small restaurant. He would like Children to have access to the premises between 10.00 and 20.00 hours, but would not allow any children to be admitted after 20.00 hours. In response to a question he clarified that Children already in the pub before the 20.00 deadline would be allowed to stay, but he would not allow entrance to children after 20.00.

Mr Harris said that Mr Heeks thought of his place as an older peoples pub, and therefore did not allow in people under the age of 23. He was asked how he would handle admissions after 23.00. Mr Heeks replied that had had three experienced staff that would help out.

Mr Knight asked him about patrons in the garden after 23.00 what would happen to them? Mr Heeks replied that they would be asked to come inside at that time, and would be happy for that to be added as a condition.

He was the asked about the garage he wished to convert. He confirmed its position by showing the sub-committee exactly where it was on the map of the premises and that it had no external windows. He also confirmed that he would brick up the present wooden doorway.

With the reduction in hours now agreed, the officer from Planning Services confirmed that they had no more objections to this application.

Presentation of Objectors case

Mr Knight, a local resident, commented that he had moved into the area seven years ago and had always accepted that living close to a public house would always cause some problems. However, the request for extended hours caused two issues to come to the fore, noise pollution and a reduction in the value of the neighbouring houses. The noise will increase when people leave (slamming of car doors, mini cabs waiting outside in the road etc.). Although the amended hours are better than what was asked for, he does not want any extension to the hours, as his main concern is noise.

In summing up Mr Knight said the nub of the problem was that an increase in business causes noise pollution and a reduction in the value of property.

Applicant's closing remarks

Mr Harris summed by saying it came down to an extra hour, which is an agreeable solution; with the tight way Mr Heeks runs the business it should pose no problems, if there were there would always be ways to deal with it.

Consideration of application by the Sub-Committee

The Sub-Committee retired to discuss the application in private where they took into account the probable causes for the prevention of public nuisance.

RESOLVED:

That the application to vary a premises licence to the Three Colts be granted, subject to:

1. Provide late night refreshment from 10.00 to 23.30 hours on Sunday and 10.00 to 00.30 hours Monday to Saturday, including a half hour 'drinking up time';
2. Sale of alcohol from 10.00 to 23.00 hours on Sundays and 10.00 to 00.00 hours Monday to Saturday;
3. Regulated entertainment to include sporting events and amplification of voice during opening hours;
4. Removal of restrictions on Children between 10.00 and 20.00 hours; and
5. To licence existing garage space.
6. On condition that:
 - The garden is closed and emptied by 23.00;
 - Notices to patrons to keep quiet on leaving the premises are displayed; and
 - No admittance to new customers after 23.00.

9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION TO RENEW A STREET TRADING LICENCE

The three Councillors that presided over this item were, Councillors Mrs Smith, Mrs Rush and Mrs Gadsby. Also present was Mr Holland, the applicant.

The Sub-Committee considered an application to renew a street trading consent to sell fast food from a site by Honey Lane, Waltham Abbey; the food is to be sold from a towed burger van. Objections have been received from District Councillors McMillan, Spinks and Ms Stavrou; County Councillor Webster; 4 local residents; the Highway Authority; and Waltham Abbey Town Council.

Presentation of the Applicant's Case

The Chairman introduced the Committee and Officers to the applicant and asked him to present his case. He went through the objections and listed the remedial work that he had undertaken since last year. They were:

- (i) He had now erected a fence and clears away any rubbish from around the area of his van and from the gardens of the nearby properties;
- (ii) He has hired a new pest control company and has widened the catchment area to 100 feet either side of the van; no evidence of rats have been found so far;

- (iii) He produced photographs of the area to demonstrate that the road is wide enough to take the traffic;
- (iv) He has checked with the police and can state that there have been no reported accidents over the last 23 years (the time that the burger van has been there);
- (v) There are bollards along the road by his van to stop lorries parking;
- (vi) As for the picnic tables, the land in front of the van is said by the police to be common land so he set up picnic tables there. If he is wrong then he apologies and said he would check with the highways people;
- (vii) Last year he was asked to put four bins out, which he did. He padlocks the bins when he is not trading there. The Council (EFDC) has also put their own bins there, but they are not emptied regularly – and so he stated that it was not his rubbish that was causing the problem;
- (viii) He was not sure why Highways had objected this year as they had not last year;
- (ix) Skillett Hill Farm has now got a café, a scaffolding business and a car wash. Lorries are parking outside on the road and are causing problems. They will not pay the £12.50 parking fee in the lorry park and park on the road for free;
- (x) He brought the attention of the sub-committee to the letter in support of his business from the bungalow opposite;
- (xi) He told the Sub-Committee that he wished to reduce his opening hours and instead of closing at 7am, he now wished to close at 5am. He wished to do this because in opening till 7am, he was catching the early morning customers and found it difficult to close up while he still had customer waiting;
- (xii) The Sub-committee noted that there was a toilet attached to his van;
- (xiii) He had complied with all the conditions imposed on him last year;
- (xiv) He noted that there was drug dealing going on eight years ago when he first took over the burger van, but that had been cleared up now; and
- (xv) He had asked Highways to put in waiting restrictions (he proposed 1 hour waiting and no overnight parking) but they had not done so.

Questions from the panel

Mr Holland was asked if there was a bus stop located there. He said that there was but it was restricted to 7am to 7pm.

He was asked if there was a lot of increased business, he replied no, there were lots of lorries but they do not use him, they are mostly there to sleep.

In reply to a question about rubbish collection he said that his rubbish was collected everyday, he also shared a skip with a neighbouring business. Once a month he goes along the whole road and clears it up.

Mr Holland was asked if there was anything he thought unreasonable on his licence, he replied only having to pay for a pitch which he can't use when the when lorries park there.

In reply to a question about the noise he said that there were kids who went there over the weekend, but there was lots of noise coming off the nearby M25.

The Environmental Officer confirmed that that Environmental Health had received no complaints or undertaken any visits.

Consideration of the application by the sub-committee

The panel retired to discuss the application in private. They took advice on human rights from the legal officer.

RESOLVED:

That the Rebels Diner, Honey lane, Waltham Abbey be granted a street trading consent with existing conditions, to open from 19.00 to 05.00 hours.

CHAIRMAN