

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 2 November 2010

Place: Council Chamber, Civic Offices, **Time:** 10.30 am - 3.45 pm
High Street, Epping

Members Present: D Wixley (Chairman), K Angold-Stephens, K Chana and Mrs R Gadsby

Other Councillors: L Leonard

Apologies: R Morgan

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

44. APOLOGIES FOR ABSENCE

Apologies had been received from Councillor R Morgan, Councillor K Angold-Stephens was kind enough to substitute for him.

45. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in Item 9 of the agenda – New Premises Licence 785 Chigwell Road, Woodford Green IG8 8AU. The Councillor said that the interest was also prejudicial as she had been a member of the Sub-Committee in September which had heard the Review of these same premises. Therefore she would leave the meeting for the consideration of the item and take no part in the decision taken.

46. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Procedure for the Conduct of Business was noted.

47. 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 –	1

Mr Brignell

7

Hackney Carriage
Driver's Licence –
Mr Burns

1

48. HACKNEY CARRIAGE DRIVER'S LICENCE - MR BRIGNELL

The Sub-Committee considered a Hackney Carriage Driver's Licence for a Mr Brignell. The three Councillors who presided over this item were Councillors D Wixley, K Chana and Mrs R Gadsby. Members noted that officers did not have delegated powers to uphold or revoke the licence and, as a result, the application had to be considered by the Sub-Committee.

The Chairman welcomed the licence holder and introduced the members and officers present. The Assistant Solicitor informed the Sub-Committee of the circumstances under which the licence could not be determined under delegated authority.

The licence holder made a short statement to the Sub-Committee in support of his licence, before answering a number of questions from members of the Sub-Committee. The licence holder 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 the licence in private. The Chairman invited the licence holder back into the Chamber and informed him of the Sub-Committee decision.

RESOLVED:

That the Hackney Carriage Driver's Licence for Mr Brignell be upheld.

49. HACKNEY CARRIAGE DRIVER'S LICENCE - MR BURNS

The Sub-Committee considered a Hackney carriage Driver's Licence for a Mr R Burns. The three Councillors who presided over this item were Councillors D Wixley, K Chana and Mrs R Gadsby. Members noted that officers did not have delegated powers to uphold or revoke the licence and, as a result, the application had to be considered by the Sub-Committee.

The Chairman welcomed the licence holder and introduced the members and officers present. The Assistant Solicitor informed the Sub-Committee of the circumstances under which the licence could not be determined under delegated authority.

The licence holder made a short statement to the Sub-Committee in support of his licence, before answering a number of questions from members of the Sub-Committee. The licence holder 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 the licence in private. The Chairman invited the licence holder back into the Chamber and informed him of the Sub-Committee decision.

RESOLVED:

That the Hackney Carriage Driver's Licence for Mr Burns be revoked as he did not meet the Council's Licensing Criteria in respect of his record from the Criminal Records Bureau having revealed relevant driving offences.

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

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

51. NEW PREMISES LICENCE - 785 CHIGWELL ROAD, WOODFORD GREEN, IG8 8AU

The members who presided over this application were Councillors D Wixley, K Angold-Stephens and K Chana. 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 H Akhtar, representing the applicant, and Mr R Anwar, the applicant for the Metro Superstore Ltd, 785 Chigwell Road, Woodford Green IG8 8AU

Representing Essex Police were Mr S Fisher, Licensing Officer, Epping Police Station and Police Constable Mead, local beat patrol officer for the area concerned.

In attendance on behalf of objectors was Mr A Newman, a local resident.

(a) The Application before the Sub-Committee

The Assistant Solicitor, Ms R Feirreira, informed the Sub-Committee that an application had been received on 14 September 2010 for a New Premises Licence for the Metro Store, 785 Chigwell Road, Woodford Green IG8 8AU. The District Council had received representations from nine interested parties and two authorities.

(b) Presentation of the Applicant's Case

Mr H Akhtar outlined the applicant's case. The application had no connection with any earlier applications for this particular store. There was no new evidence from the police regarding the store, although the police had submitted a letter dated 21 September 2010 to the District Council, regarding the store, the letter was too general and non specific to be taken as evidence. Mr H Akhtar pointed out that only part of a petition, signed by local residents supporting the application appeared on the meeting's agenda. Officers advised that normally only one page of a petition was included on the agenda. There were 114 signatures on the petition, 57 were valid and within close proximity to the shop and 57 were not within the vicinity. The Licensing Act did not stipulate the vicinity of consultees. In the agenda, there was a copy of a letter from Mr H Akhtar to Essex Police regarding the policing situation at the store. The current number of complaints could not be stated.

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

Councillor K Angold-Stephens stated that although there was not an exact number of complaints associated with the store, there were 28 logged incidents by the police. Mr H Akhtar accepted this figure. However it was important to access the nature of the complaints. The current manager of the store, Mr R Anwar, had been running the store since August 2010, the incidents recorded took place before this date. Since Mr R Anwar had been running the store, Mr H Akhtar said there had been no complaints made. The applicant was asked if the business was family run. Mr H Akhtar replied

that it wasn't. The members asked if Mr R Anwar knew the licensing objectives of the authority. Mr R Anwar knew of checking identification for potential under age purchases. However there was concern that the applicant did not have sufficient knowledge of the licensing objectives.

