

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 13 May 2014

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 12.55 pm
High Street, Epping

Members Present: K Angold-Stephens (Chairman), L Leonard, R Morgan and Mrs M Sartin

Other Councillors:

Apologies:

Officers Present: K Tuckey (Senior Licensing Officer), R Ferriera (Assistant Solicitor), S Kitts (Licensing Officer) and A Hendry (Democratic Services Officer)

148. DECLARATIONS OF INTEREST

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

149. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

150. 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 item 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 is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5	Application for a Hackney Carriage Driver's Licence – Mr Akar	1

151. HACKNEY CARRIAGE LICENCE - MR AKAR

The Sub-Committee considered an application by Mr N Akar for a Hackney Carriage Driver's Licence renewal. The Sub-Committee for this item consisted of Councillors R Morgan, M Sartin and L Leonard. In the absence of Councillor Angold-Stephens, due to lateness, Councillor Morgan chaired this item. 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 Licensing Manager 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. The Applicant answered a number of questions from members of the Sub-Committee, before making a short closing statement. The Chairman requested that the Applicant leave the Chamber whilst the Sub-Committee debated this application in private. The Chairman invited the Applicant back into the Chamber and informed him of the Sub-Committee's decision.

RESOLVED:

That a Hackney Carriage Driver's Licence renewal be granted to Mr N Akar, subject to the Council's standard terms and conditions.

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

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

153. MOLENS 209 D/E HIGH ROAD, LOUGHTON, ESSEX IG10 1BB

The three Councillors that presided over this item were Councillors K Angold-Stephens, M Sartin and L Leonard. The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was Mr M Timur, the applicant and Ms M Allison, the applicant's agent. Also in attendance were Mr P Brogan and Mr P Hinds as objectors.

The Licensing Officer, Ms S Kitts informed the Sub-Committee that the District Council had received an application for a new premises licence for Molens, 209 d/e High Road, Loughton. The application was for the sale and consumption of alcohol on site, Monday to Sunday. The responsible authorities had been notified and there had been no objections received from the fire authorities, safeguarding service and the quality assurance people. Essex Police had indicated that they had no representations to make should the applicant be willing to agree to four amendments to the application. The applicant agreed in writing to these amendments.

The District Council had also received seven representations from Loughton Town Council, a S Yamaguchi, S Lambden, Mr & Mrs Swift, C Elliott, Mr & Mrs Hinds and Mr & Mrs Brogan.

Presentation of the Applicants Case

The applicant's agent, Ms Allison said that they had amended the opening times to 10.30 to 23.00, and these would be for the area outlined on the ground floor plan circulated and the appropriate area marked in yellow. Following concerns raised they were now asking for the garden area to be excluded from the application.

This was a long established café that had been in existence for the last 16 or 17 years. The alcohol was for the benefit of their customers to enjoy with their meal.

She noted the objections from the neighbours but they were now mostly irrelevant as the garden did not now form part of the application. Also the cutting down of the trees and bushes were not relevant to the application. They had problems with the garden as it was bit of a dumping ground, overgrown and had problems with vermin. Environmental Health was informed and they have now just cleared up the overgrown area to tidy up the place.

The Café had not received any complaints since Mr Timur had been running it; he had been running these types of businesses for a long time and it was in his interest not to change his business plan.

Questions for the Applicant from the Sub-Committee

Councillor Angold-Stephens asked if they would be introducing the Challenge 25 policy and was told that they would be.

Councillor Angold-Stephens asked if they had applied for planning permission as yet. He was told by the Legal Officer that this was not a relevant question for licensing. However, Ms Allison said that they had got permission but were unsure about the front of the Café as yet, although they had submitted an application. The Legal Officer then asked if the front of the Café was part of the amended application. Ms Allison said this was still to be established. The Licensing Manager said they needed to establish if the outside of the premises, where the chairs and tables were, was part of the application. Ms Allison said that until this was established they would be happy to take it out of the application area for now.

Councillor Sartin noted that they had amended their times to a 10.30am start, but the Police had requested 11am would they be unhappy with an 11am start? Ms Allison replied that they would have no problem with an 11am start.

