

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 5 November 2009

Place: Council Chamber, Civic Offices, **Time:** 10.10 am - 12.50 pm
High Street, Epping

Members Present: Mrs M McEwen, R Morgan, Mrs P Richardson and J Wyatt

Other Councillors:

Apologies:

Officers Present: K Tuckey (Senior Licensing Officer), R Ferriera (Assistant Solicitor),
Ms N Glasscock (Licensing Enforcement Officer) and M Jenkins (Democratic Services Assistant)

73. ELECTION OF CHAIRMAN

RESOLVED:

That, in accordance with the Terms of Reference for the Licensing Committee, Councillor Mrs P Richardson be elected Chairman for the first part of the meeting.

74. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct Councillor J Wyatt declared a personal interest in the following tabled item of the agenda by virtue of having particular prior knowledge of the premises involved. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the duration of the discussion on the item and voting thereon:

- Application for Summary Review by Essex Police for the White Lion, Sun Street, Waltham Abbey, Essex EN9 1ER

75. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

76. 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:

Agenda Item
No

Subject

Exempt Information
Paragraph Number

6	Hackney Carriage Driver's Licence – Ms L Hibbard	1
7	Hackney Carriage Driver's Licence – Mr G Suri	1
8	Hackney Carriage Vehicle Licence – Mr L Knowles	1

77. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MS L HIBBARD

The Sub-Committee considered an application by Ms L Hibbard for a Hackney Carriage Driver's Licence. The three councillors that presided over this item were Councillors Mrs P Richardson, Mrs M McEwen and J Wyatt. Members noted that officers did not have delegated powers to grant this application and, as a result, the application was considered by the Sub-Committee. The Chairman welcomed the applicant, and introduced the members and officers present. The Assistant Solicitor 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 her 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 her 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 Ms L Hibbard, subject to the Council's standard terms and conditions.

78. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR G SURI

The Sub-Committee considered an application by Mr G Suri for a Hackney Carriage Driver's Licence, Mr Suri was accompanied by his wife. The three councillors that presided over this item were Councillors Mrs P Richardson, Mrs M McEwen and J Wyatt. Members noted that officers did not have delegated powers to grant this application and, as a result, the application was considered by the Sub-Committee. The Chairman welcomed the applicant, and introduced the members and officers present. The Assistant Solicitor 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 G Suri, subject to the Council's standard terms and conditions.

79. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 & TOWN AND POLICE CLAUSES ACT 1847 - HACKNEY CARRIAGE VEHICLES LICENCES

The Licensing Unit had identified a breach in the license conditions of Mr L Knowles. However since the agenda for this meeting was published the Sub-Committee was informed that satisfactory inspections had been completed.

RESOLVED:

That, the Hackney Carriage Vehicle License for Mr L Knowles continue as an inspection had been satisfactorily carried out.

80. INCLUSION OF PUBLIC AND PRESS

RESOLVED:

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

81. ELECTION OF CHAIRMAN

RESOLVED:

That in accordance with the Terms of Reference for the Licensing Committee, Councillor R Morgan be elected Chairman of the Sub-Committee for the duration of the meeting.

82. CAKES AND SHAKES, 246B HIGH ROAD, LOUGHTON, ESSEX IG10 1RB

The three Councillors that presided over this item were Councillors R Morgan, J Wyatt and Mrs M McEwen. The Chairman welcomed the participants and introduced the members and officers present and then requested that the participants introduce themselves to the Sub-Committee.

In attendance on behalf of the application was Mr Ghulam Alahi, who was part owner and share holder in Cakes and Shakes. On behalf of the objectors were Councillor Roy Thompson of Loughton Town Council and Mr David Linnell of the Loughton Resident's Association and two local residents.

(a) The Application before the Sub-Committee

The Assistant Solicitor informed the Sub-Committee that an application for a Late Night Refreshment Licence, for Cakes and Shakes, 246b High Road, Loughton, Essex IG10 1RB had been received. Representations had been made by local residents in the form of letters and a petition. There were representations from Loughton Resident's Association and an interest from Loughton Town Council.

(b) Presentation of the Applicant's Case

Mr G Alahi of Cakes and Shakes, 246b High Road, Loughton, began by providing an outline of the application, which concerned a Late Night Refreshment License. The applicant's original intention was to extend the current licence to 2.00a.m. However

he was aware of local concern regarding this and advised that he would amend the proposed condition to extend the licence to 12.30a.m. Mr G Alahi was connected with three other similar premises with no complaints being made against them. He advised that there was no alcohol allowed on site.

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

Councillor R Morgan asked how many people were allowed onto the premises? Mr G Alahi replied that 28 were permitted at any one time. He went on to say that currently the premises closed at 11.00p.m. Councillor Mrs M McEwen asked if Mr G Alahi was the manager of Cakes and Shakes. He replied that he was part owner and a share holder as well. The business mostly catered for children, teenagers and families. Mr G Alahi was asked if there were flats above the shop at 246b High Road, Loughton, he replied that there were no flats. Councillor J Wyatt asked whether any alcohol was permitted on-site. Mr G Alahi confirmed to the members that no alcoholic drinks were allowed on site. He was asked about toilet facilities on site, he advised there was a toilet for customers, it was shared with staff. However he confirmed that there were no notices on site concerning alcohol use.

(d) Questions for the Applicant from the Objectors

Councillor R Thompson of Loughton Town Council asked Mr G Alahi why the current licence for Cakes and Shakes had 12.30a.m. as the closing time for the shop? Mr G Alahi replied that he was not currently allowed to open until 12.30a.m. He confirmed that the notice on his shop front displayed the current opening hours. Mr D Linnell of Loughton Resident's Association asked if there were flats above 246b High Street. Mr G Alahi replied that there weren't any flats above the shop.