(d) Questions for the Applicant from the Objector

Mr S Fisher, Essex Police, asked what licensing qualifications did the applicant hold. Mr R Anwar replied that he held a Premises Licence. Mr S Fisher reiterated his question, what licensing qualifications did the applicant hold? The licence was not a qualification. Mr R Anwar said he had a qualification for Health and Safety. Mr S Fisher advised that prior to 5 February 2005, an applicant should be in possession of a licensing qualification, and since 26 August 2005, the applicant needed a National Certificate. Did Mr R Anwar possess a National Certificate? Mr H Akhtar stated that there was no reference to this qualification being needed. The police did not make mention of this when the first application for these premises was made.

The Senior Licensing Officer, Mrs K Tuckey, asked if the identification photograph on Mr R Anwar's personal licence (copied onto the agenda) was a likeness of Mr R Anwar. He said that it was. Mr H Akhtar advised that the licence comes from the qualification. Mr H Akhtar asked if this document was genuine? Mrs K Tuckey replied that it was a valid licence.

The police were concerned that the applicant was not knowledgeable enough about the four licensing objectives. The Assistant Solicitor intervened and warned those present that questions should be based on the documents submitted to the Sub-Committee and the statements made and not concerned with the applicant's personal licence. Mr H Akhtar advised that the licence could not have been issued without supporting evidence and qualifications. The Assistant Solicitor advised that when applying for a premises licence, the applicant needed to explain how they were going to fulfil the four licensing objectives. This was already filled in and was copied onto the agenda.

(e) Presentation of the Objector's Case

Mr S Fisher, Essex Police, began by saying that there had been a convenience store at this address until February 2010. The licence had been revoked due to instances of anti-social behaviour and criminal damage. The police had logged 28 incidents. However since that time no complaints had been received. The police were concerned about granting a licence for this store as it attracted young people, there were two schools within a short distance with over 1,200 under 17 year olds. There was a major incident at the store on October 31st, Halloween Night involving theft and criminal damage.

Mr H Akhtar said that the incident on October 31st was new evidence and the applicant should have had advanced notice of its submittal, therefore this was inadmissible. The objector Mr A Newman was invited to speak. He lived near the store. He said that since the store opened there were up to 20 youths aged 12-17, congregating there. They used bad language, they littered and sometimes got into fights. He believed that the original applicants were still involved with the shop. Mr A Newman had attended a number of Neighbourhood Action Panels where complaints had been made about the store.

(f) Questions from the Applicants to the Objectors

Mr H Akhtar said that there was a difference between granting an application and re-granting. The earlier application had been revoked from the applicant, a Mr Iqbal. Was there any evidence regarding activities at the store? Mr S Fisher, Essex Police, replied that there had been no problems recently. Mr H Akhtar asked, where was the evidence that alcohol sales from this store had caused particular problems? Mr S Fisher reported that from May – July 2010, there had been three occasions where under age sales had taken place. Mr H Akhtar said that there was no evidence of the Metro Store causing anti-social behaviour. Although there was a rise in complaints from February – September 2010, did the police carry out any studies on a like for like basis? Mr S Fisher replied that no such study had taken place. Mr H Akhtar asked Mr A Newman how far he lived from the store, Mr A Newman replied that he lived about 220 metres away from the shop in a nearby road. Mr H Akhtar said that the complaints regarding the sale of alcohol related to the old licence. Mr A Newman replied that the anti-social behaviour was connected to this shop.

(g) Applicant's Closing Statement

Mr H Akhtar stated that the applicant was fully entitled, and qualified, to hold a licence. Although the applicant could not immediately respond when asked about the four licensing objectives, the objectives were already stated on the application. The police have a duty to express an opinion which was balanced. This was based on actual evidence. At these proceedings, police statements have been general. The objector's evidence was opinion rather than supported. The members can impose conditions.

(h) Objector's Closing Statement

Mr A Newman stated that local people were devastated by the events at the store and he was concerned that residents would continue to lead lives in fear and misery.

(i) 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.

RESOLVED:

(1) That a Premises Licence be granted to the Metro Store, 785 Chigwell Road, Woodford Green IG8 8AU, subject to the conditions contained within the application and the additional conditions or amendments agreed at the meeting relation to:

(a) The Prevention of Crime:

(i) That staff undergo appropriate accredited training to be arranged as soon as possible; and

(ii) That the Designated Premises Supervisor is to be present when alcohol is sold;

(b) The Prevention of Public Nuisance:

(i) That CCTV cameras of a digital quality be installed both inside and outside the premises, with the film being made available to the police, council and trading standards upon request for up to 31 days;

- (ii) That litter bins be provided for customers; and
- (iii) That a public notice be posted asking customers to leave quietly, with the Designated Premises Supervisor's phone number displayed as a contact;

(c) The Protection of Children from Harm:

- (i) That Challenge 25 be used; and
- (ii) That a logbook of challenges be made available to the police and Trading Standards officials upon request;

(d) Sale of Alcohol

- (i) That the sale of alcohol only take place from 10.00a.m. to 4.00p.m. and 7.00p.m. to 10.00p.m.;
- (ii) That signage be displayed regarding the sale times for alcohol; and
- (iii) That alcohol be consumed off the premises.

CHAIRMAN