

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 12 June 2012
Place: Council Chamber, Civic Offices, **Time:** 10.30 am - 4.45 pm
High Street, Epping

Members Present: K Angold-Stephens, A Boyce, Mrs R Gadsby and R Morgan (Chairman)

Other Councillors:

Apologies:

Officers Present: R Perrin (Democratic Services Assistant), K Tuckey (Senior Licensing Officer), R Ferriera (Assistant Solicitor), Ms N Glasscock (Licensing Enforcement Officer), Richardson (Environment and Neighbourhood Officer) and D Thompson (Planning Enforcement Officer)

1. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor K Angold-Stephens declared a personal interest in the following item of the agenda by virtue of being a member of the Loughton Resident Association. The Councillor had determined that his interest was prejudicial and he would not take part in the consideration of the application and voting thereon:

- Luxe Essex, 126 High Road, Loughton, IG10 4BE

2. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business, and the terms of reference.

3. 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:

Agenda Item No	Subject	Exempt Information Paragraph Number
5	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 – Driver's Licence –H367 Mr S J McGlone	1
6	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 – Driver's Licence –H564 Mr. Prince	1

7	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence – Mr. Choudhury	1
8	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence – Mr. Dean Butler	1
9	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence – Mr. Daltrey	1
10	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence – Mr. Moule	1
10a	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence – Mr. Mobio	1

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - DRIVER'S LICENCE -H367 MR S J MCGLONE

The Sub-Committee considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr S J McGlone. The three councillors that presided over this item were Councillors R Morgan, K Angold-Stephens 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 S J McGlone (H367) be allowed to continue.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - DRIVER'S LICENCE -H564 MR. PRINCE

The Sub-Committee considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr Prince. The three councillors that presided over this item were Councillors R Morgan, K Angold-Stephens 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 Prince (H564) be allowed to continue.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR. CHOUDHURY

The Sub-Committee considered an application for a Hackney Carriage Drivers' Licence for Mr. Choudhury. The three councillors that presided over this item were Councillors R Morgan, A Boyce 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. Choudhury be granted.

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR. D BUTLER

The Sub-Committee considered an application for a Hackney Carriage Drivers' Licence for Mr D Butler. The three councillors that presided over this item were Councillors R Morgan, A Boyce 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 D Butler be granted.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR. DALTREY

The Sub-Committee considered an application for a Hackney Carriage Drivers' Licence for Mr Daltrey. The three councillors that presided over this item were Councillors R Morgan, A Boyce and K Angold-Stephens.

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 Daltrey be granted.

9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR. MOULE

The Sub-Committee considered an application for a Hackney Carriage Drivers' Licence for Mr Moule. The three councillors that presided over this item were Councillors R Morgan, R Gadsby and K Angold-Stephens.

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 Moule not be granted.

10. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 -HACKNEY CARRIAGE PROPRIETORS' LICENCE H748 MR MOBIO

The Sub-Committee considered an application for a Hackney Carriage Proprietor's Licence for Mr Mobio. The three councillors that presided over this item were Councillors R Morgan, A Boyce and K Angold-Stephens.

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 Proprietor's Licence for Mr Mobio be granted.

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

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

12. ZARA EXPRESS 23 THE BROADWAY DEBDEN IG10 3SP

The Members who presided over the application were Councillors R Morgan (Chairman), A Boyce and K Angold-Stephens.

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 Y Yaman and the applicant Mr Damis Yaman.

(a) The Application before the Sub-Committee

The Legal Officer outlined the application for 23 The Broadway, Debden, IG10 3SP which had applied to vary a Premises Licence under the Licensing Act 2003.

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

(b) Presentation of the Applicant's Case

Mr Yaman advised that his father would like to extend the opening hours of the shop to 24:00 hours every day including Good Friday and Christmas Day and deliver alcohol off the premises until 02:00. The front of the premises would be closed to the public at 24:00 hours with shutters and customer would only be allowed to call the premises to request deliveries until 02:00 hours. The delivery vehicle would be parked away from the back of the premises to reduce noise to local residents.

Mr Yaman informed the Sub-Committee that customers using the Debden tube station had requested that the shop stay open later so that last minute shopping could be carried out and other premises on the road had been granted till 24:00 hours.

