

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 10 July 2012

**Place:** Council Chamber, Civic Offices,                      **Time:** 10.38 am - 4.06 pm  
High Street, Epping

**Members Present:** Mrs M Sartin (Chairman), K Chana, L Leonard and R Morgan

**Other Councillors:**

**Apologies:**

**Officers Present:** L Cole (Legal Services Officer), K Tuckey (Senior Licensing Officer), N Clarke (Licensing Officer), Ms N Glasscock (Licensing Enforcement Officer) and M Jenkins (Democratic Services Assistant)

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### 14. DECLARATIONS OF INTEREST

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

### 15. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

### 16. 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 likely involve the 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	Local Government (Miscellaneous Provisions) Act 1976 as amended and Town and Police Clauses Act 1847 – Application for a Hackney Carriage Driver's Licence – Mr M Karim	1
6	Local Government (Miscellaneous Provisions) Act 1976 as amended and Town and Police Clauses Act 1847 – Driver's Licence – H885 Mr F Fernandez	1

### 17. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR M A KARIM

The Sub-Committee considered an application for a Hackney Carriage Driver's Licence for Mr M Karim. The three councillors that presided over this item were Councillors Mrs M Sartin, K Chana 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 decision.

**RESOLVED:**

That Mr M A Karim be granted a Hackney Carriage Driver's Licence subject to his passing the Knowledge Test.

**18. HACKNEY CARRIAGE DRIVER'S LICENCE - MR F FERNANDEZ**

The Sub-Committee, comprising Councillors Mrs M Sartin (Chairman), K Chana and R Morgan considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr F Fernandez. 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 licence holder 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 licence holder leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the licence holder back into the Chamber and informed him of the Sub-Committee decision.

**RESOLVED:**

That the Hackney Carriage Driver's Licence for Mr F Fernandez (H885) be allowed to continue and that he be advised that if he receives anything which effects his Hackney Carriage Driver's Licence he must report these to the authority immediately.

**19. INCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

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

**20. THE OLD FORESTERS, THE PLAYING FIELDS, THEYDON BOIS, ESSEX CM16 7NN**

The Members who presided over the application were Councillors Mrs M Sartin (Chairman), K Chana and R Morgan.

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 M H Beckett, the applicant, and Mr K Hoddinott of James-Motion, Licensed Property Valuers and Brokers. In attendance as objectors were Ms S Sowerby a local resident and member of the Theydon Bois Action Group and Resident's Association, Parish Councillor P Gooch, Vice-Chairman of Theydon Bois Parish Council and Chairman of the Parish Council Planning Committee, and local residents Dr J and Mrs Warren, Mr D Jones and Mr F Sparks. Also in attendance as an observer was Mr P Jones, Divisional Licensing Officer, Licensing Department, Harlow Police Station.

**(a) The Application before the Sub-Committee**

The Legal Officer outlined the application for Theydon Bois Playing Field, The Old Foresters, Off Abridge Road, Theydon Bois, Essex CM16 7NN, which had applied for a new Premises Licence under the Licensing Act 2003.

A number of objections had been received from local residents and Theydon Bois Parish Council.

**(b) Presentation of the Applicant's Case**

Mr K Hoddinott advised that the application was for an off-licence within a mini market at the playing field camp site, it would sell food and beverages. The premises licence would only be for the camp site. Mr M Beckett informed members that he had 20 years experience of managing licensed businesses and events, he had managed The Castle, Woodford, The Royal Oak, Loughton and The Duke of Essex Polo Tournament.

**(c) Questions from the Sub-Committee**

The Sub-Committee asked how many people were expected to be booked onto the site. Mr M Beckett replied that they were expecting pre-bookings for up to 500. He said that there were 200 private individuals accommodated in tents and caravans for short periods, 100 security staff and 50 chefs. He advised that everybody on site needed pre-booking, the toilet and wash facilities had been approved by the Council in advance of the opening.

The members asked how the site was being advertised. Mr M Beckett said they were only advertising on the Internet, the Chairman advised that she had looked on the Internet for the site advert and saw mention made of food being served and a bar. Mr M Beckett said that it was inappropriate to have a bar on this site, the application was for an off-licence only. He added that there would be close security 24 hours a day, 10 people would be on site, all of whom were IS registered, the company providing these staff were also providing security at the Olympics.

Members asked about the procedures for receiving visitors. Mr M Beckett informed the Sub-Committee that visitors would come to reception where their details were taken, they were then issued with a numbered, coloured wrist band. Mr M Beckett was liaising with the Community Police Team, he explained that the staff worked 12

hour shifts, 50 arrived on site and 50 would leave the site. There would never be more than 500 on site at any one time.

