

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 7 January 2014

Place: Council Chamber, Civic Offices, **Time:** 10.35 am - 12.36 pm
High Street, Epping

Members Present: R Morgan (Chairman), A Lion, P Spencer and Mrs P Smith

Other Councillors:

Apologies: Mrs R Gadsby

Officers Present: K Tuckey (Senior Licensing Officer), N Clarke (Licensing Officer), R Ferriera (Assistant Solicitor) and M Jenkins (Democratic Services Assistant)

108. APOLOGIES FOR ABSENCE

Councillor Mrs R Gadsby had tendered her apologies and it was noted that Councillor Mrs P Smith was substituting.

109. DECLARATIONS OF INTEREST

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

110. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

111. STREET TRADING CONSENT, HURRICANE WAY, NORTH WEALD

The Members who presided over this item were Councillors R Morgan, A Lion and Mrs P Smith.

The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were Mr I Polat, by the applicant, assisted by Mr N Ahsak, solicitor. In attendance objecting to the application were Ms P Ambrose, Bassett Business Units, Hurricane Way, North Weald and Ms K Roberts, ATC Driver Training, Hanger 1, Hurricane Way, North Weald Aerodrome. The Chairman then introduced the members present and the officers and outlined the procedure that would be followed for the determination of the application.

(a) The Application before the Sub-Committee

The Legal Officer informed the Sub-Committee that the District Council had received an application for a renewal of a Street Trading Consent for Hurricane Way, North Weald from Mr I Polat. The application was to operate a van and trailer Mondays to

Sundays 4.00p.m. – 10.00p.m. The Sub-Committee noted that the Licensing Team had notified Essex Police, Environmental Health. The Highways Authority and the clerk of North Weald Parish Council, Councillors D Stallan and Mrs A Grigg had also been notified as interested parties. A 150m consultation was also carried out with local businesses and residential properties incorporating 55 addresses. The authority had received a letter of objection from two local businesses, Bassett Business Units and ATC Driver Training. No other objections were received.

(b) Presentation of the Applicant's Case

The applicant advised that although he had been granted a Street Trading Consent less than a year ago due to ill health had not been able to use the consent. The business sold hot and cold food and drink.

(c) Questions for the Applicant from the Sub-Committee

The Sub-Committee asked why were the proposed opening hours between 4.00p.m. and 10.00p.m. Mr I Polat replied that these hours best suited the residents of North Weald Village.

The Sub-Committee enquired about the applicant's previous experience. Mr I Polat replied that he had run similar businesses both in the UK and abroad. He advised that he had a hot food van.

Members asked who the applicant was expecting as customers? The applicant replied that he was hoping to attract residents of the village, he added that his van was not used at other times and would be driven home after trading each night.

The Sub-Committee asked if it were possible for any other party to use Mr I Polat's vehicle. The Licensing Officer intervened and could only confirm that the applicant had public liability insurance for the vehicle.

The Sub-Committee were concerned about littering around the van. The applicant advised that he had two bins, one inside and one outside the van. He assured the Sub-Committee that he would remove any litter around the van.

(d) Questions for the Applicant from the Objectors

The objectors asked where would the applicant's vehicle be parked in Hurricane Way? The Legal Officer advised that no instructions could be given to the applicant regarding where he parked, he needed to abide by Highways rules only.

The objectors stated that Hurricane Way was a cul-de-sac, they asked who would the applicant sell to? The applicant said he would sell to local residents. The Sub-Committee thought that staff in the business units around the aerodrome would probably use this facility more than local villagers, although it was acknowledged that this issue was not connected to their consideration of the application.

(e) The Objector's Case

Ms P Ambrose was concerned about the security and nuisance factor which could arise if the application were granted. The one way system at Hurricane Way could be easily blocked, a ram raiding incident occurred recently. There were also concerns about litter and that smells would develop with no toilet facilities.

Ms K Roberts had been resident in North Weald Village for 32 years. There had been problems experienced with youths on the High Road, by the village hall, she felt that undesirable behaviour would infringe on the business units. She was also concerned about large vehicles currently using Hurricane Way for turning round, on occasion they hit other vehicles.

The Sub-Committee asked the objectors about weight restrictions on Hurricane Way. Officers advised that there were no objections from Highways and that this could not be considered.

The objectors confirmed that the Bassett Business Units were open from 9.00a.m. – 5.00p.m.

(f) Questions from the Applicants to the Objectors

Mr N Ahsak stated that there would not be a security issue as the customers would be local residents, litter would be cleared away, customers could use the local pub toilet or the village hall. The applicant advised that he had insurance which covered a 10m radius from his van.

(g) Objector's Closing Statement

Ms P Ambrose thought this proposed location was an unusual one. She expressed support for local businesses, but was not happy with this application.

(h) Applicant's Closing Statement

The applicant said he was committed to business serving the community. This business would work.

