

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 3 April 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.32 am - 3.00 pm

Members Present: D Wixley (Chairman), D Dodeja and Mrs M Sartin

Other Councillors:

Apologies: W Pryor

Officers Present: A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer), S Moran (Licensing Officer), Ms N Glasscock (Licensing Enforcement Officer) and M Jenkins (Democratic Services Assistant)

89. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Wixley declared a personal interest in the following item of the agenda by virtue of being a member of Loughton Town Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the item and voting thereon:

- Zara Express, 23 Broadway, Loughton

90. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

91. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5	Hackney Carriage Driver's Licence – Mr Arnold	1

92. HACKNEY CARRIAGE DRIVER'S LICENCE - MR ARNOLD

The Sub-Committee, comprising Councillor D Wixley, D Dodeja and Mrs M Sartin, considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr Arnold. The Sub-Committee noted that the application could not be

dealt with by officers under delegation, therefore, the application was considered by the Sub-Committee.

The Chairman welcomed the applicant and introduced the members and officers present. The Assistant Director of Corporate Support Services informed the Sub-Committee of the circumstances leading to the report being made to the sub-committee.

The applicant made a short statement to the Sub-Committee in support of his request that his licence should not be suspended or revoked, before answering questions from 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:

That the Hackney Carriage Driver's Licence for Mr Arnold (H237) be allowed to continue and that a letter be written to Mr Arnold advising him of being safer on the roads.

93. INCLUSION OF PUBLIC AND PRESS

To invite the public and press back into the meeting for the remaining items of business.

RESOLVED:

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

94. CATCH, 147 QUEENS ROAD, BUCKHURST HILL IG9 5AZ

The members who presided over application were Councillors D Wixley, D Dodeja and Mrs M Sartin. 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 were the applicants, Mr Hunt and his mother, Mrs Hunt, and in attendance as objectors were Mr Mitchell and Mrs Raleigh.

(a) The Application before the Sub-Committee

The Assistant Director of Corporate Support Services (Legal) outlined the application. The authority received the application on 3 February 2012, the application was made by Mr Hunt to vary the premises licence for Catch, 147 Queens Road, Buckhurst Hill., the application was requesting to include live music and extension of the licensing hours. The live music would take place Tuesdays to Saturdays from 7.00p.m. to 12.30a.m. and on Sundays 7.00p.m. to 12.30a.m. The sale of alcohol would be extended, Tuesdays to Saturdays 11.00a.m. to 12.30a.m. and Sundays 11.00a.m. to 11.00p.m.

(b) Presentation of the Applicant's Case

Mr Hunt began by advising that his business situation was under threat from competitors in the area, and that many businesses had closed. Amending the

premises licence to include live music and extending the period for sales of alcohol, would hopefully enhance his business.

Mr Hunt said that the live music would consist of a solo guitar player, he added that he would like to book a comedian on certain nights as well. Mr Hunt was particularly interested in having Wednesday nights for the live music. He advised that these proposals would be experimental. He informed the sub-committee that local residents had been notified through notices posted on the windows of his premises and in local newspapers. Although a recent private birthday party at the premises had caused some problems, there had been no complaints made against his establishment. Objections had only been registered since his application was submitted.

(c) Questions from the Sub-Committee

Members asked why Wednesday nights were particularly favourable. Mr Hunt answered by saying that he closed early during the week he added that wished to experiment with the proposed changes.

Members asked if this would make a difference to business? Mr Hunt replied that he felt it would. Other businesses had live music and had prospered as a result. He did have CD recorded music at his restaurant.

The Sub-Committee asked about under age patrons. Mrs Hunt advised that they could only enter the restaurant if accompanied by an adult.

The Sub-Committee was concerned about the impact of music during the summer months when windows were often opened. Mr Hunt said that he would not consider music on hot days.

