

67. HACKNEY CARRIAGE DRIVER'S LICENCE - BISCOE H445

The Sub-Committee - comprising Councillors Mrs M McEwen, G Waller and D Wixley - considered whether to suspend or revoke the Hackney Carriage Driver's Licence for Mr N Biscoe. The Sub-Committee noted that the application could not be dealt with by Officers under delegated powers 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 Assistant Solicitor informed the Sub-Committee of the circumstances under which the licence could not be granted 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 then 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:

(1) That the Hackney Carriage Driver's Licence for Mr N Biscoe (H445) be allowed to continue.

68. PRIVATE HIRE DRIVER'S LICENCE - PASCOVITCH P246

The Sub-Committee - comprising Councillors Mrs M McEwen, Mrs J Sutcliffe and G Waller - considered whether to refuse or renew the Private Hire Vehicle Driver's Licence for Mr L Pascovitch. The Sub-Committee noted that the application could not be dealt with by Officers under delegated powers 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 Assistant Solicitor informed the Sub-Committee of the circumstances under which the licence could not be granted 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 then 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:

(1) That the Private Hire Vehicle Driver's Licence for Mr L Pascovitch (P246) be renewed.

69. HACKNEY CARRIAGE DRIVER'S LICENCE - SCHWARTZ H995

The Sub-Committee - comprising Councillors Mrs M McEwen, Mrs J Sutcliffe and D Wixley - considered whether to refuse or renew the Hackney Carriage Driver's

Licence for Mr J Schwartz. The Sub-Committee noted that the application could not be dealt with by Officers under delegated powers 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 Assistant Solicitor informed the Sub-Committee of the circumstances under which the licence could not be granted 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 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:

(1) That the Hackney Carriage Driver's Licence for Mr J Schwartz (H995) be renewed.

70. INCLUSION OF PUBLIC AND PRESS

Resolved:

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

71. DUKE OF WELLINGTON, 36 HIGH STREET, EPPING

The three Councillors that presided over this item were Councillors Mrs McEwen, Waller and Wixley. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were Mrs M Freeney, the designated Premises Supervisor, and Mr S Close, the Bar Manager. In attendance for Essex Police was Mr P Jones, and Mr M Richardson was in attendance on behalf of the responsible authority for Environmental Health. There were no objectors present. The Chairman then introduced the members and officers present, and outlined the procedure to be followed for the determination of the application.

The Application before the Sub-Committee

The Assistant Solicitor informed the Sub-Committee that an application had been received to vary the Premises Licence in respect of the Duke of Wellington public house on the High Street in Epping, along with representations from interested parties.

The application had requested permission to extend the performance of Live Music indoors, the playing of Recorded Music indoors, the provision of facilities for dancing indoors, the provision of Late Night Refreshment, the supply of alcohol and the opening hours of the premises until 1:00am on each evening. This would include Good Friday, Christmas Day and New Year's Day, although the provision of Late Night Refreshment on Good Friday was only requested until 11:30pm.

Presentation of the Applicant's Case

Mrs Feeney informed the Sub-Committee that discussions had taken place with both

the Environment and Neighbourhood Officers and Planning Officers regarding their representations.

In respect of the representation from the Planning Officers, Mrs Feeney had agreed to shut the back door into the garden area by 9:30pm each evening, which would be two hours before the deadline requested. This door was already locked shut by 9:30pm each evening in any case.

In respect of the representation from Environment & Neighbourhood Officers regarding noise from customers at the front of the premises, Mrs Feeney stated that she had always been respectful of her neighbours and the police had not raised any objections to the application either. It was not her intention to stay open until 1:00am each evening. The premises would, most likely, only be open this late on Friday and Saturday evenings in common with the other licensed premises in that area of Epping.

Questions for the Applicant from the Sub-Committee

In response to questions from the Sub-Committee, Mrs Feeney confirmed that she preferred to shut the back door to the garden area by 9:30pm each evening, and this would continue even if a condition of 11:30pm was agreed. It was highlighted that there had been no representations received from Essex Police or local residents in respect of the application. Mrs Feeney declared that she liked to run a friendly, family public house rather than a nightclub.

Presentation of the Officer's Case

Mr Richardson, representing the responsible authority for Environmental Health, was happy to support the back door to the garden area being locked at 9:30pm each evening, and in addition to their written representation, an additional condition for the noise limiters to be regularly maintained was requested. The main concern for Environment & Neighbourhood Officers would be the potential for noise disturbance being suffered by neighbours from customers in front of the premises late at night. Suggestions offered were that no drinks could be allowed outside the premises after 11:30pm each evening, or customers could be prohibited from congregating in the car park area after 11:30pm.

Questions for the Officers from the Sub-Committee

In response to questions from the Sub-Committee, Mr Richardson accepted that no representations regarding the application had been received from local residents. However, Environment & Neighbourhood Officers had received two or three complaints per year regarding music noise from the Duke of Wellington. Environment & Neighbourhood Officers had felt that a limit of midnight for the sale of alcohol would be more acceptable than the 1:00am requested by the applicant, hence the suggestion of no drinks permitted in the front car park area after 11:30pm. It was confirmed that the car park was located at the front of the premises, facing the High Street.

