

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 7 September 2010

Place: Council Chamber, Civic Offices, **Time:** 10.30 am - 12.04 pm
High Street, Epping

Members Present: Mrs P Brooks, Mrs R Gadsby, Mrs M McEwen (Chairman) and J Knapman

Other Councillors: L Leonard

Apologies: B Rolfe

Officers Present: K Tuckey (Senior Licensing Officer), R Ferriera (Assistant Solicitor), L Cole (Legal Services Officer), Ms N Glasscock (Licensing Enforcement Officer) and A Hendry (Democratic Services Officer)

28. APOLOGIES FOR ABSENCE

Councillor B Rolfe had given his apologies for this meeting. Councillors Mrs M McEwen was kind enough to take his place (as Chairman) on the Panel.

29. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct. However, due to the fact that Councillor Knapman was actively engaged in agenda item 8, he indicated that he would not take any part in the meeting as a Sub-Committee member and would stay out of the chamber until item 8, the Metro Superstore had convened.

30. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

31. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

(1) 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>
5	Hackney Carriage Driver's Licence – Mr Mobio	1

32. HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-committee considered the renewal of a hackney Carriage Driver's Licence for Mr Mobio. The three Councillors that presided over this item were Councillors Mrs M McEwen, Mrs P Brooks and Mrs R Gadsby. 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 Legal Officer informed the Sub-Committee of the circumstances under which the licence could not be renewed 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 Mobio, subject to the Council's standard terms and condition.

33. INCLUSION OF PUBLIC AND PRESS**RESOLVED:**

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

34. BREACH OF TAXI INTERIM TESTS

The three councillors that presided over this item were Councillors Mrs McEwen, Mrs P Brooks and Mrs R Gadsby. The Licensing Unit had identified a breach in the licensing conditions of the following persons in respect of interim vehicle tests not having been completed:

- a) Mr Firth
- b) Mr Khan

However since the agenda for this meeting had been published the Sub-Committee were informed that satisfactory inspections had been completed for both drivers.

RESOLVED:

That the Hackney Carriage Vehicle Licences for the following applicants be continued as inspections had now been satisfactorily carried out:

- a) Mr Firth
- b) Mr Khan

35. REVIEW OF PREMISES LICENCE - THE METRO SUPERSTORE, 785 CHIGWELL ROAD

The members who heard this application were Councillors Mrs M McEwen, Mrs P Brooks and Mrs R Gadsby.

The Chairman welcomed the participants and introduced the members and officers present, and then requested that the participants introduce themselves to the Sub-Committee.

There was no one in attendance on behalf of the store in question.

In attendance on behalf of the applicant was Councillor J Knapman, the Ward Councillor who had applied for the review. Also in attendance was Mr Brooks a local resident, Ms Lynsey Yarnell, Trading Standards Officer from Essex County Council and Mr Simon Fisher, Licensing Officer for Essex Police.

(a) The Application before the Sub-Committee

The Legal Officer, Leigh Cole, informed the Sub-Committee that an application for review had been received for The Metro Superstore, 785 Chigwell Road, Chigwell, Essex. The application had been made by the ward member Councillor J Knapman on the grounds of the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

(b) Presentation of the Applicants Case

Mr Knapman began by saying that he had asked for this review back in July, after he had attended a Neighbourhood Action Panel meeting where he was swamped by complaints about this establishment. There was clear evidence of selling of alcohol to minors, threatening and intimidating behaviour, congregation by gangs of youths, litter and broken bottle and spitting. There were photo's that showed evidence of underage drinking and smoking. In the thirty years that he had lived in this area he had never had any complaints. But now residents were having their lives made a misery.

Ms Yarnell, the Essex County Council Trading Standards Officer said that enforcement action was intelligence led, especially from the Police. Officers would carry out test purchases, however local premises are made aware of these beforehand and they would know their local cliental. She had visited the store in April 2010 when she witnessed transactions to young looking males. She challenged the storekeeper and left a 'Challenge 25' pack with him, who signed up to the scheme. Following this she gave verbal advice to the shopkeeper but still received more complaints. She then carried out a test purchase and the purchaser was asked for their ID. However, they still received more complaints. Officers and a PC have witnessed large groups gathering outside the shop.

The Licensing Officer for Essex Police, Mr Simon Fisher, made a statement indicating that he had received intelligence that alcohol had been sold to persons under the age of 18. In addition various calls had been received by the police to deal with nuisance youths outside or close to the premises causing anti social behaviour. 28 incidents had been logged between 01/05/2010 and 14/07/2010. In June 2010 two females aged 14 and 15 years old were stopped by police in possession of alcohol which they admitted buying from this shop and made witness statements to this effect. A fixed penalty notice was issued. There followed another incident

involving a 16 year old male admitting purchasing alcohol from the same shop, a second fixed penalty notice was issued. A third incident occurred but this time the licence holder refused to accept it. This matter is currently being processed through the prosecutor's department.

Councillor Mrs McEwen asked if a fixed penalty notice was just a fine. Mr Fisher said yes it was. The licence holder had accepted two of them but by refusing to accept the third one he would be entitled to go to the magistrate's court.

Mr Brooks, a nearby resident said he had been living there for the last 28 years. He had received a lot of aggravation from the kids grouping outside the shop, where they had also vandalised his van. He had to call the Police the night before due to their rowdy behaviour.

Councillor Mrs McEwen asked about the school holidays. Mr Brooks said that the trouble decreased by about 50% then.

Councillor Mrs Brooks asked if Mr Brooks lived in a flat. He replied that he did, above his shop.

As there was no representative from the shop there, the Chairman asked that Councillor Knapman make a closing statement.

(c) Applicants Closing Statement

Councillor Knapman said that the evidence for problems associated with this shop was absolutely clear. There was also evidence from the local school, as set out in the letter in the agenda papers. This shop encouraged crime and disorder, the public did not feel safe, there was clear indications of public nuisance through urination, broken bottles etc. and the police had presented evidence for the need for protection of children from harm.

(d) 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 representation made by the applicant, the Trading Standards Officer the Police and the local residents.

RESOLVED:

(1) That, the Sub-Committee considered the evidence produced for the prevention of public nuisance had not been proven;

(2) That, based on the evidence supplied by Councillor Knapman, the residents, the police, the Trading Standards Officer and the written evidence supplied with the review for this application the Sub-Committee deemed that the licence to sell alcohol for The Metro Superstore, 785 Chigwell Road be revoked on the grounds of the protection of children from harm.

CHAIRMAN