

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 5 March 2013  
**Place:** Council Chamber, Civic Offices, High Street, Epping                      **Time:** 10.00 am - 12.50 pm

**Members Present:** Mrs M Sartin (Chairman), K Chana, Mrs P Smith and Ms G Shiell

**Apologies:**

**Officers Present:** A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer), S Kitts (Licensing Officer), M Jenkins (Democratic Services Assistant) and J Leither (Democratic Services Assistant)

### 64. DECLARATIONS OF INTEREST

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

### 65. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the Conduct of Business and the Terms of Reference.

### 66. 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 items 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 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information.

Agenda Item No	Subject	Exempt Paragraph	Information Number
5	Application for a Hackney Carriage Driver's Licence – Mr S Jones		1
6	Application for a Hackney Carriage Driver's Licence – Mr S Chowdhury		1
7	Application for a Hackney Carriage Driver's Licence – Mr D McCann		1
8	Application for a Hackney Carriage Driver's Licence – Mr Y Yebda		1
9	Driver's Licence – Mr J Gnakho		1

**67. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR S JONES**

The Sub-Committee considered an application by Mr S Jones for a Hackney Carriage Driver's Licence. However the applicant was not present and the Sub-Committee decided to defer the application.

**RESOLVED:**

That the application by Mr S Jones for a Hackney Carriage Driver's Licence be deferred to the next Licensing Sub Committee.

**68. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR S CHOWDHURY**

The Sub-Committee considered an application by Mr S Chowdhury for a Hackney Carriage Driver's Licence. However the applicant was not present and the Sub-Committee decided to defer the application.

**RESOLVED:**

That the application by Mr S Chowdhury for a Hackney Carriage Driver's Licence be deferred to the next Licensing Sub Committee.

**69. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR D MCCANN**

The Sub-Committee considered an application by Mr D McCann for a Hackney Carriage Driver's Licence. However the applicant was not present and the Sub-Committee decided to defer the application.

**RESOLVED:**

That the application by Mr D McCann for a Hackney Carriage Driver's Licence be deferred to the next Licensing Sub Committee.

**70. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR Y YEBDA**

The Sub-Committee considered an application by Mr Y Yebda for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors Mrs M Sartin, Mrs G Shiell and K Chana. 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 applicant was not present at this hearing and the Sub-Committee decided there was enough information available for them to make a decision on this application. The Assistant Director of Corporate Support Services (Legal) informed the Sub-Committee of the circumstances by which the licence could not be issued under delegated authority.

**RESOLVED:**

That the application by Mr Yebda for a Hackney Carriage Driver's Licence be refused as he did not meet the Council's Licensing Criteria in respect of his record from the Criminal Records Bureau which had revealed serious recent offences.

**71. DRIVER'S LICENCE - MR J GNAKHO**

The Sub-Committee considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr Agnimel Gnakho. The three Councillors that presided over this item were Councillors Mrs M Sartin, Mrs G Shiell and K Chana. 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 Assistant Director of Corporate Support Services (Legal) informed the Sub-Committee of the circumstances by 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 applicant declined to make a closing statement to the Sub-Committee before the Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated the application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That the application by Mr Agnimel Gnakho for a Hackney Carriage Driver's Licence be revoked as he did not meet the Council's Licensing Criteria in respect of his record from the Criminal Records Bureau which had revealed serious recent driving offences.

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

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

**73. APPLICATION FOR A PREMISES LICENCE FOR NANDOS, 2 STATION ROAD, LOUGHTON, ESSEX IG10 4NZ**

The Members who presided over the application were Councillors Mrs M Sartin, K Chana and Mrs P Smith.

The Chairman welcomed the participants and introduced the Members and Officers present and requested the participants introduce themselves to the Sub-Committee. In attendance on behalf of the application was Julia Palmer, Solicitor for the applicant, Mr S Wright, Technical Support Manager for Nando's, Mr Sequeira Assistant Technical Support Manager for Nando's, Richard Fetterroll, Designated Premises Supervisor for Nando's. In attendance in opposition of the application were Peter Fairweather, Objector from Station Road, Loughton and Mr and Mrs Witts, Objectors from Station Road, Loughton.

The Chairman outlined the procedure that would be followed for the determination of the application.

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

The Assistant Director of Corporate Support Services (Legal) informed the Sub-Committee that an application had been received from Nando's Chicken Land

Limited for a Premises Licence under the Licensing Act 2003. The application was for the provision of a late night refreshment licence between 23:00 to 00:00 hrs Monday to Sunday and 23:00 to 02:00 New Years Day.

A number of objections had been received from local residents.

It was noted that no representations had been made from Essex Police. Representations were made from the Environment Neighbourhoods Officer offering conditions that have been agreed with the applicant. Mr Linnell of the Loughton Residents Association had withdrawn his representation after negotiating with the solicitors and agreed the revised conditions.

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

The Solicitor for the applicant, Julia Palmer informed the Sub-Committee that amendments had been made to the application. Ms Palmer had worked with the Environmental Health Officer and had put forward ten new conditions.

##### **(i) Mandatory Conditions**

The applicants had included ten new conditions.

##### **(ii) No representations received from:**

- Essex Police.
- Environmental Health.
- None from Brian Stalabrass on Public Safety grounds.