RESOLVED:

That the application for the Street Trading Consent for Hurricane Way, North Weald be granted subject to the conditions within the application, and the conditions agreed by the Sub-Committee:

- (1) That the Consent Holder shall comply with all parking restrictions in the area and must not block or obstruct any emergency access, or the drop off area in front of the recycling bins;
- (2) That the Consent Holder must not provide any external advertising;
- (3) That the Consent Holder must register his food retail business with the Council's Environment Health Services;
- (4) That the Consent Holder's trailer/van must be stored at his home address overnight;
- (5) That the Consent Holder must provide sufficient litter bins which are to be removed daily; and
- (6) That the Consent Holder will not trade on Remembrance Sunday.

112. NEW PREMISES LICENCE APPLICATION - SHIKA INDIAN TAKEAWAY - 164 QUEENS ROAD, BUCKHURST HILL, IG9 5BD

The Members who presided over this item were Councillors R Morgan, A Lion and P Spencer.

The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were Mr M Rahman, the applicant, and his partner Mr Hussain. In attendance in an observing capacity was Ms R Scott of Essex County Council Child Protection Team. There were no objectors present. The Chairman then introduced the members present and the officers and outlined the procedure that would be followed for the determination of the application.

(a) The Application before the Sub-Committee

The Legal Officer informed the Sub-Committee that the District Council had received an application for a Premises Licence for Shikha Indian Takeaway, 164 Queens Road, Buckhurst Hill, Essex IG9 5BD.

The Sub-Committee noted that the Licensing Team had notified all responsible authorities and had received responses from Essex Police, Essex County Fire and Rescue Service and Safeguarding Children Family Operations who had no objections. The authority had received four representations from local residents. It was noted that emails and a letter were received from Mr P Jones, Essex Police relating to Challenge 25, secure storage of alcohol on the premises and setting minimum monetary spend for alcohol purchase. This was not an objection and the applicant agreed to the conditions. Emails and letters had been received from Ms P Stacey, Interim Manager of the Quality Assurance and Safeguarding (including IRO) Service Family Operations, Essex County Council, in connection with including Challenge 25 as a condition.

The application was properly advertised at the premises and in a local newspaper, it was also sent to 120 premises that fell within 150m radius of Shika Indian Takeaway.

(b) Presentation of the Applicant's Case

The applicant was hoping that his application would bring him more business. He had initiated a minor service providing alcohol with a meal. He was concerned that local businesses had been making complaints about the level of competition. He advised that his business had been experiencing a decline in sales recently. He told the sub-committee that he was flexible about closing times, they could be anytime between 9.00p.m. and 11.00p.m.

Mr Hussain said two complaints had been received about alcohol being supplied with food, he informed members that they don't currently sell alcohol, he said he had stopped giving away alcohol with food when they learnt it was illegal. The Senior Licensing Officer advised that alcohol given away when buying food was not considered free alcohol.

The applicant said that he was a personal licence holder, he had been in the business since 1983 and had passed an exam. He had opened a restaurant in Waltham Abbey where he did sell alcohol and had received no complaints. He had also run a restaurant in South Woodford and understood the Challenge 25 policy.

(c) Questions for the Applicant from the Sub-Committee

The Sub-Committee asked about the seating arrangements at the premises. Mr Hussain explained that there were sofas at the front of the premises where patrons waited to collect their orders, the food being kept behind counters.

The Sub-Committee asked whether they delivered to homes. The applicant advised that they did. He had two drivers and had instructed them that if it appeared there were children only at a delivery address then they would not be served the alcohol.

The members suggested that Challenge 25 should be put on the menu and advertising as well.

(d) Applicant's Closing Statement

The applicant said it was very hard trying to survive at the moment. Selling soft drinks only did not work commercially.

RESOLVED:

That the application for a New Premises Licence Application in regard to Shika Indian Takeaway, 164 Queens Road, Buckhurst Hill, IG9 5BD be granted subject to the conditions within the application, the conditions requested by Essex Police, Quality Assurance and Safeguarding (including IRO) Service Family Operations, Essex County Council and the conditions agreed by the Sub-Committee:

- (1) That alcohol be sold with a substantial meal for collection and delivery orders above a specified amount set by the management;
- (2) That alcohol be stored securely and customers shall not have access to where alcohol is stored;
- (3) That the premises will operate a Challenge 25 Policy, customers appearing under the age of 25 will be asked for photographic identification before the alcohol is sold, acceptable forms of ID are:
 - (a) Passport;
 - (b) Driving Licence;
 - (c) Military ID; and
 - (d) Accredited proof of age card bearing the "PASS" hologram.
- (4) That Challenge 25 will be promoted in the literature of the business;
- (5) That delivery drivers be aware of Challenge 25 and ask for ID if they doubt the customer's age; and
- (6) That when orders are it should be pointed out that if the person taking the delivery of the food looks younger than 25 and cannot provide appropriate identification, the food only will be delivered, and not the alcohol.

CHAIRMAN