

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 2 July 2009

**Place:** Council Chamber, Civic Offices,                      **Time:** 10.10 - 11.55 am  
High Street, Epping

**Members Present:** D Dodeja, Mrs R Gadsby, Ms J Hedges and R Morgan

**Other Councillors:** -

**Apologies:** J Hart

**Officers Present:** A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer) and G J Woodhall (Democratic Services Officer)

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### 12. ELECTION OF CHAIRMAN

#### RESOLVED:

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

### 13. DECLARATIONS OF INTEREST

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

### 14. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

### 15. 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 item 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:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
6	Hackney Carriage Driver's Licence – Mr R Mennie	1
7	Hackney Carriage Driver's Licence - Mr B Sheikh	1
8	Hackney Carriage Driver's Licence -	1

9 Mr U Nawaz  
Hackney Carriage Driver's Licence - 1  
Mr R Thomas

**16. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENSE - MR R MENNIE**

The Sub-Committee considered an application by Mr R Mennie for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs J Hedges, Mrs R Gadsby and R Morgan. 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 applicant was unable to attend and, as the application had been deferred at the previous meeting, the Sub-Committee resolved to determine the application in the absence of the applicant. The Assistant Director (Legal) informed the Sub-Committee of the circumstances under which the licence could not be issued under delegated authority. The Sub-Committee did not consider the applicant to be a suitable person for a Hackney Carriage Driver's Licence within the District and the application was refused.

**RESOLVED:**

That the application by Mr R Mennie for a Hackney Carriage Driver's Licence be refused as he did not meet the Council's Licensing criteria.

**17. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENSE - MR B SHEIKH**

The Sub-Committee considered an application by Mr B Sheikh for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs J Hedges, Mrs R Gadsby and R Morgan. 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 Director (Legal) informed the Sub-Committee of the circumstances under which the licence could not be issued under delegated authority. This application had been deferred from the last meeting to allow the applicant to provide proof of a job offer within the District.

The applicant made a short statement to the Sub-Committee in support of his application and distributed a letter indicating the offer of a position with Chigwell Cars, 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 B Sheikh, subject to the Council's standard terms and conditions.

**18. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR U NAWAZ**

The Sub-Committee considered an application by Mr U Nawaz for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs J Hedges, Mrs R Gadsby and R Morgan. 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 Director (Legal) 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 U Nawaz, subject to the Council's standard terms and conditions.

**19. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR R THOMAS**

The Sub-Committee considered an application by Mr R Thomas for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs J Hedges, Mrs R Gadsby and R Morgan. 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 applicant was unable to attend and the Sub-Committee resolved to determine the application in his absence. The Assistant Director (Legal) informed the Sub-Committee of the circumstances under which the licence could not be issued under delegated authority.

An appeal statement from the applicant was tabled at the meeting for the Sub-Committee to consider. The Sub-Committee had some reservations about this application but determined to grant it and write a letter to the applicant outlining the Sub-Committee's concerns.

**RESOLVED:**

(1) That a Hackney Carriage Driver's Licence be granted to Mr R Thomas, subject to the Council's standard terms and conditions; and

(2) That a letter be written to the applicant highlighting the Sub-Committee's concerns regarding this application.

**20. ADJOURNMENT**

The meeting was adjourned at 10.55am for a period of fifteen minutes.

**21. ELECTION OF CHAIRMAN**

**RESOLVED:**

That, in accordance with the terms of reference for the Licensing Committee, Councillor R Morgan be elected Chairman for the remainder of the Sub-Committee meeting.

**22. ORDER OF BUSINESS**

In relation to the two agenda items regarding the Football Academy at Loughton, the Sub-Committee determined to consider the review of the Premises Licence before the application to vary the Designated Premises Supervisor.

**23. REVIEW OF A PREMISES LICENCE - THE FOOTBALL ACADEMY (LANGSTON ROAD, LOUGHTON)**

The Sub-Committee considered an application from the Police for the Premises Licence at the Football Academy in Loughton to be reviewed following violent disturbances at the venue on 31 December 2008. This item was presided over by Councillors R Morgan, D Dodeja and Mrs R Gadsby. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee. In attendance on behalf of Essex Police were Mr S Fisher, Mr N Sykes and Ms C Holmes. In attendance on behalf of the Premises were Mr J Nathan and Mr R Folan. There were no objectors in attendance. The Chairman then introduced the members and officers present, and outlined the procedure that would be followed for the determination of the application.

**(a) The Application before the Sub-Committee**

The Assistant Director (Legal) informed the Sub-Committee that an application from Essex Police to review the Premises Licence had been received in respect of the Football Academy in Loughton, following incidents of disorder at the Premises on the evening of 31 December 2008 during a function held in a Marquee located to the side and rear of the main building.