**(d) Questions from the Objectors**

The Theydon Bois Parish Councillor P Gooch opened with where would 500 parking spaces be allocated? Mr M Beckett replied that he did not know, as he was only in charge of the camp site, Mr G Dilloway was the site owner.

Dr J Warren asked about a previous incident when Mr M Beckett had managed The Royal Oak, Loughton, when a complaint about noise had been made. Dr J Warren had obtained this information from Environment and Street Scene, Noise Abatement Team. Mr K Hoddinott advised the Panel that this was inadmissible evidence, the Royal Oak was a public house then and was not connected to the current application. The Sub-Committee agreed to ignore this evidence. Dr J Warren asked if the site was unlawful. Mr M Beckett replied that it was not, the site would only be in use for up to 28 days, therefore no planning permission was required. Dr. J Warren asked about the public footpath going through part of the site, the application stated that the public would not have access to the site, but this may be untrue because of the public footpath. Mr M Beckett agreed that the public had access to the public footpath, he added that site users would need a wrist band to purchase items from the mini market.

**(e) Presentation of the Objector's Case**

Ms S Sowerby of the Theydon Bois Action Group and the Resident's Association said that the Action Group had 407 members. She outlined her concerns as:

- (i) Alcohol sales could cause drink driving;
- (ii) Emergency vehicle access;
- (iii) Alcohol related brawling;
- (iv) Sale of alcohol to young people;
- (v) Anti-Social Behaviour;

**Parish Councillor P Gooch, Theydon Bois Parish Council**

There was concern that this site was a high risk one, there was enforcement action being taken against this site. There could be up to 1,000 people on this site. There were no parking restrictions in the road, he also claimed that barriers had been placed illegally.

**Mrs Warren, local resident**

This was a peaceful, tranquil place, now it was busy with tents. She felt there was no control over this site. Could the security staff be relied upon 7 days a week? She was concerned that patrons would drink too much at this site.

**Dr. J Warren, local resident**

There was a designated footpath running through part of the site, widely used by the children. Dr J Warren at this point handed to the Panel a plan of the site plus some photographs of the tents, he advised that the public footpath straddled the camp site.

Dr J Warren was concerned about child safety as there was a small den built by local children in close proximity to the tents.

The Chairman asked the applicant to clarify the use of marquees. Mr M Beckett advised that there was one marquee for stewards and briefings, the second marquee was for eating. The members were concerned that the objector's comments, in many cases, were not related to licensing issues, the Chairman stated that blocking footpaths was not a licensing issue. Dr J Warren said that there was a public right of way, somebody on a public footway could be drunk. The Legal Officer said that the issue of public right of way belonged to Planning and Economic Development or Environment and Street Scene. She confirmed that public safety was relevant in licensing.

**(f) Questions from the Applicants for the Objectors**

Mr K Hoddinott stated that the advertising issue was caused by the local newspaper, as it had unfortunately missed residents in Theydon Bois. He asked Parish Councillor P Gooch how many people resided in Theydon Bois, Mr P Gooch replied 4,079. Mr K Hoddinott argued that 22 objectors had made their feelings known, from a total of 4,079, which made the known objectors as less than 1% of the total population of Theydon Bois. He advised that alcohol can be purchased anywhere, not just at the mini market.

**(g) Objector's Final Statement**

Theydon Bois Parish Councillor P Gooch said that this field was unlit, and under suitable control. Mrs Warren felt that the public footpath could be used by people who had drunk too much and cause an unpleasant experience. Dr J Warren stated that there were issues concerning public safety, children and crime and disorder. There was no control on the consumption of alcohol.

**(h) Applicant's Final Statement**

Mr K Hoddinott advised that the site was a low key facility, it would only operate for 29 days of which 28 would involve the sale of food and beverages. The security staff were SIA registered. They were under control, wore badges and were approved by the police. The applicants had liaised with the police and visitors would be made welcome. No objections had been made from trade people or from the emergency services.

Mr K Hoddinott quoted the Government's policy document, which stated that in judging premises licence applications, the views of local minority groups should not dominate the decision. There were other ways of controlling bad behaviour other than stopping certain licensing applications. Mr M Beckett added that there were fire officers on site at all times with fire points, access for emergency vehicles, First Aiders on site, the water supply and electrics had been passed. He concluded by stating that he would be on site all the time, he had 20 years experience of managing such venues. The staff being used were from Blakes Golf Club and were all experienced.

