

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 9 May 2011

Place: Council Chamber, Civic Offices, **Time:** 10.15 am - 12.45 pm
High Street, Epping

Members Present: K Angold-Stephens (Chairman), D Dodeja, Mrs R Gadsby and L Leonard

Other Councillors: R Barrett

Apologies:

Officers Present: K Tuckey (Senior Licensing Officer), L Cole (Legal Services Officer) and M Jenkins (Democratic Services Assistant)

105. DECLARATIONS OF INTEREST

Pursuant to the Member's Code of Conduct, Councillor K Angold-Stephens declared a personal interest in the application regarding the premises licence for Belgique 3 Centric Parade, 200 High Road, Loughton by virtue of being a Loughton councillor he stressed that he was not the ward member and had played no part in the consultation.

106. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

107. 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>
5	Hackney Carriage Driver's Licence – Mr Wright	1

108. HACKNEY CARRIAGE PROPRIETORS LICENCE - MR WRIGHT

The Sub-Committee considered whether to suspend or revoke the Hackney Carriage Proprietors Licence for Mr N Wright, due for expiration on 16 May 2011.

The three councillors that presided over this item were Councillors K Angold-Stephens, D Dodeja and L Leonard.

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 Proprietors Licence for Mr N Wright be upheld.

109. INCLUSION OF PRESS AND PUBLIC

RESOLVED:

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

110. PREMISES LICENCE - BELGIQUE, 3 CENTRIC PARADE, 200 HIGH ROAD, LOUGHTON

The members who presided over this application were Councillors K Angold-Stephens, D Dodeja and Mrs 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 on behalf of the application was Mr D Dadds, solicitor, Ms K Dubb the applicant, and Mr A Aylott, the Licensing Agent.

In attendance as objector, was District Councillor R Barrett.

Mr D Dadds raised a procedural issue as he felt that Councillor R Barrett should not be accepted as a representative of residents of Clifton Road, Loughton. There was no direct proof that the Councillor had written permission to carry out this task. However the councillor was permitted to be present as he was the ward councillor for St. Mary's ward. The Chairman advised that Councillor R Barrett should speak on his own behalf only.

(a) The application before the Sub-Committee

The Legal Officer Ms L Cole, informed the Sub-Committee that an application had been received on 10 March 2011 for a Premises Licence for Belgique, 3 Centric Parade, 200 High Road, Loughton IG10 1DN. The District Council had received 8

representations, 7 of which were from the residents of Clifton Road, Loughton and one representation from Councillor R Barrett, member for St. Mary's ward, Loughton.

(b) Presentation of the Applicant's Case

Mr Dadds outlined the applicant's case. He drew the member's attention to the schedule of proposed conditions for the application:

Proposed Condition 6 The premises licence holder shall ensure that there was no external disposal of bottles, glass or other refuse after 21:00 hours and before 09:00 hours daily;

Proposed Condition 10 Reasonable and adequate staff training shall be carried out and properly documented;

Proposed Condition 18 The premises licence holder shall instruct all staff to cooperate and comply with all reasonable requests of police officers investigating incidents; and

Proposed Condition 21 The premises would operate Challenge 21.

The Sub-Committee was informed that Belgique had 11 outlets nationwide. The proposed application was for a restaurant not a bar. The lease on the premises had been signed on 8 April 2011, it was noted that events associated with the site before that date were not relevant to the consideration of this application therefore the application should be considered on its own merits. There were no objections from the relevant authorities that would be expected to make an objection in this case. Mr Dadds informed the members that beyond the boundaries of the premises, criminal behaviour was not the responsibility of the licence holders.

It was advised that music played in the restaurant would be at a low volume, there would be 3 sets of doors shutting out the sounds. There were carbon filter extractors limiting pollution. The street in which the premises was situated was mixed residential and commercial. The closure of alcohol sales at 23:00 hours would allow sufficient drinking up time before the closing of the premises at 23:30.

(c) Questions from the Objector

Councillor R Barrett asked if the schedule of proposed conditions would protect children from harm?

Mr Dadds replied that Essex County Council Children's Services, as a consultee, had not put forward any objections.

(d) Questions from the Sub-Committee

Councillor Mrs R Gadsby asked why alcohol should be served at the premises.

Mr Dadds replied that there was a Belgique restaurant in the Wanstead area which had a liquor licence. Customer demand was moving in that direction. However alcohol availability was subsidiary to the main services offered by the restaurant. He confirmed that customers would sit at a table and not stand at a bar.

Councillor D Dodeja requested further details on the restaurant. Mr Dadds advised that the premises would serve lunchtime and evening menus, the premises were very

large, the cost of the refurbishment to the site was in the hundreds of thousands, there was seating for 100 people and no vertical drinking – all seating.

Councillor Mrs R Gadsby requested further information on background music. Mr D Dadds replied that they were applying for recorded music, conducive to a restaurant atmosphere. He assured members that the music would not be heard from outside the premises.

Mr D Dadds confirmed that the DPS licence had already been issued. Mr D Dadds could not confirm that outside tables would be kept within the premises curtilage but assumed that they would.

The Chairman asked about off-licence sales. Mr D Dadds advised that they would provide gifts such as hampers with champagne. He confirmed that the premises was evolving as a restaurant.

(e) Objector's Closing Statement

Councillor R Barrett acknowledged that businesses needed to compete. However he felt that this was the wrong venue for this type of shop. He was concerned that the potentially wide shop front could cause a noise nuisance to local residents. He urged that Members should consider local residents.

(f) Applicant's Closing Statement

Mr D Dadds began by stating that the premises had already received planning consent, therefore it had been felt suitable for that area. There were other restaurants in the area but they catered for a more expensive market. Objecting to a change of use was not relevant to a Licensing Sub-Committees.

(g) 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 Premises Licence for Belgique, 3 Centric Parade, 200 High Road, Loughton be granted subject to the conditions in the schedule and in addition:

- (1) That alcohol be permitted for sale from 08:00 hours until 22:30 hours;
- (2) That the premises close at 23:00 hours; and
- (3) That off-sales of alcohol are only sold as gift wrapped parcels and hampers.

CHAIRMAN