

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 7 February 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.30 am - 12.15 pm

Members Present: R Morgan (Chairman), Mrs R Gadsby, A Lion and Mrs M Sartin

Other Councillors:

Apologies: A Boyce

Officers Present: A Mitchell (Assistant Director (Legal)), Ms N Glasscock (Licensing Enforcement Officer), N Clarke (Licensing Officer) and A Hendry (Democratic Services Officer)

73. APOLOGIES FOR ABSENCE

Apologies had been received from Councillor A Boyce, Councillor Mrs M Sartin was kind enough to substitute for him.

74. DECLARATIONS OF INTEREST

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

75. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business.

76. 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 was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item</u>	<u>Subject</u>	<u>Exempt Paragraph</u>
5	Hackney Carriage Driver's Licence – Mr Halin	1
6	Hackney Carriage Driver's Licence – Mr Askem	1

77. HACKNEY CARRIAGE DRIVER'S LICENCE - HALIM H1144

The Sub-Committee considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr A Halim. The three councillors that presided over this item were Councillors R Morgan, M Sartin and 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 issued under delegated authority.

The applicant made a short statement to the Sub-Committee in support of their 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 A Halim (H1144) be allowed to continue.

78. HACKNEY CARRIAGE DRIVER'S LICENCE - ASKEM H852

The Sub-Committee considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr M Askem. The three councillors that presided over this item were Councillors R Morgan, M Sartin and 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 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 M Askem (H852) be allowed to continue.

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

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

80. LOUGHTON BBQ, 171 HIGH ROAD, LOUGHTON

The Members who presided over the application were Councillors A Lion, R Morgan and 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. In attendance was the applicant, Mr H Dagdelen and a colleague to translate for him. In attendance as an objector was Mr D Linnell on behalf of himself and the Loughton Residents Association. Mr P Jones, Licensing Officer representing Essex Police, was there as an observer.

(a) The Application before the Sub-Committee

The Legal Officer outlined the application for the Loughton BBQ, which had applied to vary their licence by an extension on their licensing hours for the sale of late night refreshment; for Thursday until 1.30am and Friday and Saturday until 2.30am.

A number of objections had been received from local residents, the Loughton Residents Association and the ward councillor.

(b) Presentation of the Applicant's Case

The applicant (through his interpreter) firstly explained that a mistake had been made on the application and that they had only wanted to open late on Friday and Saturday until 2.30am but not on Thursday, when they would close at 1am and not 1.30 as stated.

The reason he wanted to stay open later was so that he could supply food for the late night customers coming out from the nearby clubs. If they only stayed open until midnight then he would only need to stay open until 12.30am. But his business was dependant on the customers coming from the night clubs. If he stayed open or not the area would still be full with people coming out at that time. One of the clubs did not close until 3am on occasions.

He noted that the people objecting lived quite far from his shop and he did not understand how it would affect them as they lived about 12 minutes walk away. But not opening later would affect his business. He also provided a service to the people going home after the clubs closed. Any problems would happen whether he was open or not; they would just go to a different establishment elsewhere and spread the problem.

He did have a problem about six months ago and had since installed a security man to stand at his door regulating the customers.

(c) Questions from the Sub-Committee

Councillor Morgan asked what times the clubs closed and was told that the 'Lux' club closed at 1.30, and sometimes had a temporary licence extension until 3am. The 'Nu Bar' closed at 2.00am.

Councillor Lion commented that the Loughton BBQ was currently open until 2am on Fridays and Saturdays and wanted to know what sort of business they were doing

then. Mr Dagdelen replied that between 12 and 2am they were not really making a lot of profit; a lot of people were still in the clubs. It was when they came out, that was when business picked up. After 2am business would increase by about 10 to 15%.

Councillor Gadsby asked about the problems they had last November which prompted the need for a security guard. Mr Dagdelen said that it had started in front of the 'Minx' club and had spilled out. His shop was not involved in any way. It was two groups against each other.

Councillor Gadsby asked what his 'door man' did and was told that he stays at the door and checks out anyone that wants to come in. He was from the same security company that looks after the Nu Bar's security, so if needed he could call on them as backup.

Councillor Gadsby then asked about the tables and chairs outside the restaurant; up to what time were they in use? Mr Dagdelen said they were taken in at 8pm. After that they became a take-away only.

Councillor Lion looking at the application form (table L) asked if they really wanted to serve late night refreshment both indoor and outdoors as indicated. Mr Dagdelen said that it was misunderstanding and it should be indoors only.

(d) Questions from the Objector

Mr Linnell said that he had no questions for the applicant.

(e) Presentation of the Objector's Case

Mr Linnell said the applicant had made a clear commercial case; the problem was balancing the interests of the other groups in the town. This is also a residential area with flats above the shops. The problem was that it would attract extra people to the shop and encourage them to stay longer. Residents did not want these people to stay longer. There have been problems in the past, not with the Loughton BBQ; they have acted responsibly by putting in a doorman.

He had lots of complaints from people who arrive back late at night and find it threatening to walk down the High Road from the Underground Station.

(f) Questions to the Objector from the Sub-Committee

The Sub-committee had no questions.

(g) Questions for the Objector from the Applicant

Mr Dagdelen asked if Mr Linnell was representing himself or his group. Mr Linnell replied that he was speaking on behalf of the Loughton Resident's Association and also as one of the people who had put in an objection.

Mr Dagdelen said he noted that Mr Linnell's address was quite far away from his shop. He did not see how it would affect him. Mr Linnell said that he was concerned about his journey home and not the noise from the premises.

(h) Objector's Closing Statement

Mr Linnell said that he was concerned for people walking through the town late at night trying to get home. With the proposed new times there would still be people there half an hour after the clubs had closed.

(i) Applicant's Closing Statement

Mr Dagdelen said he respected the views of the objectors and understood their point of view. However, he did not believe that his business staying open a bit later would affect anything. Loughton was a bigger community

(j) 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:

That the application for a variation of an existing Premises Licence for Loughton BBQ, 171 High Road, Loughton, be granted so that Fridays and Saturdays closing times be extended to 2.30am; this is subject to the tables and chairs situated outside the premises be taken in at 8pm and that Thursdays closing time be kept to a 1am.

81. METRO STORES - 785 CHIGWELL ROAD, CHIGWELL, ESSEX

RESOLVED:

That the variation for the existing Premises Licence for the Metro Store, 785 Chigwell Road, be deferred to another meeting on the request of the applicant's solicitor.

CHAIRMAN