

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 20 June 2018

**Place:** Council Chamber, Civic Offices, High Street, Epping                      **Time:** 10.00 am - 12.50 pm

**Members Present:** M Sartin (Chairman), S Heather, J Jennings and R Morgan

**Other Councillors:**

**Apologies:** L Hughes

**Officers Present:** J Leither (Democratic Services Officer), A Mitchell (Assistant Director (Legal Services)), H Ibrahim (Licensing Officer), D Houghton (Licensing Compliance Officer) and D Bastick (Licensing Compliance Officer)

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### 1. DECLARATIONS OF INTEREST

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

### 2. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

### 3. 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 should be excluded from the meeting for the items of business set out below on grounds that they would involve the likely disclosure of exempt information as defined in the following paragraph of Part 1 of Schedule 12A of the Act (as amended) or were confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
5	Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 – Driver's Licence H803 Mr Nuri Akar	1

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - DRIVER'S LICENCE H803 - MR NURI AKAR**

The Sub-Committee considered a review of the current Hackney Carriage Driver's Licence in respect of Mr N Akar. The three Councillors that presided over this item were Councillor M Sartin (Chairman), Councillor J Jennings and Councillor S Heather. Members noted that Officers did not have delegated powers to determine the revocation of this licence 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 Compliance Officer informed the Sub-Committee of the circumstances under which the applicant was brought to this Sub-Committee.

The Applicant made a short statement in support of his case 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 considered the application.

The Chairman invited the Applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That the Sub-Committee agreed that the Hackney Carriage Driver's Licence for Mr N Akar be revoked as they considered the applicant was not a fit and proper person to hold such a licence due to:

- Being brought before this Sub-Committee on three previous occasions;
- Not complying with licensing conditions; and
- Not informing the Council of further driving offences that he had received.

**5. INCLUSION OF PUBLIC AND PRESS**

**RESOLVED:**

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

**6. APPLICATION TO VARY A PREMISES LICENCE FOR TOM, DICK AND HARRY'S, 153 HIGH ROAD, LOUGHTON, IG10 4LF**

The three Councillors that presided over this item were Councillor M Sartin (Chairman), Councillor R Morgan and Councillor S Heather.

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 Applicants, Mr Alan Thomas, Solicitor, Mr Lee Newton, CEO, Media 10, Ms Jane Musgrove, Media 10 and Nigel Sutcliffe the Designated Premises Supervisor (DPS). Also in attendance was an objector from Loughton Town Council, Councillor Carol Davies, and the Essex Police Licensing Officer, Mr Peter Jones.

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

The Licensing Compliance Officer introduced the application to the Sub-Committee. An application had been received on the 12 May 2018 from Crown House Investments Limited, the Premises Licence Holder for a variation to the premises licence at 153 High Road, Loughton IG10 4LF.

The application was for a variation to the current licence to:

- extend the hours for the sale of alcohol from 23:00 to 00:00 Monday to Saturday (Sunday would remain the same) and to extend the opening hours from Monday to Saturday 23:30 to 00:30 (Sunday would remain the same);
- include the external seating area in the licensed area;
- add late night refreshment Monday to Saturday from 23:00 to 00:00;
- add conditions relating to waiter service and the external area and remove conditions relating to door supervision and those considered unnecessary for a restaurant-type operation, as further detailed in the amended licence attached to the agenda (Premises A); and
- amend the layout of the premises as shown on the plan attached to the agenda.

The responsible authorities had received a copy of the application and noted that it had been properly advertised at the premises and in a local newspaper. All residences and businesses within a 150 meter radius of the premises had been individually consulted. The Council had received fourteen representations from local residents and one from Loughton Town Council, which related to:

- the prevention of public nuisance;
- the protection of children from harm;
- crime and disorder; and
- public safety.

The Essex Police Licensing Officer had no objections as additional conditions had been agreed by the applicant and the Environment and the Council's Environment and Neighbourhoods Manager also had no objections as additional conditions submitted by the Council had been agreed by the applicant. These conditions were attached to the agenda.

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

The Applicant's Solicitor Mr Thomas advised the Sub-Committee that the Applicant, Crown House Investments Limited was a wholly owned business of the Media 10 Group. Crown House Investments were a local business situated in Loughton and employed over 250 people. The Applicant's Solicitor stressed that the Applicant had no connection whatsoever with the previous business that was run from the premises.

The Applicant stated that Crown House Investments were in complete agreement with local residents and were in favour of the Nu Bar closing down this then enabled them to buy the building and the business. The new business was a brasserie style restaurant in the community for the community and the applicants did not want to be judged on the previous business that had operated at the premises beforehand.