**RESOLVED:**

That the Premises Licence Application for The Old Foresters, The Playing Fields, Theydon Bois, Essex CM16 7NN be granted, subject to the conditions in the operating schedule. The licence will start on 23 July 2012 and end on 20 August 2012.

**21. THE ACADEMY FOOTBALL AND SPORTS LTD, LANGSTON ROAD, LOUGHTON, ESSEX IG10 3TQ**

The Members who presided over the application were Councillors Mrs M Sartin (Chairman), R Morgan and L Leonard.

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 Nathan representing The Academy Football and Sports Ltd, Mr M Woodward, the applicant. In attendance as objectors were Mr N Helm, barrister representing the Bank of England and Mr P Jones, Divisional Licensing Officer, Licensing Department, Harlow Police Station. In attendance was Mr K Hoddinott as an observer.

**(a) The Application before the Sub-Committee**

The Legal Officer outlined the application for The Academy Football and Sports Ltd, Langston Road, Loughton, Essex IG10 3TQ, which had applied for a Premises Licence under the Licensing Act 2003. Two representations had been received, one from Essex Police and the other from the Bank of England.

**(b) Presentation of the Applicant's Case**

Mr Nathan advised that the company managing the site had gone into liquidation, the current company were applying for a licence exactly the same as the previous one.

**(c) Questions from the Sub-Committee**

The members asked who the Designated Premises Supervisor (DPS) would be? Mr Nathan replied that Mr M Woodward would be the DPS. Up to the current time the site was running Temporary Event Notices. Mr Nathan advised that as the old company had gone into liquidation they were unaware that the old licence was null and void. They were committed to a number of events and administered them as Temporary Event Notices.

The Sub-Committee asked if there was a company director, Mr Nathan said Mr A Swallow was the company director. The Chairman spoke about a plan of the site which indicated the licensable area. Mr Nathan confirmed this was the case, there was no marquee area, anything outside of the licensable area as indicated on the plan, was covered by a Temporary Event Notice only. The Sub-Committee asked if any alcohol had been sold between the old company shutting down and the period of the new company taking over. Mr Nathan replied no.

The Chairman asked why the application requested the licence run from February 2012. Mr Nathan said there were errors on the applications and they were re-submitted. The Sub-Committee asked what experience had the applicant of licensing. Mr M Woodward advised that he had assisted his father with managing a football club and had eight years experience of licensing activities with no problems experienced. He advised that he would be on the site. The Sub-Committee asked if there would be a personal licence holder on site all the time, Mr Nathan advised that a licenced staff member was on site all the time, the bar staff also had personal licences. The Sub-Committee asked if it was necessary for the premises to open till 11.00p.m. Mr Nathan advised that it was not necessary and that these times could be reduced they could end at 10.00-10.30p.m. and added that there would be less

football events and more private functions. It was confirmed that it was within the provision of the premises to allow for playing of music and dancing.

The Sub-Committee requested more information on the general running of this site. Mr Nathan said that in the daytime schools and colleges played 5 aside football, the bar area was not open till 4p.m. School and college groups needed booking in, on Saturdays there were soccer schools. He confirmed that there was no food served at lunchtime. He said that it was longer a private club, it was open to anyone. Currently they were only involved in private functions, birthday parties, no tickets were sold at the door.

#### **(d) Questions from the Objector**

Mr N Helm asked if the applicants acknowledged that bad behaviour had occurred at the premises? Mr Nathan replied no, any problems had been due to previous owners. Mr N Helm asked about incidents of rowdiness at the site. Mr Nathan replied that there were none. Mr N Helm asked if the applicants were aware of Bank of England staff having to clear away broken glass. Mr Nathan replied no. Mr N Helm asked if people left the premises drunk. Mr Nathan replied that he was unaware of this. Was there any use of drugs on the site? Mr Nathan replied absolutely not. Mr N Helm asked if the applicants sold alcohol without a licence? Mr Nathan replied that he was not involved with the previous company. Mr N Helm asked if alcohol was sold after the licence was dissolved. Mr Nathan said he was not sure. Mr N Helm asked if there was a late night snack bar. Mr Nathan replied that there was, but it was closed before 10.00p.m. almost all the time. Was the site used for lorries and buses? No it wasn't. Mr N Helm said that he had visited the site that morning and had seen 6 large vehicles there. Mr Nathan said that some of the vehicles were owned by bus enthusiasts, he did not own them. Were the applicants aware of enforcement action being taken against the site? Mr Nathan replied that he was unclear. Mr Nathan said that the vehicles were in the process of being removed. Mr N Helm referred to a letter from Essex Police, in the agenda pack for the meeting, dated 30 May 2012. He asked why the letter had not been responded to earlier. Mr Woodward had been in Cyprus.