(d) Questions from Objectors to the Applicant

The objectors were unaware of live music being requested by the applicants. Mr Mitchell stated that he was unhappy with patrons leaving the premises talking loudly and making general noise. He felt that a 12.30a.m. finish would be too late a finishing time. Mr Hunt stressed that his restaurant was a pleasant establishment, catering for all ages, a place where people could enjoy themselves, adding that he wanted to liaise effectively with Mr Mitchell. The Sub-Committee asked Mr Hunt if he was intending to extend his hours, he replied that he wasn't. The Sub-Committee and the licensing officers felt confused by Mr Hunt's intentions, it was advised that the public consultation had been built around a proposed extension to the licensing hours.

The Chairman requested an adjournment to allow clarification of Mr Hunt's application, at 11.26a.m. The meeting reconvened at 11.45a.m. Officers distributed copies of the applicant's proposed conditions to the members and objectors. The new conditions were:

- (i) Monday to Wednesday 9.00a.m. to 11.00p.m.;
- (ii) Thursday to Saturday 9.00a.m. to 11.30p.m.; and
- (iii) Sundays 10.00a.m. to 10.00p.m., with live music.

These conditions reflected the representation made by D Baker, Planning Officer, Epping Forest District Council.

Members asked Mr Hunt about his intentions regarding live music. Mr Hunt indicated that he particularly wanted Wednesday nights as a theme night, but would also like to keep the whole week open for options. The Sub-Committee asked if Mr Hunt was willing to comply with the representations made by M Richardson, Environment and Neighbourhoods officer, Epping Forest District Council. Mr Hunt replied that he was. Members asked about the lobby area of the premises, did patrons negotiate one door before opening a second door? Mr Hunt replied that they did, members asked about smoking, Mr Hunt said that ashtrays were fixed to the outside wall and were kept clean and tidy.

One of the objectors, Mr Mitchell, advised that he was concerned about enforcement as he lived directly opposite the premises. Licensing officers informed Mr Mitchell that the District Council had a 24 hour noise abatement team, they could be called out to monitor noise levels. Mrs Raleigh, the other objector present, requested that the Sub-Committee see a photograph, on her mobile phone, depicting the nearness of her bedroom window to the premises. Licensing officers showed the photograph to the Sub-Committee members and legal officer.

(e) Objector's Closing Statement

No comments.

(f) Applicant's Closing Statement

No comments.

(g) Consideration of the application by the Sub-Committee

The Sub-Committee Chairman requested that the participants retire whilst the Panel members consider the application in private session. The members received no advice from the legal officer.

RESOLVED:

That the application for a variation of an existing Premises Licence for Catch, 147 Queens Road, Buckhurst Hill be granted in regard to the following:

(1) That the sale of alcohol will be on Mondays to Thursdays 9.00a.m. to 11.00p.m., Fridays to Saturdays 9.00a.m. to 11.30p.m. and Sundays 10.00a.m. to 10.00p.m.;

(2) That the playing of live music will occur on Wednesdays to Saturdays 7.00p.m. to 11.00p.m. and on Sundays 11.00a.m. to 10.00p.m.; and

(3) That the licence should remain subject to the existing conditions on the licence, those mentioned in the operating schedule and those contained in a letter from Mr M Richardson, Environment and Neighbourhoods Officer dated 8 February 2012.

95. ZARA EXPRESS, 23 BROADWAY, LOUGHTON

The Members who presided over the application were Councillors D Wixley, D Dodeja and Mrs M Sartin.

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 D Yaman, the applicant, and his son, Mr Y Yaman. There were no objectors present.

(a) The Application before the Sub-Committee

The Assistant Director of Corporate Support Services (Legal) outlined the application for varying the premises licence for Zara Express, 23 Broadway, Loughton. The District Council received the application on 6 February 2012. The application set out to extend the hours for the supply of alcohol on Mondays to Thursday 8.00a.m. to 2.00a.m., with delivery only after midnight, Fridays to Saturdays 8.00a.m. to 3.00a.m., with delivery only after midnight, and Sundays 10.00a.m. to 2.00a.m., with delivery only after midnight and Christmas Eve, Christmas Day and New Year's Eve 8.00a.m. to 3.00a.m., with deliveries only after midnight.

A number of objections had been received from local residents and Loughton Town Council.