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

Mr N Sykes on behalf of Essex Police stated that there had been serious problems at the Premises on 31 December 2008. A New Year's Eve Party was held in the Marquee involving a number of Disc Jockeys, each with their own following who then clashed. The Sub-Committee was shown a DVD of events outside the Marquee which had been captured by one of the security cameras at the neighbouring Bank of England Printing Works. The excerpts clearly showed groups of men fighting, with and without weapons, cars being driven into other cars, damage to parked cars, and doormen openly assaulting other men. It was stated that the Football Academy had co-operated fully with the Police in prosecuting offenders from that night and had not wanted the evening to end so savagely. The Police had been in discussions with the management and a number of variations to the Premises Licence had been provisionally agreed; these had been tabled at the meeting for the Sub-Committee's consideration. It was stated unequivocally that the Police would object to any application for a Temporary Event Notice at the Premises.

The Divisional Licensing Officer for Essex Police added that Police Officers had arrived at the scene at 2.00am on the morning of 1 January 2009 and had taken nearly two hours to clear the area. Numerous people had been extensively injured, one of which was serious, and one person had been shot in the hand by a ricochet from the firing of a handgun. It was emphasised to the Sub-Committee that the incidents had occurred in the Marquee and not the main Premises.

**(c) Response of the Premises**

The owner of the Premises stated that the event had been an external promotion rather than a Football Academy event, and the events of the evening had caused

huge damage to the Premises' reputation. Steps had been taken to ensure that such an incident would not be repeated in the future. Several people no longer worked at the Football Academy, including the Designated Premises Supervisor at the time, and the establishment was more family orientated now. The Marquee had been taken down straight after the event with a children's play area now being constructed there, and all events were now private functions with only one Disc Jockey permitted. The owner had been on site that evening, and the DVD had showed the end of the events just prior to the Police arriving to restore order.

**(d) Questions for the Premises from the Sub-Committee**

The owner of the Premises stated that private functions could now only take place on Friday, Saturday or Sunday nights and that the numbers for such functions were now limited to a maximum of 200. There would also be a minimum of eight doormen on duty whenever a function was held at the Premises.

**(e) Questions for the Police from the Sub-Committee**

The Sub-Committee was informed that it was probably not practicable to have a Police presence on site whenever the Premises held a function. The Senior Licensing Officer outlined the existing conditions of the current Premises Licence for the benefit of the Sub-Committee.

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

The Chairman requested that the participants leave the Chamber whilst the Sub-Committee debated the merits of the application.

The Sub-Committee felt that the owners of the premises had been genuinely shocked by the events of that evening and had co-operated fully with the Police to fully address the issues arising from the New Year's Eve party in the Marquee. Consequently, the Sub-Committee were content to vary the Premises Licence as previously provisionally agreed between the Police and the Premises.

The Chairman invited the participants to return to the Chamber and informed them of the Sub-Committee's decision.

**RESOLVED:**

- (1) That the application to review a Premises Licence at the Football Academy in Loughton by the Police be granted with the following additional conditions applied to the Premises Licence;
- (2) That no events involving multiple disc jockeys be permitted on the premises;
- (3) That only one disc jockey be permitted on site for events such as private member's functions, wedding receptions or private parties;
- (4) That all private parties held on the premises be by invitation only; and
- (5) That a log of all door supervisors be kept and the following details must be recorded in the log and made available to Essex Police upon request:
  - (a) full name, date of birth, full postal address, telephone number & mobile number;

- (b) badge number, date of SIA registration and expiry date thereof; and
- (c) signature of door staff members and the time that their duty commenced and finished.

**24. INCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

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

**25. VARIATION OF THE DESIGNATED PREMISES SUPERVISOR - THE FOOTBALL ACADEMY (LANGSTON ROAD, LOUGHTON)**

The Sub-Committee considered an application for a variation of a Designated Premises Supervisor to Mr R Folan at the Football Academy in Loughton. The Police had initially objected to this application, however following the agreement of additional conditions for the licence at the Football Academy, the Police withdrew their objections.

The applicant advised the Sub-Committee that although he had first been employed at the premises in 2007, he had spent a period abroad and had been running a restaurant in Chingford on New Year's Eve when the disturbances had occurred at the Football Academy. The applicant stated that the safety of staff and customers would be his paramount concern, and would have no hesitation in involving the police should any narcotic drugs be found on the premises.

**RESOLVED:**

That the Designated Premises Supervisor for the Football Academy in Loughton be varied to Mr R Folan.

**CHAIRMAN**