Mr P Jones indicated that he did not wish to ask questions at this stage.

#### **(e) Presentation of the Objector's Case**

Mr N Helm advised that as a Barrister, he was taking instruction from Mr Wylie of the Bank of England. Because of on-going security issues, neither Mr Wylie, nor his assistant could attend this meeting.

Mr N Helm said that part of the premises was within the bank's ownership. Although the premises were used for leisure, it was not always used for this as indicated by the heavy vehicles parked there. A failed planning application and a retrospective planning application had happened. This illustrated the applicant's attitude towards responsibility. The site was a sensitive one due to the Bank of England's operations. There was a large amount of money stored there and printed. There were armoured vehicles using the site, which should not be hindered. There were problems if an emergency response vehicle could not gain access to the site. Mr N Helm felt that this application violated two of the District Council's licensing objectives. There had been numerous incidents of rowdy behaviour at, or around the site. Mr N Helm passed photographs to the members of an incident from 24 June 2012. The photographs had depicted an incident at 1.00a.m. showing a man apparently drunk in the middle of the road near the site. There were other photographs of groups of

people in the vicinity as well. Mr N Helm advised that an assault had taken place down a nearby alley. There was no CCTV in the alley where the assault happened.

Mr N Helm referred the members to an email from Mr Wylie of the bank, he had advised that there was rubbish in the vicinity, people urinating in Langston Road, and drug dealing. He added that threats had been made to bank security staff and a banner removed from the bank's premises. He claimed that a photograph had been taken of this incident. Mr N Helm advised that granting the application would exacerbate this situation, he said that the applicants had not demonstrated best practice in accordance with Council policy. No risk assessment had been made, there should be a meticulous evidence approach. There had been substantial time for checking the background of the Designated Premises Supervisor. If the sub-committee were minded to grant this application, they could impose shorter hours, not opening beyond 11.00p.m. There should be a quietening down period.

Mr P Jones, Divisional Licensing Officer, Licensing Department, Harlow Police Station, said that he had attempted to check the background of Mr M Woodward but did not have enough time, it usually took 14 days to check somebody's background. The applicant had changed the DPS on 14 May 2012.

**(f) Questions from the Sub-Committee to the Objectors**

The Chairman asked if the people indicated on the CCTV photographs were leaving the Academy. Mr N Helm said that they were.

**(g) Questions for the Objectors from the Applicants**

Mr Nathan said that the CCTV camera was 400 metres away from where the incident was captured on film. The Bank of England site was 15-20 metres beyond where this person was. The CCTV camera was permanently directed towards the Academy, he asked why weren't there images from this particular camera, the images shown at the meeting were from a private road. The police report to the Bank of England regarding the alleyway, half a mile away, were not connected to the premises. Mr N Helm replied that the relevance of the photographs was for the Sub-Committee, he could not say why he did not have other images. Mr N Helm advised that under the Licensing Act, these people had been moved on from the private end of the road, he added that these patrons were adults and therefore the premises could not take responsibility for their behaviour. Mr Nathan said that a barrier, belonging to the Bank of England, had been removed by the bank, reinstating it would assist with security. Mr N Helm replied that he had not received any instruction on the bank's infrastructure, he added that this argument was not relevant. Mr Nathan said that staff had taken down blue notices around the site advising of the application which had led to a delay in the licence being submitted. Mr N Helm said that he was not aware of this.

**(h) Objector's Closing Statement**

Mr N Helm re-emphasised the points he had made. This was a secure, sensitive site with historic problems. The situation would get worse. The Designated Premises Supervisor name should have been submitted earlier.

**(i) Applicant's Closing Statement**

Mr Nathan said that Temporary Event Notices had passed without incident, there were no complaints from the police. Two of the events held at the premises were booked for Bank of England staff.

**RESOLVED:**

That the Premises Licence Application for The Academy Football and Sports Ltd, Langston Road, Loughton, Essex IG10 3TQ be granted subject to the following conditions:

- (1) That the premises be permitted to sell alcohol after 5.00p.m. Mondays to Fridays;
- (2) That the premises be permitted to have live music, recorded music, performances of dance, anything of a similar description to that falling within (e), (f) and (g), and provision of Facilities for Dancing Mondays to Thursdays 5.00p.m. to 11.00p.m., Fridays 5.00p.m. to 12.00a.m., Saturdays and Sundays 12.00p.m. to 12.00a.m.
- (3) That door staff undertake full risk assessments; and
- (4) That, subject to a full police check, Mr M Woodward, be approved as the Designated Premises Supervisor.

**CHAIRMAN**