The Applicant's Solicitor advised that the DPS had worked in the hospitality business for over 25 years and reiterated that Tom, Dick and Harry's was a food concept which

would be open seven days of the week. At present the premises was licensed as a vertical drinking establishment but to gain the trust of the local residents the applicant was willing to condition the licence to waiter/waitress service only apart from the immediate bar area where it was proposed to place bar stools (see hatched area around the bar on the plan attached to the agenda).

The Applicant's Solicitor stated that the outside dining area would be a raised area and would be cleared of patrons by 23:00 each evening, there would be recorded background music playing through the restaurant and there would not be any speakers situated in the hallway entrance or outside of the restaurant. There would also be from time to time non-amplified live music.

The Applicant's Solicitor stated that the applicants had worked with the Police and the Environment and Neighbourhoods department at the Council and had accepted all of the extra conditions that they had both imposed.

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

The Sub-Committee asked if there was a separate smoking area. The Applicant advised that there was an area at the back of the premises which could be used but he would rather the decked area at the front be used and reiterated that no drinks would be allowed outside after 23:00.

The Sub-Committee asked if there would be any heating outside. The Applicant stated that there would be heaters but that they would be attached to the building.

The Sub-Committee asked if there was disabled access into the restaurant. The Applicant advised that there was disabled access into the restaurant along the decked area.

The Sub-Committee asked if the DPS would be on the premises all of the time during the opening hours. The Applicant's Solicitor replied that when the restaurant first opened the DPS would be there a large majority of the time but when the business was up and running his hours would reduce. He also stated that when the DPS was not on the premises there would be more than adequate supervision and advised that the premises was covered by CCTV.

The Sub-Committee stated that the beginning of the week was less busy in the evenings compared with the end of the week and weekends and asked the Applicants if they would consider closing earlier at the beginning of the week. The Applicant replied that he would prefer the opening hours to be consistent all of the week as a business could not rely on making all of their money at the weekend.

The Sub-Committee asked if customers sat at the tables inside would the expectation be that they would be served food. The Applicant stated that he would expect customers to order food but if they only ordered drink then they would not be turned away.

The Sub-Committee asked if you were not busy and had no customers would you close early. The DPS advised that they would.

**(d) Questions for the Applicant from the Objector**

The objector had no questions.

**(e) Presentation of the Objectors**

Councillor C Davies advised that whilst she was waiting for the Licensing meeting to start she had an opportunity to speak with the Applicants and was pleased to hear about their plans for the premises at 153 High Road, Loughton. She stated that Loughton Town Council were aware that the new owners had no association with the previous owners but as Councillors, they had to take on the views and speak for the residents of Loughton. The biggest issue of the residents was around trust as the residents had lost all trust with the previous owners and therefore felt that any new business would have to build and gain the trust back of the residents. There was concern with the outside area and that was why Loughton Town Council had asked for the outside area to be closed at 21:00. The Town Council could potentially see the outside area as a possible conflict area in a residential area.

**(f) Questions for the Objector from the Sub-Committee**

The Sub-Committee had no questions for the objector.

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

The Applicant's Solicitor stated that there was a clear area of footway around the premises and asked Councillor Davies how near was the existing residential area. Councillor Davies replied that the premises was on a busy junction and the residential area was less than 50 yards away.

**(h) Closing Statement from the Objectors**

Councillor C Davies stated that she was pleased to have spoken to the applicants about their plans for this business but pointed out that if the applicants got their licence and things went wrong then they would be back peddling, therefore it would be better if they got their licence for the outside area to close at 21:00 and then gain the trust of the residents and come back at a later date for a variation to extend the hours of opening for the outside area to 23:00.

**(i) Closing Statement from the Applicant**

The Applicant's Solicitor stated that the company who owned this new business also owned several other business in the area. They were a no nonsense company and had agreed with all of the additional conditions by the Police Licensing Officer and the Council's Environment and Neighbourhoods Manager. Therefore the opening hours should remain the same as had been applied for and if there were any complaints they could always be called back to the Sub-Committee to have their licence reviewed.

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

The Sub-Committee retired from the chamber to consider the application in private session. During their deliberations the Sub-Committee received the following advice from their advisory officers:

A condition had been offered that no music would emanate from the premises and would not be heard at the boundary of any noise sensitive accommodation in the vicinity of the premises. There was case law that casted doubt on whether this was enforceable but there was protection against nuisance under the environmental law and any public nuisance would be against the licensing objectives and could lead to a review.

**RESOLVED:**

That the application to vary a premises licence for Tom, Dick and Harry's, 153 High Road, Loughton IG10 4LF be granted subject to the following conditions which in the opinion of the Sub-Committee were reasonable, proportionate and in the public interest for the promotion of the licensing objectives:

- 1) Subject to the existing conditions on the licence modified as stated on pages 99 to 111 attached to the supplementary agenda; and
- 2) for the prevention of crime and disorder and public nuisance.

**CHAIRMAN**