

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 9 April 2013

Place: Council Chamber, Civic Offices, **Time:** 10.35 am - 2.40 pm
High Street, Epping

Members Present: D Wixley (Chairman), Mrs R Gadsby, R Morgan and N Wright

Other Councillors: -

Apologies: -

Officers Present: L Cole (Legal Services Officer), K Tuckey (Senior Licensing Officer),
N Clarke (Licensing Officer), D Baker (Planning Officer) and G J Woodhall
(Democratic Services Officer)

84. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Officer Code of Conduct, G Woodhall declared a personal interest in agenda item 10, Application to Vary a Club Premises Licence – Buckhurst Hill Sports & Social Club, by virtue of being acquainted with the Applicant. The Officer had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue.

85. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

86. 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 12(A) of the Act indicated and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item Number</u>	<u>Subject</u>	<u>Exempt Info Para Number</u>
5	Hackney Carriage Driver's Licence – Mr M James	1
6	Review of a Hackney Carriage Driver's Licence – M R Cerkasovs	1

7	Hackney Carriage Driver's Licence – Mr M Shamen	1
8	Hackney Carriage Driver's Licence – Mr A Uddin	1

87. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR M JAMES

The Sub-Committee considered an application by Mr M James for a Hackney Carriage Driver's Licence. The Sub-Committee for this item consisted of Councillors D Wixley, R Gadsby and R Morgan. The 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 his partner and introduced the Members and Officers present. The Legal Officer informed the Sub-Committee of the circumstances by which the licence could not be issued under delegated authority.

The Applicant made a short statement in support of his application, before answering a number of questions from members of the Sub-Committee. The Applicant then made a short closing statement to the Sub-Committee before the Chairman requested that the Applicant and his partner 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:

(1) That a Hackney Carriage Driver's Licence be granted to Mr M James, subject to the Council's standard terms and conditions.

88. APPLICATION TO REVIEW A HACKNEY CARRIAGE DRIVER'S LICENCE - MR R CERKASOV

The Sub-Committee considered an application by Mr R Cerkasovs to renew a Hackney Carriage Driver's Licence. The Sub-Committee for this item consisted of Councillors D Wixley, R Gadsby and R Morgan. The 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 by which the licence could not be issued under delegated authority.

The Applicant made a short statement in support of his application, before answering a number of questions from members of the Sub-Committee. The Applicant then made a short closing statement to the Sub-Committee before 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:

(1) That the Hackney Carriage Driver's Licence for Mr R Cerkasovs be renewed, subject to the Council's standard terms and conditions.

89. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR M SHAMEM

The Sub-Committee considered an application by Mr M Shamem for a Hackney Carriage Driver's Licence. The Sub-Committee for this item consisted of Councillors D Wixley, R Gadsby and R Morgan. The 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 by which the licence could not be issued under delegated authority.

The Applicant made a short statement in support of his application, before answering a number of questions from members of the Sub-Committee. The Applicant then made a short closing statement to the Sub-Committee before 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:

(1) That the application for a Hackney Carriage Driver's Licence by Mr M Shamem be refused, due to the nature and frequency of the Applicant's driving offences.

90. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR A UDDIN

The Sub-Committee considered an application by Mr A Uddin for a Hackney Carriage Driver's Licence. The Sub-Committee for this item consisted of Councillors D Wixley, R Gadsby and R Morgan. The 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 his partner and introduced the Members and Officers present. The Legal Officer informed the Sub-Committee of the circumstances by which the licence could not be issued under delegated authority.

The Applicant made a short statement in support of his application, before answering a number of questions from members of the Sub-Committee. The Applicant then made a short closing statement to the Sub-Committee before the Chairman requested that the Applicant and his partner 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:

(1) That a Hackney Carriage Driver's Licence be granted to Mr A Uddin, subject to the Council's standard terms and conditions.

91. INCLUSION OF PUBLIC AND PRESS

The meeting was adjourned at 12.35pm and reconvened at 1.10pm.