As a result of conditions agreed with Mr Linnell – the Loughton Residents Association withdrew their representation.

Ms Palmer informed the meeting that Nando's was a nationally recognised company with 264 restaurants throughout the UK, the theme of the restaurant was Portuguese/South African. There was a strong emphasis on food not alcohol. Alcohol would only be sold on the premises to diners, it would not be sold as a takeaway. There were a small selection of wines, three bottled beers and one cider available. Ms Palmer could not envisage people wanting to use it as a drinking establishment alone due to the lack of choice and the prices which would be higher than that of drinking establishments.

Nando's have a universal system in their restaurants, a member of staff, the greeter would greet the customer at the waiting point and ascertain their requirements, then the customer would be shown to a table. Another member of the waiting staff would give the customer a menu then explain how the ordering system worked:

- decide what you would like to order
- go to a till point, present the order and pay
- go to the condiment table and take what you would require
- return to your table where the waiting staff will serve you your drinks and meal.

The outside area would be regularly cleaned and there would be no seating after 9.30pm. Customers would be asked to move inside the restaurant at 11.00pm.

Ms Palmer advised the meeting that Nando's were concerned about the residents and would ensure that the issues were dealt with prior to the opening.

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

The applicants were asked if it was their company policy to train staff in the selling and handling of alcohol.

Mr Wright advised the Meeting that it was Nando's policy to train all of their staff on:

- the Licensing Act 2003;
- Health and Safety; and
- Food Hygiene and Safety.

All the training was stored electronically and all records were held.

The applicants were asked how the perimeter was going to be defined? Was a barrier going to be erected, what materials would be used and how open to the general public would the outside seating area be?

Mr Fetterroll advised that there would be potted plants in above ground planters and there would be only one barrier. At 11pm the outside seating would be cleared away and stored. There was a bench near the tree that would be permanent.

The applicants were asked if there would be a designated outside smoking area and how they would control their clientele after 11pm.

Mr Fetterroll advised the Sub-Committee that there would be a designated outside area for smokers but he could not advise how it would be controlled after 11pm.

The applicants were asked what time they would cease to take orders for the inside and outside areas.

Mr Sequeira advised the Sub-Committee that the last orders for the outside area would be 9.30pm giving enough time to close the outside area at 11.00pm and the last orders for the inside area would be 11.30pm. The restaurant would close at 12.30am.

**(d) Questions from the Objectors**

Mr Fairweather of Station Road advised the applicants that the proposed Nando's site was situated in a residential road and the previous business closed at 6pm. He stated there was controlled parking in Station Road during the hours of 9.00am-6.00pm but after these hours staff and patrons would be able to park in Station Road which would cause noise pollution. He also advised the Meeting that there was a problem in Loughton with young people congregating in groups and he thought this would be another place for them to congregate after 12.30am.

Ms Palmer advised the Meeting that there would be onsite parking for patrons, thirteen spaces, three of which would be disabled. There was no onsite staff parking and staff would hopefully be sourced locally within walking distance, use public transport or park in the car parks in Loughton.

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

The objectors were in agreement that their main concerns were:

- Noise;
- Young People congregating; and
- Staff and patrons parking in Station Road in the evenings.

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

Councillor Mrs P Smith advised the objectors would you be aware of what actions were available to residents, would you know where to go for advice?

Mr Fairweather advised the Sub-Committee that they were not aware of this application until mid January 2013 and that he had only found out by accident, he had not been notified by the council.

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

Ms Palmer advised the Meeting that if any residents had any issues with Nando's their door was always open as they would like to work with the residents to solve any issues. She also advised that the residents were entitled to apply for a licence review if they had any just cause.

**(h) Consideration of the Application by the Sub-Committee**

The Sub-Committee retired to consider the application in private session, they felt that there were no grounds for refusal and that the application should be granted. They received no advice from officers.

**RESOLVED:**

That the application for a premises licence for Nando's Chicken Land, 2 Station Road, Loughton, Essex IG10 4NZ be granted as the amended application with agreed conditions:

- Condition 6, The use of the outside seating area shall cease at 23:00 hrs daily.

**Conditions**

1. A CCTV system with recording equipment shall be installed, operated and maintained at the premises. All recordings made by the system shall:

- Be of evidential quality.
- Indicate the time and date.
- Be retained for a period of 28 days.
- Be made available for inspection and downloading upon request to an authorised officer of a responsible authority or the licensing authority and sufficient members of staff will be trained in operation of the system to ensure compliance with any such request.

2. Each member of staff authorised to sell alcohol will receive adequate training on the law with regard to alcohol sales. All training will be properly documented and retained. The training records will be kept on the premises and made available for inspection by authorised officers.

3. The licence holder will operate a Challenge 21 policy at the premises. Signage shall be displayed inside the restaurant informing customers of this policy.
4. The outside area shall be monitored and regularly cleared of glasses and bottles.
5. No speakers are to be placed in the outside area.
6. The use of the outside seating area for dining shall cease at 2300 hours daily.
7. No drinks are to be taken outside the premises after 2300 hours.
8. No bottles or glassware to be placed outside for disposal between the hours of 2200 and 0800 daily.
9. The pavement from the building line to the kerb edge immediately outside the premises shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements, in particular at closing time.
10. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

**CHAIRMAN**