(c) Questions from the Sub-Committee

The Sub-Committee enquired about the current opening times. Mr Y Yaman advised that the shop currently opened until 23:00 Monday to Saturday and 22:30 on Sunday. They were offering further conditions attached in the agenda, in accordance with the operation schedule and four licensing objectives.

The Sub-Committee enquired whether there was enough demand for alcohol after 24:00 hours. Mr Y Yaman advised that residents had asked for the extended hours and another business already delivered to customers, although there was enough capacity for another delivery business. The Sub-Committee felt that the delivery vehicles parking space was still very close to residents and that noise carried at that time of night. Mr Y Yaman informed the Sub-Committee that they were reducing the noise using the back entrance to the premises and that the vehicle would be parked some distance from the back of the shop reducing the noise.

The Sub-Committee enquired about the delivery policy for underage drinkers. Mr Y Yaman advised that they would use the 'Challenge 25' policy on the door steps for any premises they delivered alcohol to and if the purchaser could not provide identification then the delivery would be taken away.

The Sub-Committee enquired whether the police had commented on the application. Mr Yaman advised that he had spoken with the police about the additional conditions and they were happy.

(i) Applicant's Closing Statement

Mr Yaman would ensure that they would compile with the conditions and his father always thought of the residents. He asked that the Sub-Committee grant the variations to the premises licence.

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

The Sub-Committee retired to consider the application in private session. The Legal officer drew the Sub-Committee attention to the times requested by the applicant.

RESOLVED:

That the application to vary a premises licence for Zara Express, 23 The Broadway Debden be granted in part according to the schedule in the application, subject to the following conditions:

1. That subject to the conditions offered by the applicant which take into account the four licensing objectives and the amendments made to the opening hours and the supply of alcohol on and off the premises requested by the applicant as follows;

Opening Hours

Monday – Saturday 08:00 to 00:00

Sunday 10:00 to 00:00

Good Friday 08:00 to 00:00

Christmas Day 08:00 to 00:00

Supply of Alcohol

Monday – Saturday (Off premises) 08:00 – 00:00

Sunday (Off premises) 10:00 -00:00

Monday - Thursday (Off premises) 00:00 – 01:00

Friday – Saturday (Off premises) 00:00 – 02:00

The reason for amending the opening times and supply of alcohol hours is in relation to the prevention of public nuisance due to the noise which would arise from the delivers.

13. LUXE ESSEX 126 HIGH ROAD, LOUGHTON ESSEX IG10 4BE

The Members who presided over the application were Councillors R Morgan (Chairman), A Boyce 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 on behalf of the application were the agent Mr Hoddinott, owners Mr N Iyapah & Mr A Kundra, General Manager Mr D Privett and the Accountant Mr K Iyapah. In attendance as objectors were Mr Richardson, Environmental Health Technical Officer Epping Forest District Council and Mr Thompson, Enforcement Officer, Epping Forest District Council.

(a) The Application before the Sub-Committee

The Legal Officer outlined the application for the Luxe Essex, 126 High Road, Loughton, which had applied to vary the licensing activities applied for, extend the hours for the supply/provision of alcohol, to vary the opening hours and vary the conditions in accordance with the current practises/legislation and police requirements.

A number of objections had been received from local residents, the Loughton Residents Association, Neighbourhood & Noise team and Planning department.

(b) Presentation of the Applicant's Case

The applicant's agent, Mr Hoddinott advised the Sub-Committee that the applicant's had applied to vary the premises licence to remove any anomalies in relation to public holidays and extend the closing times of the premises. Mr Hoddinott advised that new management had taken over the premises in January 2011, which resulted in closure and refurbishment of the premises that re-opened in April 2011. The applicant's would provide a management policy and risk assessment that would be continually under review.

The applicant's wished to extend the opening hours on Thursday and Sunday until 01:30 and Friday and Saturday until 02:30 with an additional 30 minutes for clearing the premises. Mr Hoddinott advised that the premises had applied for 23 Temporary Event Notices without any problems or complaints.

