

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 5 July 2011

Place: Council Chamber, Civic Offices, **Time:** 10.30 am - 12.55 pm
High Street, Epping

Members Present: Mrs M McEwen (Chairman), A Boyce, Mrs J Sutcliffe and D Wixley

Other Councillors:

Apologies:

Officers Present: A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer) and A Hendry (Democratic Services Officer)

9. DECLARATIONS OF INTEREST

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

10. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

11. 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 items of business set out below as they 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> |
|-----------------------|---|--|
| 4a | Hackney Carriage Driver's Licence – Mr Knott | 1 |
| 5 | Hackney Carriage Driver's Licence – Mr Rehman | 1 |
| 6 | Hackney Carriage Driver's Licence – Mr Charge | 1 |

12. NEW HACKNEY CARRIAGE DRIVERS LICENCE APPLICATION - MR KNOTT

The Sub-Committee considered an application by Mr K Knott for a Hackney Carriage Driver's licence. The three councillors that presided over this item were Councillors M McEwen, J Sutcliffe and A Boyce.

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 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 the Hackney Carriage Driver's Licence for Mr Knott be granted.

13. HACKNEY CARRIAGE DRIVERS LICENCE APPLICATION - MR A REHMAN

The Sub-Committee considered an application by Mr A Rehman for a Hackney Carriage Driver's licence. The three councillors that presided over this item were Councillors M McEwen, A Boyce and D Wixley.

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 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 the Hackney Carriage Driver's Licence for Mr Rehman be granted on condition that a CRB check be carried out on renewal for the next two years.

14. HACKNEY CARRIAGE DRIVERS LICENCE - MR CHARGE

The Sub-Committee considered an application by Mr M Charge to renew his Hackney Carriage Driver's licence. The three councillors that presided over this item were Councillors M McEwen, J Sutcliffe and D Wixley.

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 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 the Hackney Carriage Driver's Licence for Mr Charge be granted on condition that a CRB check be carried out on renewal of his licence for the next two years.

15. INCLUSION OF PRESS AND PUBLIC

RESOLVED:

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

16. PREMISES LICENCE APPLICATION - WARREN WOOD SERVICE STATION, EPPING NEW ROAD, BUCKHURST HILL

The members who presided over this application were Councillors M McEwen, J Sutcliffe and D Wixley.

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 R Saravanabavan (the applicant) and a colleague.

(a) The application before the Sub-Committee

The Assistant Director (Legal), Alison Mitchell, informed the Sub-Committee that an application had been received for a premises licence. The application had been received on 12 May 2011 for Warren Wood Service Station, Epping New Road, Buckhurst Hill. The District Council had received one representation from local residents but it did not appear to cover any of the four licensing objectives. The Sub-Committee would also need to satisfy themselves that the garage was not primarily used to sell fuel.

(b) Presentation of the Applicant's case

Mr Saravanabavan informed the members that they did indeed sell groceries as there were no other shops in the area. He informed them that business was hard at the moment and that they needed to diversify to survive. Customers had asked for wine when they shopped there and they thought this would be a good idea to diversify into this area. During the daytime the shoppers were usually local residents.

(c) Questions from the Sub-Committee

Councillor McEwen asked why they wanted 24 hour opening times. Mr Saravanabavan said that a 24 hour opening period would allow them to capture passing trade and enable local people to get emergency supplies.

Councillor Wixley asked that if they needed to increase business, had they considered selling other things. He was told that they already stocked car accessories and tobacco as well as groceries; alcohol was the only item he did not have.

Councillor Sutcliffe asked if their daytime customers were mostly local people. She was told that they were. Councillor Sutcliffe then asked if they had a steady night time trade and was told that it consisted mostly of taxis and other passing trade.

Councillor Sutcliffe asked if they had any extra security at nights. Mr Saravanabavan said that they closed the shop at 10pm and served from a hatch after that.

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

The Sub-committee considered the application in private session. They received no advice from officers.

RESOLVED:

(1) That the Sub-Committee could not consider the representation made on the grounds that it did not cover any of the four licensing objectives; and

(2) That the application for a Premises Licence for Warren Wood Service Station, Epping New Road, Buckhurst Hill be granted subject to the conditions in the operating schedule and the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003.

17. APPLICATION FOR GRANT OF A SEX ESTABLISHMENT LICENCE - UNIT E11, THE SEEDBED CENTRE, LANGSTON ROAD

The members who presided over this application were Councillors M McEwen, A Boyce and D Wixley.

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 Melleney, the applicant's representative, Mrs D Flack the applicant and her two associates Mr Adair and Mr Sabine.

(a) The application before the Sub-committee

The Assistant Director (Legal), Alison Mitchell, informed the Sub-Committee that an application had been received for the grant of a Sex Establishment Licence in respect of premises at nit E11, The Seedbed Centre, Langston Road, Essex.

The relevant notices had been posted and consultations undertaken. There had been no replies.

(b) Presentation of the Applicant's case

Mr Melleney outlined the applicant's case. He drew the member's attention to the fact that this premise was located on an industrial unit, sitting at the back of an industrial centre. He noted that there were no mandatory grounds for refusal.

The previous application had been for a high street retail shop, they now have a more appropriate area for this kind of establishment.

As has been stated the relevant notices had been posted and no objections had been received. Some people had even taken the trouble to write in to say that they did not object to the application.

(c) Questions from the Sub-committee

Councillor McEwen asked if this was to be retail or a wholesale premise. She was told that it would be a wholesale establishment.

Councillor Wixley asked if members of the public could go there. He was informed that they could, but they would have to buy bulk purchases.

Councillor Wixley asked them to confirm that it would only be used for wholesale / retail purposes; they confirmed that it would.

(d) Consideration of the application by the Sub-committee

The Sub-committee considered the application in private session. They received no advice from officers.

RESOLVED:

That the application to grant a Sex Establishment Licence in respect of premises at Unit E11, The Seedbed Centre, Langston Road, be granted subject to the conditions in the schedule to the Council's Sexual Entertainment Venue and Sex Establishment Licensing Policy.

CHAIRMAN