Further Questions for the Applicant from the Sub-Committee

In answering further questions from the Sub-Committee, Mrs Freaney claimed that other bars in Epping High Street suffered repeated disturbances on a Friday and Saturday night. The flats approximately 40 metres behind Billie Jeans were inhabited by Pensioners and they were in the process of drawing up a petition regarding the frequent noise from those premises. The Bar Manager, Mr Close, patrolled the

Premises' car park at night to prevent any potential disturbances, but it would be difficult to restrict the number of people in the car park at any one time. It was highlighted that smokers were permitted outside of other premises until the early hours of the morning.

Mrs Freeney stated that she would be happy to accept the conditions to lock the back door to the garden area by 11:30pm each evening, and maintain the noise limiter in good working order, but would not accept any condition to clear the car park by 11:30pm each evening. If people could not smoke outside the premises after this time then they would leave and go to another establishment.

Mr Richardson revealed that the neighbouring premises, Billie Jeans, should not be permitting customers to congregate in the car park after 11:30pm, and Environment & Neighbourhood Officers were investigating the premises. The Sub-Committee was reminded that a condition could be imposed that would not permit any drinks to be taken outside after 11:30pm, or the number of people permitted outside after 11:30pm could be restricted and controlled. It was added that Environment and Neighbourhood Health Officers were simply trying to prevent a public nuisance from occurring with subsequent complaints from residents, and the aim in the longer term was to standardise the licence conditions for all premises in the High Street in Epping.

The Premises Bar Manager, Mr Close, reiterated that any restriction on the number of people permitted out the front of the premises could be difficult to enforce, and in fact there was not much space in the car park when there were a number of cars parked there. If people were not permitted outside after 11:30pm then they would leave for another establishment.

Closing Statement from the Officers

Mr Richardson drew the Sub-Committee's attention to the written representation submitted by Environment and Neighbourhood Officers, and the additional requested condition to maintain the noise limiter in good working order. The Sub-Committee was requested to consider whether it would be acceptable for ten or fifteen local residents to be disturbed by noise from patrons out of the front of the premises after 11:30pm.

Closing Statement from the Applicant

Mr Close reminded the Sub-Committee that the Premises had never received any complaints from neighbours regarding noise from patrons outside the front of the establishment. The Premises would be happy to accept most of the proposed conditions, but requested that consideration be given for the front of the Premises to be cleared by 12:30am on Friday and Saturday nights.

Consideration of the Application by the Sub-Committee

The Chairman requested the applicant and the other attendees to leave the Chamber whilst the Sub-Committee debated the application in private.

The Sub-Committee accepted that it would be difficult to enforce a restriction on the number of people permitted outside the front of the premises after 11:30pm. However, if drinks were prohibited outside the premises after 11:30pm then it would encourage patrons to come back inside the premises rather than stay outside, even in summer. Signs could be erected inside the Premises stating that no drinks would

be permitted outside after 11:30pm and that customers would be requested to keep noise to a minimum when outside.

The Sub-Committee noted a discrepancy with the application and requested clarification from the applicant. It was confirmed that the application should have requested Sale of Alcohol until 1:00am and the Premises to stay open until 1:30am each evening, which would provide 30 minutes of drinking up time.

The Sub-Committee agreed that tougher conditions should not be imposed upon the Premises. The proposed conditions regarding the locking of the back door to the garden area and the maintenance of the noise limiter in good working order had already been agreed. It was also felt that signs should be erected inside requesting customers to leave the Premises quietly. The hours requested by the Premises were agreed, and the Sub-Committee determined to impose a further condition prohibiting drinks being taken outside the Premises after 12:30am each evening.

The Chairman invited the applicant and the other attendees back into the Chamber and informed them of the Sub-Committee's decision.

Resolved:

(1) That the application to vary a Premises Licence at the Duke of Wellington public house in High Street, Epping be granted subject to the hours contained within the application and the conditions as varied below:

(a) the opening hours of the Premises be extended to 1:30 am each evening to provide 30 minutes of drinking time if required;

(b) the noise limiter to be maintained in good working order;

(c) the back door to the garden area to be locked shut by 11:30pm each evening;

(d) signs to be erected inside requesting patrons to leave the Premises quietly;
and

(e) no drinks to be permitted outside the Premises after 12:30am each evening.

72. LOUGHTON BBQ, 171 HIGH ROAD, LOUGHTON

The three Councillors that presided over this item were Councillors Mrs McEwen, Mrs Sutcliffe and Waller.

The Assistant Solicitor informed the Sub-Committee that, due to the Christmas break, the applicant had requested a deferral of his application so that they would have more time to prepare their case.

Resolved:

(1) That consideration of the application to vary the Premises Licence for Loughton BBQ at 171 High Road, Loughton be deferred until the next meeting of the Sub-Committee on 7 February 2012.

CHAIRMAN