The premises has been fitted for double glazing and they had employed a acoustic technician to reduce the sound admittance and also a new sound system installed, with testing to take place on Friday 15 June 2012 with the authorities Noise officers. Additional staff on the doors had been employed to minimise sounds escaping and the speakers by the exits had be removed.

Mr Hoddinott advised that these improvements should allow the premises to be more harmonious with the local community and that the police had no objections at this time.

(c) Questions from the Sub-Committee

The Sub-Committee enquired about the seasonal changes and what the applicant meant by this request. Mr Hoddinott advised that when the clocks changed it was not always clear whether the premises should follow the change, therefore either increasing or decreasing the licensing period.

The Sub-Committee asked about the various licensing activities and what the provision of film entertainment would include. Mr Hoddinott advised that this would not mean the showing of films but the video that accompanies the karaoke system.

The Sub-Committee asked about the outside functions. Mr Hoddinott advised that there were no outside functions, allowing only 20 people at one time outside to smoke. The Chairman enquired why the extended hours were required on the

Thursdays and Sundays. Mr Hoddinott stated that it would increase business especially for private parties on Thursdays and Sundays and this would also confirm to residents and the local police when the premises was open rather than obtaining a temporary licence for each event.

(d) Questions from Objectors to the Applicant

There were no questions.

(e) Presentation of the Objector's Case

Mr Richardson, Environmental Health Technical Officer stated that he had concerns about the noise and the noise breach in May 2012, although he was happy the additional conditions that the applicant had provided and the consultation with the sound technicians. He had concerns about the extended hours and felt that limiting the amount of people allowed outside the premises to smoke would also help reduce the noise levels. He had received complaints about users of the premises leaving the premises and causing nuisance so distance from the venue. Seven complaints had been received in 2012 and 12 complaints in 2011. He understands that the premises displays 'leave quietly' signs and door staff control the noise level of customers leaving the premises.

Mr Thompson, Enforcement Officer advised that some improvements had been achieved although the premises was in a residential area and customers leaving the premises were still in the surrounding streets sometime after the premises has closed. He felt that the extended hours would have a detrimental effect the residents and cause a low level of public nuisance.

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

The Sub-Committee enquired whether the extend times would cause any further disturbance. Mr Richardson informs the Sub-Committee that residents sleep would be distributed when ever the premises closed as the customers tended to park in residential streets and walk from the premises.

(g) Questions for the Objector from the Applicant

Mr Hoddinott advised that the Council Licensing policy stated that the premises were not responsible for anti social behaviour, once outside the premises although they did control customers leaving the premises. The applicant's worked closely with the police and constantly kept in contact with the licensing department.

Mr Hoddinott responded to Mr Thompson comments about noise complaints received, stating that complaints had not been received from the immediate neighbours. Mr Thompson advised that not everyone complains when low level nuisance occurs and that does not mean that the premises are not affecting the local community.

(e) Objector's Closing Statement

Mr Richardson advised that he felt that the current hours were late enough for the residential area.

Mr Thompson had no further comments.

(f) Applicant's Closing Statement

Mr Hoddinott asked that the application be approved.

(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 to vary a premises licence for Luxe Essex, 126 High Road, Loughton be granted in part according subject to the amended conditions offered by the applicant in promoting the four licensing objectives together with the following amendments to the times relating to the licensable activities and opening hours as follows:

Schedule of conditions consistent with Operating Schedule

Prevention of Crime and Disorder

1. CCTV covering the internal and external of the premises will be installed and maintained. It will be recording at all times the premises are open to the public and will be kept in an unedited format for a period not less than 31 days. The images are to be made available to Police, Local Authority or Trading Standards for inspection upon request.
2. Reasonable and adequate staff training to be carried out and properly documented in relation to:
 - i) dealing with incidents and prevention of crime and disorder;
 - ii) drug awareness;
 - iii) sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.) prior to being allowed to sell alcohol.
3. All training records will be retained for 12 months and made available to police and local licensing officers upon reasonable request.
4. A minimum of 3 SIA door staff, or 2 door staff per 60 customers or part thereof, whichever is the greater, to be deployed from 21.00 hours.
5. All door staff will wear SIA registration badges and those engaged outside the premises will wear high visibility jackets or vests.
6. The DPS (or representative) will complete an incident log at the end of each trading day. They will be responsible for recording any incidents, and include the outcomes, as detailed below. Such a record shall be made available for inspection by the Licensing Authority and Police immediately upon request.
 - i) all crimes reported to the venue
 - ii) all ejection of patrons

- iii) any complaints received from members of the public or customers;
- iv) the seizure of drugs or offensive weapons
- v) the full name and registration number of any SIA door staff, or other member of staff, who has been involved in dealing with any of the above matters (i-iv).

