

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 3 July 2008

**Place:** Council Chamber, Civic Offices,                      **Time:** 10.00 am - 12.57 pm  
High Street, Epping

**Members Present:** J Hart, Mrs M McEwen, Mrs P Smith and J Wyatt

**Other Councillors:**

**Apologies:**

**Officers Present:** R Ferriera (Assistant Solicitor), E Cox (Licensing Officer), Ms N Glasscock (Licensing Enforcement Officer), A Hendry (Democratic Services Officer) and R Harris (Democratic Services Assistant)

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### 8. 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.

### 9. DECLARATIONS OF INTEREST

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

### 10. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

### 11. EXCLUSION OF PUBLIC AND PRESS

**RESOLVED:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
6	Application to renew a Hackney Carriage Driver's Licence –	1

Mr Bunyan

7	Application for a Hackney Carriage Driver's Licence – Mr Kibria	1
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**12. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENSE - MR BUNYAN**

The Sub-Committee considered an application by Mr P Bunyan for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs Smith, Mrs McEwen and J Wyatt. 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 Assistant Solicitor from Legal Services 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 Hackney Carriage Driver's Licence be granted to Mr P Bunyan, subject to the Council's standard terms and conditions.

**13. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENSE - MR KIBRIA**

The Sub-Committee considered an application by Mr M G Kibria for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs Smith, Mrs McEwen and J Wyatt. 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 Assistant Solicitor from Legal Services 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 by Mr MG Kibria for a Hackney Carriage Driver's Licence be refused as the Sub-committee remained unclear of the nature of all the circumstances relating to the nature of all the offence codes relating to TT99,

which would enable the Sub-committee to consider if he was a fit and proper person to hold a Hackney Carriage Licence.

#### 14. INCLUSION OF PUBLIC AND PRESS

##### RESOLVED:

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

#### 15. LICENSING ACT 2003 - APPLICATION FOR A LATE NIGHT REFRESHMENT LICENCE - STATION ROAD DRY CLEANERS, LOUGHTON

The three Councillors that presided over this item were Councillors Mrs P Smith, Mrs M McEwen and J Wyatt.

The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee. In attendance on behalf of the applicants were Ms N Kaya, Mr O Rustem and Mr T Rustem. In attendance as an objector was Mr D Jeater.

##### (a) The Application before the Sub-committee

The Assistant Solicitor informed the Sub-committee that an application for a late night refreshment licence for Station Road Dry Cleaners, Loughton, Essex. The application sought to extend the premises closing hours from 23.00 to 01.00 Friday and Saturday. The reason it was before the Sub-Committee was that representations had been made on the application.

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

Mr T Rustem presented the applicant's case. He drew the Panel attention to the amended times applied for Sunday, the form should have a closing time of 23.00 and not 01.00 as indicated. They were only asking for a two hour extension for Friday and Saturday for a closing time 01.00.

He pointed out that there were no objections from the Fire and Police Services, or from the Environmental Services section of the Council. He noted that the objections made were under planning considerations and had nothing to do with this meeting today as they are mainly to do with anti-social behaviour. The site has more than enough CCTV cameras in the vicinity, is well lit and has lots of waste disposal facilities. There is also London Underground Ltd. (LUL) security personal in the station car park, whom they met when they held a meeting with the station management. There is also a restaurant next door that opens quite late. The last train to the station is at 00.30 the LUL security staff leaves after that. The benefit to the business would be the late trains bringing in people to Loughton. The applicants will deter anti-social behaviour in their area as it would not help trade; they would inform the Police when needed.

In response to questions from the Sub-committee about what steps could be taken to prevent crime, Mr Rustem said that the applicant had spoken to the Police, they were told that if they suspected anything was wrong they should report it. They would also put up signs. The applicants also had a meeting with Transport for London (TfL) as the shop would be part of a listed building. The car park was monitored by security

and anything inappropriate would be observed and hopefully acted upon. As it is a station forecourt the public can park where they are allowed to. There should not be any problems with loading and unloading, as it is a small shop it would not take very long. There is also a place at the back that can be used.

