

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 9 November 2009

Place: Council Chamber, Civic Offices, **Time:** 11.30 am - 1.15 pm
High Street, Epping

Members Present: K Chana, Mrs R Gadsby, Ms J Hedges and Mrs P Smith

Other Councillors:

Apologies:

Officers Present: J Nolan (Assistant Director (Environmental Health)), K Tuckey (Senior Licensing Officer), R Ferriera (Assistant Solicitor) and M Jenkins (Democratic Services Assistant)

84. 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 meeting.

85. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in the following item of the agenda by virtue of The White Lion Public House being in her ward. The Councillor had determined that her interest was not prejudicial and that she would stay in the meeting for the duration of the discussion and voting thereon:

- The White Lion Public House, 11 Sun Street, Waltham Abbey, Essex EN9 1ER

86. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

87. REVIEW OF PREMISES LICENCE - THE WHITE LION PUBLIC HOUSE, 11 SUN STREET, WALTHAM ABBEY, ESSEX EN9 1ER

The members who presided over this item were Councillors Mrs P Smith, Mrs R Gadsby and Mrs J Hedges.

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 were Mr N Sykes, solicitor representing Essex Police, Detective Superintendent C Carrington, Sergeant S Davies, Mr S Fisher of Essex Police and A Williams. Representing the premises' licensees, McMullen and Sons Ltd were Ms C Eames, solicitor, Mr S Gill, Commercial Director of McMullens and Sons Ltd (the owners of The White Lion, 11 Sun Street, Waltham Abbey) and Ms S Sheehan, Operations Manager of McMullen and Sons Ltd.

The Chairman outlined the procedure that would be followed for the determination of the review of the premises licence for The White Lion, 11 Sun Street, Waltham Abbey.

(a) The Application before the Sub-Committee

The application before the Sub-Committee concerned an application for a summary review of the previous licence in force at The White Lion, 11 Sun Street, Waltham Abbey, Essex EN9 1ER. This was the second 48 hour expedited review meeting after the Licensing Sub-Committee meeting held on 5 November 2009 which had suspended the premises licence for The White Lion. The purpose of the meeting was to consider any interim measures were necessary before a full review hearing on a date set within 28 days of this meeting.

(b) Presentation of the Applicant's Case

Mr N Sykes, solicitor representing Essex Police, informed the Committee that although there had been 16 incidents at The White Lion over the last 12 months, however from May to mid-October there had not been any incidents. The recent spate of incidents were confined to the 17, 23, 30 and 31 of October. Although the temporary suspension on the public house was justified the police were accepting new conditions being offered by McMullens.

Mr N Sykes advised that it was refreshing to have effective dialogue with the licensees. The White Lion Public House was under new management which should alleviate the problems. An SIA registered doorman would be present on Fridays and Saturdays and it was felt that the side entrance door leading to an alleyway should be closed after a certain time. The interim measures, before the next review meeting covering 2 weekends, would be necessary and proportionate.

(c) Questions to the Applicants from the Sub-Committee

Councillor Mrs J Hedges asked how long would The White Lion be expected to close before interim measures were taken? Mr N Sykes indicated that a minimum of 7 days was sufficient. This should allow for CCTV installation, new management in place and re-training of staff.

The Chairman asked if the 2003 Licensing Act was self policing. Mr N Sykes replied that it was self policing but, it was important for co-operation with managers and the District Council. Inspector C Carrington indicated to the Sub-Committee that he was satisfied with the conditions suggested.

(d) Presentation of the Licensees' Case

Miss C Eames, solicitor representing McMullen and Sons Ltd advised that the current situation at The White Lion was very different from the events in October. McMullen and Sons Ltd had been in a frank and open dialogue with Essex Police and steps had been taken.

It had been recognised that the premises' tenant had been involved in the disorderly problems at The White Lion, therefore the tenant had been removed from the operation of the business. The interim steps taken involved not re-opening the establishment until a new manager was in place with a manager appointed from McMullen's Head Office under direct control from an Area Manager based in Hertford. The hours of business would be reduced to 12.00a.m. midnight each day with 30 minutes drinking up time. Staff were being re-trained regarding under age sales and drug awareness. There was a proposal for CCTV installation, a side entrance on the side of the premises had been highlighted by the police as it led to an alleyway, it was suggested that this should be closed Fridays and Saturdays from 9.00p.m., except in emergencies. There would be an SIA registered doorman in attendance at the front door.

(e) Questions to the Licensees from the Sub-Committee

Councillor Mrs R Gadsby asked why the Head Office of McMullens had not, seemingly, undertaken adequate steps in dealing with these problems. Miss C Eames explained that up until October 2009 they had not been made aware of any problems at the White Lion. They had realised there were managerial problems but the tenancy was complicated to sort out. Mr S Gill, Commercial Director of McMullens, said that they had worked reasonably quickly. He added that the measures undertaken should help change the clientele. He confirmed that the public house would remain closed for at least 7 days until a DPS was appointed.

(f) Licensees Closing Remarks

Miss C Eames said that the police had put their case well. The current situation was very different from the circumstances in October. The Licensing Act was working, it was re-assuring where there was a level of agreement, the response to the position was measured and proportionate. They were minded to word the suspension as "voluntary closure." The Chairman asked about the manageress' tenure of the premises, was it the case that removing the manageress as a condition include removal of them from the premises. Miss C Eames said that it didn't. The home of the manageress and her family was above the premises, the process of removing them was under way although they were barred from the area of the pub.

The Chairman added that it was re-assuring for members to hear the various parties involved working together and addressing the serious concerns involved. It was good to see the licensing objectives being respected.

Consideration of the Application by the Sub-Committee

The Sub-Committee retired to consider the application in private session. They did not receive advice from officers.

RESOLVED:

That the suspension of the premises licence for The White Lion Public House, 11 Sun Street, Waltham Abbey EN9 1ER be lifted with the following conditions:

- (1) That the current tenant and their family, living above The White Lion, be denied access to the premises area of The White Lion;

- (2) That The White Lion be closed until a McMullen and Sons Ltd manager is in place;
- (3) That a new Designated Premises Supervisor (DPS) be appointed to The White Lion prior to opening;
- (4) That activities at The White Lion will cease accept the making of music at 12.00a.m. on Fridays and Saturdays and on Sundays to Thursdays at 11.00p.m.;
- (5) That no licensable activity take place after 12.00a.m. with patrons leaving by 12.30a.m.;
- (6) That no alcohol purchased be consumed outside the immediate frontage of The White Lion;
- (7) That CCTV be installed in The White Lion prior to opening;
- (8) That patrons' access, via side entrance alleyway, be denied after 9.00p.m. accept in emergencies;
- (9) That on Fridays and Saturdays only, an SIA registered doorman be present from 9.00p.m. – 1.00a.m.; and
- (10) That dialogue continue between the licensees and the police as appropriate.

CHAIRMAN