Such a log will be signed off by the DPS on a monthly basis, indicating the outcome of each incident.

7. A minimum of four out of ten persons entering or re-entering the premises will be subject to a search by a SIA trained staff member during the times they are on duty. Any person who refuses to be searched will be refused entry. All searches must be carried out in full view of a CCTV camera.

No person found with, or using a weapon or illegal drugs may enter or remain on the premises.

8. No sales shall be made to anyone to appears to be intoxicated.

9. Suitable and sufficient external lighting shall be installed to adequately light the façade and immediate footpath adjacent to the façade of the premises.

10. Radio pages on EMR frequency to be used by door supervisors.

11. No entry granted to persons who appear to be intoxicated.

12. The premises will participate in the local recognised pub watch or equivalent scheme.

13. The DPS shall contact the Police Licensing Officer every 4 months to review compliance with conditions and discuss any incidents that have been recorded.

14. No glassware or other drinks containers may be taken off the premises.

15. The smoking area is to be positioned at the rear of the premises and patrons are not to be allowed to smoke outside the front of the premises.

Public safety

16. The premises risk assessment document will stipulate the maximum number of patrons to be accommodated at any time.

Prevention of Public Nuisance

17. Notices shall be prominently displayed at all exits requesting patrons to leave quietly.

18. DPS and door staff to request patrons to leave in a quiet and orderly manner.

19. The retained SIA door staff will remain on duty outside the premises for 30 minutes after closing time and shall supervise exiting patrons behaviour in the area shown on the attached plan (marked LN/210002365). The patrolling supervisors shall be attired as in condition 5. The patrolling supervisors shall cooperate with the police and any other enforcement agencies during this time.

20. Deliveries and services are carried out between the hours of 08.00am and 19.00pm.

21. To prevent glass noise, waste bags containing bottles are to be stored in the garden and bins are to be filled between 09.00 am and 20.00pm.

22. No entry or re-entry after 01.00am on Thursday, Friday and Saturday or on any night the premise trades beyond 01.00am. Management will provide a secure system to identify those persons exercising the right of re-entry. I.e. coded wrist bands/vouchers etcetera.

23. An appropriate automatic sound control device must be installed and used for amplified music. The devices should be set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance.

24. The premises licence holders shall inform nearby residents, by leaflet drop or other appropriate method of communication, as agreed with the Licensing Authority, and upon permanent public notices affixed to the main/side entrance doors of the premises, a dedicated mobile phone number for 24 hour contact with the management team for emergency and complaint purposes. (see condition 6 for the recording of any calls received.) The DPS or day to day managers to carry this phone with them when the premises are open and trading.

25. The DPS (or representative) shall monitor the volume of any music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises shall not cause a public nuisance.

The protection of children from harm

26. The premises will operate a Challenge 25 policy. Only photographic forms of identification are acceptable. These are:

- i) Passport
- ii) Driving Licence
- iii) Accredited proof of age card bearing the 'PASS' hologram.

27. Children will be permitted upon the premises only when in the company of a responsible adult – or when attending a bona fide pre-arranged event.

28. Children generally will not be permitted to remain at the premises after 21.00 hours (except when attending a bona fide pre-arranged event).

29. Licensing actives

Monday to Thursday – 10:00 -00:00
Friday and Saturday – 10:00 – 02:30
Sunday – 10:00 – 01:00

30. Opening Times

Monday to Thursday – 10:00 -00:30
Friday and Saturday – 10:00 – 03:00
Sunday – 10:00 – 01:30

Reason for amending the times is to minimise the stress and anxiety as a result of noise to the residents and thus the prevention of public nuisance.

CHAIRMAN