Asked if the lighting was in the applicants control, Mr Rustem replied that the lighting was under the control of the station, but they were 90% sure that the lighting would be left on until 1am. Asked if they would install CCTV, Mr Rustem said that they would not, it was only a take away so there was no need and there was a lot of CCTV in and around the station. Asked what the premises was currently Mr Rustem replied that it was a Dry Cleaners. They were also in the process of making a planning application for change of use. Asked if the premises would only be used for take away or would there be home delivery. Mr Rustem replied that it would only be a take away.

The objector, Mr Jeater, asked how many people would be working there in the evening, Mr Rustem replied about one or two.

Mr Jeater then outlined a typical situation of there being a crowd of people outside the shop late at night with someone driving around the car park, what would they do? Mr Rustem said the problems would be outside the shop and not inside as the shop was too small. Any anti-social behaviour outside the premises was not their problem, but it would not help their business, so they would call the police. Anti-social behaviour would not change because of the shop, so all they could do was to make a complaint. Mr Jeater replied that the shop would attract anti-social behaviour, Mr Rustem replied that was not necessarily so, especially according to his letter of objection.

Mr Jeater then asked how often the applicant had visited the station after 11pm. Ms Kaya replied that she had visited it several times. She did note some anti-social behaviour but added that her shop would not add to the problem as they were only selling food. Mr Jeater asked if she saw any of the security staff dealing with the problem. She replied that she did not see any big trouble during her visits, so the security staff did not do anything. Mr Rustem made the point that it was assumptions on Mr Jeater's part that it was anti-social behaviour.

Mr Jeater then asked about what training/instructions the staff would get. Mr Rustem replied that the Police would provide instruction on how to deal with anti-social behaviour in the area. Members of the public are obliged to call the police if they suspect any trouble. They wish to be seen as an improvement to the area. Mr Jeater replied that there would be some form of instruction provided, but he could not say what or when. And as staff may change in the future he can't be sure that they would be trained. Mr Rustem said that any new staff member would be trained but they were happy to include that as a condition.

### **(c) Presentation of the Objector's Case**

Mr Jeater said his concerns were of public nuisance and anti-social behaviour, both areas covered by the licensing objectives. The Police had recently improved the area but it has deteriorated again.

The customers will use the LUL car park but it is not in the applicant's control and they can't prevent any misuse to the car park. People tend to race around the car park, playing loud music, shouting and screaming. There may also be some drug abuse. Once this has happened it was too late for the staff to deal with it. He and his

neighbours were woken two or three times a week. This is also a planning matter and about nine people from his road have put in planning objections.

A councillor asked Mr Jeater why should London Transport passengers add to the noise from the premises. Mr Jeater replied that it was not the passengers he was worried about but people from the local pubs and clubs who would go there. He admitted matters did improve, but it was now getting worse. The problems were reoccurring.

Asked how long he had lived there, and when he had last called the police; Mr Jeater replied since 1981 and he had called the Police about two months ago. In the last three years he had called the police about four times a year about activity in the car parks. Asked if he could see the car park instead of just hearing it, Mr Jeater replied that he could not see it in the summer when the trees had leaves but could in the winter.

Mr Rustem asked if there had been any problems reported after 1am. Mr Jeater replied that there had. Mr Rustem asked why their increase in hours would cause any more complaints. Mr Jeater replied that it would attract more people, and will also attract people from the town centre and not just tube passengers.

In summary Mr Jeater said that the problem lay in the car parks and that recognition that people would come to the premises in their cars and cause anti-social behaviour. The Police had tried to deal with this and residents do not want it to get any worse.

**(d) Applicants concluding statement**

Mr Rustem concluded that there are a lot of transport facilities in the area; applications of this type always ask for car parking provision, so we felt obliged to mention this.

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

The Sub-committee considered the application in private. They reviewed the case and found that there were no valid Licensing reasons for refusal.

**RESOLVED:**

That the application for a late night refreshment licence, as amended, for Station Road Dry Cleaners, Loughton, Essex be granted subject to the standard conditions contained within the application.

**CHAIRMAN**