Resolved:

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

92. APPLICATION TO VARY A CLUB PREMISES LICENCE - BUCKHURST HILL SPORTS AND SOCIAL CLUB

The three Councillors that presided over this item were Councillors D Wixley, R Gadsby and R Morgan. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were Ms K Waites, the Premises Licence Holder for Buckhurst Hill Sports & Social Club. There were no objectors present and Mr D Baker was in attendance on behalf of the local planning authority. The Chairman then introduced the Members and Officers present, and outlined the procedure that would be followed for the determination of the application.

The Application before the Sub-Committee

The Legal Officer informed the Sub-Committee that an application to vary a Premises Licence had been received in respect of the Buckhurst Hill Sports & Social Club in Queens Road, Buckhurst Hill, along with representations from interested parties. The original application had requested permission to:

- serve alcohol from 11.00am to 1.00am Monday to Sunday;
- close the premises at 1.00am Monday to Sunday; and
- to allow live music at the premises until 11.30pm Friday to Sunday.

However, during the consultation process the Applicant had offered the following amendments to the application to:

- serve alcohol from 11.00am to 12.30am Monday to Sunday; and
- close the premises at 1.00am Monday to Sunday.

Following receipt of the application, the Council had received representations from:

- Essex Police, who had requested that CCTV be installed and recording at all times the premises were open;
- the local Planning Authority, who were in attendance at the meeting;
- objections from two District Councillors and Buckhurst Hill Parish Council; and
- two objections from local residents.

The Legal Officer added that the current Licence permitted the sale of alcohol from 11.00am to 11.00pm Monday to Sunday.

Presentation of the Applicant's Case

Ms Waites informed the Sub-Committee that the Club had been in existence for over 100 years, and that she had been a member herself for 25 years and could not remember any complaints having been made against the premises. In addition, one of the Club's members lived next door to the premises and had never complained about the noise generated.

In relation to the objections received, Ms Waites stated that the Club was not applying for a licence to play music until 1.00am, so the Parish Council objection could be disregarded, and the average age of the members was over 60 so the additional hours were unlikely to lead to an increase in anti-social behaviour, as claimed by the two District Councillors. The back doors were closed whenever music was being played, although it was accepted that the smoking area was outside which might explain the comments in one of the letters received from local residents.

Ms Waites explained that the Club did not have Live Music every Friday, and the Club never opened before 12.00pm (noon).

Questions for the Applicant from the Sub-Committee

In response to questions from the Sub-Committee, Ms Waites explained that she could not remember any complaints about noise emanating from the club or any incidents having occurred. CCTV had already been installed, covering both the interior and exterior of the Premises, and recordings were kept for 28 days in compliance with the request from Essex Police. It was a Members-only Club, so there were no checks carried out for weapons or drugs, and neither were there any proof of age checks performed as each Member had already provided their date of birth. In any case, children were usually off the premises by 9.00pm. The Live Music usually consisted of a live singer and disco on Friday and Saturday nights, and a 'Jazz Jam' on Sundays.

The Sub-Committee noted that, under the Live Music Act 2012, the Premises could hold live music events between the hours of 8.00pm and 11.00pm without the need for a further licence.

Presentation of the Local Planning Authority's Case

Mr D Baker informed the Sub-Committee that the hours proposed by the Club were too late in the view of the Planning Authority. The premises were located in a setting in close proximity to residential units in Princes Road, and it was felt that the departure of people from the Club after 1.00am would cause a noise nuisance at a time when many residents would be asleep and ambient noise levels would be low. Such a disturbance on a regular basis would amount to a public nuisance.

Consequently, the Planning Authority felt that it would be more appropriate for the sale of alcohol to cease at 12.00am (midnight) with closure of the premises at 12.30am. The Planning Authority acknowledged that the current clientele was older, but this might not always be the case in the future. The revisions to the original application offered by the Club were welcomed but were still a little later than the Planning Authority would like as there would still be some noise disturbance from members of the club leaving the premises at 1.00am.

Ms Waites stated that the Club monitored the noise outside when people left the premises, and reiterated that the Club had not received any complaints about noise from residents, although if any were received then they would be taken seriously.

Questions for the Local Planning Authority from the Sub-Committee

There were no questions for the Local Planning Authority from the Sub-Committee.

Closing Statement from the Applicant

Ms Waites highlighted that the Members of the Club were older, the premises were generally quiet as no complaints had been received by the Club from residents and the original application had already been revised by 30 minutes earlier following the representations received for the application.