(b) Presentation of the Applicant's Case

The applicant's son, Mr Y Yaman, began by explaining that noise levels and disturbance to neighbours were kept at a minimum by ensuring that deliveries took place at the back of the premises where there was a car park. Deliveries would be made by drivers using Challenge 25. Mr Yaman noted one objection regarding an accusation made against the premises licence holders that alcohol had been sold to under age customers, he strongly denied this allegation. He advised the Sub-Committee that they operated 24 hour CCTV with continuous filming cameras, the film was available to the authorities for up to 30 days on request.

Mr Yaman said that he had been made aware of a local need for an extended service by local residents who had been working late so that they could shop.

(c) Questions from the Sub-Committee

The Sub-Committee asked what the current alcohol sales hours were. The applicants replied Monday to Saturday 8.00a.m. to 11.00p.m. and Sunday 10.00a.m. to 10.30p.m.

The applicants were asked when the last train operated on the Central Line before closure. The applicants said probably before midnight.

The Sub-Committee asked when deliveries were currently carried out. The applicants replied between 5.00p.m. and 11.00p.m. Mr Yaman reiterated that there was a demand for increasing their services. The Sub-Committee enquired if the deliveries only involved alcohol. Mr Yaman replied that they also involved other goods, like groceries.

The Chairman drew attention to "Conditions offered in accordance with the operating schedule," this document issued by the police, allowed up to 28 days for all CCTV footage to be kept. The Chairman believed this to be 31 days, Mr Yaman advised that the police were content with 28 days but he was happy for this to be extended to 31 days. The Licensing Officer, N Glasscock, informed the Sub-Committee that she had been to the premises for a meeting with Essex Police, the conditions displayed on page 73 of the agenda, emerged from that meeting.

The Sub-Committee asked if deliveries were only district wide? Mr Yaman replied that the proposals would only be for district wide deliveries.

Mr Yaman advised that a log of challenges when selling alcohol was kept into which was entered the date, time and reason for the challenge. The Members asked about how deliveries were made, it was advised that deliveries were made by van and car, the premises having a car park. Vehicles were parked at the end of the car park to keep noise levels down. The car park had a metal gate with a double lock and CCTV was installed outside of the premises. The Chairman asked about the roller shutters on the premises, he thought they would be noisy. Mr Yaman said that roller shutters were down before 12.00p.m.

Members asked how orders were made, Mr Yaman replied that residents could make a cash payment, there was an expectation that payments would be up front if the customer was not known to them.

Members asked if cash was received at the premises before the end of licensing hours. Mr Yaman replied that they took business up to 15 minutes before closing time, unless it was a known reliable customer and payment was prompt. Mr Yaman was asked if he knew of similar businesses, in the area, he said there was another one in Loughton. N Glasscock advised that the company referred to was in an industrial area of Loughton and operated until 5.00a.m., they were a delivery service only. They had been operating for one year with no complaints made against them. The Chairman asked what would happen if somebody turned up at the premises, and didn't pass the Challenge 25 test, would they receive a refund? Mr Yaman said they would receive a refund.

The sub-committee enquired about the number of staff employed at the premises. Mr Yaman said there was one delivery man currently employed, it was hoped to increase this number to 2 or 3. He advised that they would be trained first. He added that new employees would not be a young person riding a mo-ped for deliveries, instead an adult would use a car or a van. He went on to say that if there was a delivery made to a first time customer, then two staff members would attend.

There was a lack of clarity regarding the application. It was noted that although the proposed application schedule made mention of the Christmas period, the premises notice of application, in the agenda pack, made no mention of the Christmas period. Mr Yaman said that licensing officers did not ask for this. It was advised that the application should be considered as it was, and that a separate application should be submitted covering the Christmas period.

(d) Applicant's Closing Statement

There were no comments made.

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

The Sub-Committee Chairman requested that the participants leave the Chamber whilst the Sub-Committee members consider the application in private session. The legal officer advised that a written letter could be sent to the applicants advising them of public holiday opening times.

RESOLVED:

That the application for a variation of an existing premises licence for Zara Express, 23 Broadway, Loughton be refused, on the grounds that extending the hours would give rise to public nuisance by virtue of noise from patrons,

closure of roller shutters and noise created by the loading and starting and driving of vehicles.

CHAIRMAN