Councillor Sartin said they would be serving alcohol up to 11pm and would be closing at 11pm, would that also mean they would be serving food until 11pm as well. Ms Allison replied that as the closing time was 11pm, alcohol would be sold up until 10.30pm.

Councillor Leonard asked if they were going to use the garden area now that they have cleared it. Ms Allison replied that they have cleared it because it was untidy, but this area was not part of the application for alcohol consumption. They may use it to park customer's bikes and baby buggies; maybe also use it as a smoking area.

Councillor Leonard asked if at the front of the café they had folding doors open to the street. Ms Allison said that they had.

Councillor Sartin asked if any recorded music was to be played. Ms Allison replied that there would be no recorded music but they would have a TV playing in the background. The Legal Officer said this would be classed as incidental music.

Questions for the Applicant from the Objector

Mr Hinds said that they had a sign at the front advertising the garden, was that not a contradiction? Ms Allison agreed that there was a sign up but the activities would be to allow customers to park their bikes or baby buggies there.

Presentation of the Objectors Case

Mr Brogan noted that as part of their objection was the use of the rear garden, but this had been dealt with now. He noted that he could not object to any planning application here and wanted to know if he could object to the consumption of alcohol at the rear of the premises. The Licensing Officer noted that having seen the amended plans the garden area was not part of the application area. They would have to reapply for this area if they wanted to use it.

Closing Statement from the Objector

Mr Brogan noted that the closing times were now 11pm and this could cause noise and disturbance to residents; could this time be reduced. He noted that the matter of the garden area has been cleared up for now and they were waiting for the outcome of the planning application.

Closing Statement from the Applicant

Ms Allison said that she understood the objectors a view about the garden, but this was not now part of the application area. Our initial application had been for chairs outside in the garden but not now.

Concerns had been raised about littering outside, e.g. empty cans. But alcohol would only be served at the tables in glasses with food.

Priory Road was some distance from our garden area and the nearest resident was about 220 feet away. It's a High Road Café and needed to change to survive as a business. We do not want to cause any disturbance to others. This will have no direct effect on neighbouring properties.

If we wish to do things differently such as using the garden we would have to reapply and this could be objected to.

Consideration of the Application by the Sub-Committee

The Sub-committee asked the applicant and the objector to leave the chamber so that they could consider the application. They received no advice from officers.

RESOLVED:

That the application for a premises licence for Molens, 209 d/e High Road, Loughton, Essex IG10 1BB be granted subject to the following amendments:

- 1) That the hours for the sale/supply of alcohol be changed to 11.00 to 22.30;
- 2) That the sale of alcohol be ancillary to a table meal only;
- 3) Patrons who leave the premises for any reason will not be permitted to take any drinks or glass containers with them;
- 4) The Challenge 25 policy to be implemented;
- 5) Notices asking customers to leave quietly will be displayed;

- 6) Any lights, including security lights to the rear of the premises to be directed downwards, so as not to disturb or cause a nuisance to neighbours;
- 7) The area in the front of the Café to be excluded from the licensed area; and
- 8) Rubbish to be disposed off in such a manner that will not cause a nuisance to adjoining premises / neighbours.

154. MARTINS, 3 BROOK PARADE, CHIGWELL, ESSEX IG7 6PE

The three Councillors that presided over this item were Councillors K Angold-Stephens, R Morgan and L Leonard. The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was Ann-Marie Taylor, the applicant's Solicitor and Martin Kiy the regional manager for McColls Retail Group. Also in attendance were a Mr K Ali and his brother as objectors.

The Licensing Officer, Ms S Kitts informed the Sub-Committee that the District Council had received an application for a new premises licence for Martins, 3 Brook Parade, Chigwell, Essex IG7 6PE by McColls Retail Group. The application was for the sale of alcohol, Monday to Sunday. The responsible authorities had been notified and there had been no objections received from the fire authorities, safeguarding service, police and the quality assurance people. Nine representations had been received, including one from Chigwell Parish Council, along with two petitions, with 24 names on each.