(e) Presentation of the Objector's Case

Councillor R Thompson said that the objections raised by local residents still stood, despite the suggested earlier closing time by the applicant. It was felt better that the premises should close at 6.00p.m. People lived opposite the shop, youths with bicycles congregated around the shop, sometimes blocking the thoroughfare for pedestrians. The pavement was covered in spilt milkshakes and other detritus. Councillor R Thompson claimed that on occasion the shop opened until 2.00a.m., there needed to be better enforcement.

Mr D Linnell from Loughton Resident's Association said that the earlier closing time, that of 12.30a.m. was an improvement on the earlier proposal. However there were on-going problems for local residents. Councillor J Wyatt asked about the time that groups usually dispersed from outside of Cakes and Shakes. Councillor R Thompson replied that the groups dispersed around 5.30p.m. on Fridays and Saturdays. Older ones dispersed about 9.00p.m. It was confirmed that there were no complaints from the police.

(f) Objectors' Closing Statement

The application should not be approved because of the large number of local people who were against it.

(g) Applicants' Closing Statement

Mr G Alahi informed the Sub-Committee that he owned two other similar businesses which had not posed any problems. He thought that the premises concerned may contribute to reducing anti-social behaviour, as it gave young people a place to go.

They were not open particularly late, and he proposed that the 12.30a.m. closing time should be for Thursdays, Fridays and Saturdays. The later opening times would only be utilised by older people.

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

The Sub-Committee retired to consider the application in private session. They received no advice from officers. They noted the representations made by the Loughton Resident's Association.

RESOLVED:

- (1) That the application for a late night refreshment licence for Cakes and Shakes at 246b High Road, Loughton IG10 1RB, be granted subject to the following conditions:
- (2) That the premises will close at 11.00p.m. on Sundays, Mondays, Tuesdays and Wednesdays;
- (3) That the premises will close at 12.30a.m. on Thursdays, Fridays and Saturdays;
- (4) That a notice be displayed in the shop stating that no alcohol be allowed on the premises; and
- (5) That a litter bin be placed in the shop for the use of customers.

83. APPLICATION FOR SUMMARY REVIEW BY ESSEX POLICE FOR THE WHITE LION PUBLIC HOUSE, 11 SUN STREET, WALTHAM ABBEY EN9 1ER

The Sub-Committee had been asked to consider whether there should be a summary review of the premises licence in force at The White Lion Public House, 11 Sun Street, Waltham Abbey, Essex EN9 1ER.

The purpose of the hearing was to consider if any interim measures were necessary before a full review hearing could be established within a short time span. The summary review procedure was introduced by amendments to the Licensing Act 2003 made by the Violent Crime Reduction Act 2006. The procedure allowed the police to initiate an expedited review of the premises licence if a senior officer was of the opinion that the premises in question were associated with serious crime and/or disorder.

The three members who presided over this item were Councillors R Morgan, K Chana and Mrs P Richardson. The Chairman welcomed the participants and introduced the members and officers present and then requested that the participants introduce themselves to the Sub-Committee. In attendance on behalf of the application was Mr Simon Fisher of Essex Police and Sergeant Sally Devine also of Essex Police. In attendance on behalf of the premises licensees was Mr Steven Gill, Commercial Director of McMullens and Sons Ltd (the owners of the White Lion, 11 Sun Street, Waltham Abbey) and Ms Sandra Sheehan, Operations Manager of McMullens and Sons Ltd.

The Chairman outlined the procedure that would be followed for the determination of the application.

(a) The Application before the Sub-Committee

The Assistant Solicitor informed the Sub-Committee that an application for a summary review of the premises licence of the White Lion Public House, 11 Sun Street, Waltham Abbey, had been received. The application could not be decided under delegated authority and therefore the application was before the Sub-Committee. Representations had been received from Essex Police and were tabled at the meeting.

(b) Presentation of the Applicant's Case

Mr S Fisher of Essex Police began by saying that the police application for Summary License Review had been endorsed by the Chief Superintendent under Section 53A of the Licensing Act 2003. Since October 2008 there had been 15 crimes recorded as having occurred either inside the White Lion Public House or linked to the premises. The crimes ranged from minor public order offences to extremely serious offences. The situation had got worse particularly on 30 and 31 October 2009 where a bottle had been used to assault a person and an assault had been made using CS Gas. Assaults had also been made on two Police Community Support Officers. He added that there was concern from local residents, licensees and trades people. Mr S Fisher told the members that the case was currently in outline only but all incidents were supported by evidence and witnesses.

The Chairman allowed Mr S Gill of McMullens and Sons Ltd to respond to the applicant's case. Mr S Gill said that he was disappointed with the police's action, there had been on-going dialogue between McMullens and the police. The trouble at the White Lion had seemed to escalate over a comparatively short period, in October 2009, it would have been better to ensure existing dialogue rather than attempt to enforce closure. Mr S Gill did not deny that there had been problems at the public house but they did not all necessarily originate them.

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

The Sub-Committee retired to consider the application in private session. They received advice from officers regarding Article 1 of the Human Rights Act 1980 concerning the right to peaceful enjoyment of one's possessions. The Sub-Committee felt that under the Licensing Act 2003, there was insufficient scope to modify the conditions.

RESOLVED:

That the premises licence for the White Lion Public House, 11 Sun Street, Waltham Abbey, EN9 1ER be suspended to avoid any further serious crime or disorder from taking place on the premises or outside.

CHAIRMAN