The Sub-Committee were requested to approve the revised application.

Consideration of the Application by the Sub-Committee

The Sub-Committee retired to consider the application.

The Sub-Committee accepted the representations made by the Local Planning Authority in respect of public nuisance and were content to vary the licence for Friday and Saturday nights, both for the sale of alcohol and live music, but felt that the current licence conditions should remain for Sundays to Thursdays.

Resolved:

(1) That the following variations to a Premises Licence at Buckhurst Hill Sports & Social Club in Queens Road, Buckhurst Hill be granted:

(a) that the supply of alcohol be permitted during the hours of 11.00am and 12.00am (midnight) on Fridays and Saturdays;

(b) that the premises be permitted to open between the hours of 11.00am and 12.30am on Fridays and Saturdays;

(c) that the performance of live music be permitted between the hours of 8.00pm and 11.30pm on Fridays and Saturdays;

(d) that CCTV covering the interior and exterior of the premises be installed and maintained and recording at all times the premises were open to the public; and

(e) such recordings be kept in an unedited format for a period of not less than 28 days and made available to the Police, Local Authority or Trading standards for inspection when lawfully requested.

(2) That all other conditions for the Premises Licence be as previously agreed.

93. APPLICATION TO VARY A PREMISES LICENCE - APPLGREEN SERVICE STATION

The three Councillors that presided over this item were Councillors D Wixley, R Gadsby and R Morgan. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was Mr S Gibson, who was acting as the agent on behalf of the Applicant. There were no Objectors in attendance. The Chairman then introduced the Members and Officers present, and outlined the procedure to be followed for the determination of the application.

The Application before the Sub-Committee

The Legal Officer informed the Sub-Committee that an application had been received from Petrogas UK Ltd to vary a Premises Licence at the Applegreen Service Station in Chelmsford Road, Norton Heath. The application had requested that the premises be permitted to:

- open 24 hours a day each day;
- sell alcohol 24 hours a day each day; and
- provide late night refreshment between the hours of 11.00pm and 5.00am each day.

The Sub-Committee noted that the current licence for the premises permitted the sale of alcohol between the hours of 7.00am and 11.00pm each day.

The Sub-Committee also noted that the following representations had been received:

- High Ongar Parish Council, who objected to the application on the grounds that it would encourage crime; and
- Essex Police, who had no objections to the application.

Presentation of the Applicant's Case

Mr S Gibson stated that the company had 14 other sites who were permitted to sell alcohol throughout the night and there had not been any problems reported. Between the hours of 11.00pm and 6.00am, the main door to the store was locked and all sales were made through a night hatch. Although the size of the hatch would limit the items that could be sold, the requested variations would help to increase sales at the store. The store currently had a late night refreshment licence and mainly sold coffee to taxi drivers.

Mr S Gibson highlighted that the Police had offered no objections, and the objection put forward by High Ongar Parish Council had not been backed up by any evidence. There were no other objections to consider.

Questions for the Applicant from the Sub-Committee

In response to questions from the Sub-Committee, Mr S Gibson reiterated that the entrance to the store was locked at 11.00pm and all sales were made through the night hatch until 6.00am the following morning. A standard range of beers, wines and spirits were available and all such sales would be 'off-sales', i.e. not for consumption on the premises. A 'Challenge 25' age verification scheme was in operation, and there was usually only one member of staff on the premises overnight.

In respect of the Late Night Refreshment variation, Mr S Gibson explained that this licence was only required during the hours of 11.00pm and 5.00am, hence the request within the application.

Consideration of the Application by the Sub-Committee

The Sub-Committee retired to consider the application.

Resolved:

- (1) That the following variations to a Premises Licence at Applegreen Service Station in Chelmsford Road, Norton Heath be granted:
 - (a) that the supply of alcohol be permitted for 24 hours a day, each day;
 - (b) that the premises be permitted to open for 24 hours a day, each day; and
 - (c) that the supply of late night refreshment be permitted between the hours of 11.00pm and 5.00am each day; and
- (2) That all other conditions for the Premises Licence be as previously agreed.

CHAIRMAN