Presentation of the Applicants Case

Ms Taylor noted that this was for the consumption of alcohol off the premises and was to improve the convenience element of the store, this being part of the company's national plan. They were not turning this store into a full off-licence as they would still stock other items. They already sold alcohol at other stores and have set procedures for this. Their plan of the store shows the alcohol displayed away from the door.

Their CCTV images would be retained for 31 days and a member of staff would be available at all times for the operation of the CCTV equipment. They would have a Challenge 25 scheme in place and an interactive till to remind the till operator to confirm the age of the customer if in doubt. They would then have to confirm that they had seen the ID or record that they had refused the sale.

The staff would receive regular training on the selling of alcohol and on the legal and social affects this had. They would have refresher training three times a year.

As for objections received, Essex Police and the safeguarding services had raised none. There were no objections raised under crime and disorder. There were other objections relating to the number of places supplying alcohol in the area, but other outlets selling alcohol in that area were not a licensing matter.

As for the matter of public nuisance, concerns had been raised about possible anti-social behaviour. This was a general concern but it had not been supported by any evidence. Anti-Social behaviour was not part of Licensing once outside the application site. Also, no cumulative impact on the area had been proved.

The matter of children consuming alcohol, it was not legal to sell alcohol to children. We carry out test buying and training for all our staff. Our manager has never had

any problems at this store. As for protecting children from harm that has been addressed by our due diligence procedures.

Another objection raised was that we would start a price war on the parade that would encourage more drinking. However, our prices are set centrally for our stores so we cannot participate in a price war.

The store will only be opened until 8pm – the reason we have put 11pm on our application form was that we do this for consistency for all stores across the county.

In conclusion you would need specific reasons not to grant our application. There have been no objections received from the police and we have proved we have regard to due diligence in our procedures and if necessary the police have the power to review our licence.

Questions for the Applicant from the Sub-Committee

Councillor Angold-Stephens asked what their current hours of operation were and was told that they were from 06.00 to 19.00.

Councillor Angold-Stephens asked if they proposed to keep the post office open until 8pm and was told that they did.

Councillor Angold-Stephens said that they had declared that this would not be an off-licence, could they explain that statement. Ms Taylor replied that what they had meant was that was not the primary purpose of the store.

Councillor Leonard asked if this was a convenience store and was told that yes, it was designated as a food and wine store by their company.

Councillor Angold-Stephens noted that the current application was for 6.00 to 23.00. Ms Taylor said at present it would only be until 8pm as this was their national policy.

Councillor Morgan asked the licensing officer if they knew what the opening times were of the other shops in the area. The licensing officer said she did not have the information at present.

Councillor Leonard noted that the applicants were asking to sell alcohol from 6am, was this not too early? Ms Taylor said that normally they did not get people buying alcohol that early but sometimes they did get shift workers or people planning their evening coming in to buy alcohol. This was just so they could be more convenient for their customers.

Questions for the Applicant from Objectors

Mr Ali noted that there were a group of teenagers who hung around the parade and his store had CCTV picture that were available to the police. He noted that 'Martins' had some problems about 6 weeks ago. Ms Taylor said there as far as she knew there were no issues with any problems outside the store. And the Police had made no objections to their application.

Presentation of the Objectors Case

Mr Ali noted that he had two petitions with a total of 48 signature citing potential nuisance and noise from the premises. He noted that there were public safety issues

as well. The potential problems on nuisance and noise may have a bearing on his Human Rights.

Questions to Objector from the Sub-Committee

There were no questions for the objector.

Questions to the Objector from the Applicant

There were no questions for the Objector.

Closing Statement from the Objector

The Objector had nothing to add to his previous statement.

Closing Statement from the Applicant

Ms Taylor appreciated the concerns raised but noted that they would have CCTV and the Challenge 25 scheme in place. There was no evidence linking this application to anti-social behaviour especially as no objections were raised by the police. She also noted that the Human Rights factor could not be taken into account as it was not part of the Licensing Application.

Consideration of the Application by the Sub-Committee

The Sub-committee asked the applicant and the objector to leave the chamber so that they could consider the application. They received no advice from officers.

RESOLVED:

That the application for a premises Licence for Martins, 3 Brook Parade, Chigwell Essex, IG7 6PE, be granted subject to the council's standard conditions.

CHAIRMAN