

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 4 September 2012

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 3.00 pm
High Street, Epping

Members Present: R Morgan (Chairman), A Boyce, P Spencer and Mrs T Thomas

Other Councillors:

Apologies:

Officers Present: R Ferriera (Assistant Solicitor), Ms N Glasscock (Licensing Enforcement Officer), S Moran (Licensing Officer), N Clarke (Licensing Officer), David Baker (Planning Support Assistant), C Smith (Environment and Neighbourhood Officer) and A Hendry (Democratic Services Officer)

29. DECLARATIONS OF INTEREST

Councillor T Thomas declared a non-pecuniary interest in agenda item 5, The Wheatsheaf, 15 York Hill, Loughton and agenda item 6, The White Bull, 2 Centric Parade, Loughton; by virtue of being a member of the Loughton Residents Association.

30. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

31. SHELL UK, 124 MANOR ROAD, CHIGWELL

The Members who presided over the application were Councillors R Morgan, A Boyce and T Thomas.

The Chairman welcomed the participants and introduced the Members and Officers present and then requested that the participants introduce themselves to the Sub-committee. In attendance was the site operator Mr G Nareshkumar with Mr N Nareshkumar, and their legal representative Mr L Charalambides. In attendance as an objector was Mr H Clare.

(a) The Application before the Sub-Committee

The Legal Officer outlined the application for Shell UK Oil products at 124 Manor Road, Chigwell. The application was for was for the provision of late night refreshment, indoors between 23.00 and 05.00 hours Monday to Sunday and the supply of alcohol – off premises from 00.00 to 24.00 hours Monday to Sunday.

The premises are to be open to the public from 00.00 to 24.00 hours Monday to Sunday.

A number of objections had been received from local residents.

(b) Presentation of the Applicant's Case

The Applicant's legal representative explained that the application had been amended after consultation with local residents. They were now requesting that the hours be reduced for the sale of alcohol from 24 hours to 06.00 to 23.00 hours seven days a week. Sales would only take place through the night hatch between the hours of 23.00 and 06.00.

He noted that the sale of late night refreshments would be restricted to the provision of hot drinks and snacks that are heated in a microwave (for example pasties and sausage rolls) and they were happy for this to be conditioned.

He realised that there were a lot of fears and perceptions about late night venues but these were not based on facts. The police had reviewed this and had no concerns.

He tabled a 'due-diligence' information sheet; this detailed the how the garage would operate. He also noted that they would be giving their staff any relevant training needed and would also be operating a 'Challenge 25' policy. They would also keep a refusal and an incident log, both would be available to the Police on request.

Measures were in place to meet the concerns raised; there would be no individual sales of cans and bottles, they would all be sold in multi-packs, the higher prices would deter the casual drinker. The site operator has 5 other sites providing similar services and is an experienced operator. The designated supervisor has held his licence since 1990 is also a very experienced, seasoned operator.

(c) Questions by the Sub-committee

The Sub-committee had no questions for the applicant.

(d) Questions from the Objector

Mr Clare asked if any of the applicants lived near to an all night service station. They replied that they did not.

(e) Presentation of the Objector's Case

Mr Clare said that he had lived there for 10 years. He regarded this application as just a way for making more money. This was a very busy station that tended to have a lot of Anti Social Behaviour. If the sale of alcohol was allowed then it would result in more crime and more Anti Social Behaviour (ASB). He noted that when the Pub was there, that too generated a lot of ASB. He did not agree that the higher prices to be charged would deter the casual drinker or stop any ASB.

This was a residential area, he had no problems with the station being there, but allowing it to sell alcohol would increase the ASB. As for keeping the refusal and incident logs, this was just a box ticking exercise and would not help in the prevention of ASB. Youths would congregate here. And there was video evidence of ASB filmed over the past few years from across the street.

(f) Questions to the Objector from the Sub-Committee

Councillor Boyce asked if the objector knew of any ASB incidents occurring in the last couple of years. Mr Clare said that there were regular incidents occurring especially when the pub was open.

The Chairman explained that the sub-committee had received no objections from the Police concerning ASB grounds and nor did they have any video evidence.

(g) Questions for the Objector from the Applicant

The applicant had no questions.

(h) Objector's Closing Statement

Mr Clare urged the sub-committee to read the other letters from local residents – they were not based on fears and perceptions about ASB but rather on facts. They were all fair minded people who were worried that this application would cause a lot more ASB.

(i) Applicant's Closing Statement

The Applicant's legal representative urged the sub-committee to grant the application. There were no independent verifiable facts about ASB.

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

The Sub-committee retired to consider the application in private session. They received no advice from officers.

RESOLVED:

That the application for a premises licence for Shell UK Oil Products Limited at 124 Manor Road, Chigwell, Essex IG7 5PP be granted for:

- the provision of late night refreshment – indoors between 23.00 and 05.00 hours Monday to Sunday inclusive;
- the provision of late night refreshment to be restricted to the sale of hot drinks and snacks which can be heated in a microwave/coffee machine;
- supply of Alcohol - Off Premises from 06.00 to 23.00 hours Monday to Sunday inclusive;
- the Sub-committee added a condition that litter bins be provided within the curtilage of the site to reduce the impact on local residents.

32. THE WHEATSHEAF, 15 YORK HILL, LOUGHTON

The members who presided over the application were Councillors R Morgan, A Boyce and P Spencer.

The Chairman welcomed the participants and introduced the Members and Officers present and then requested that the participants introduce themselves to the Sub-committee. In attendance was the site applicants Mrs Janet Smith, Mr James Smith and Mr Peter Smith. In attendance as an objector was Mr David Linnell on behalf of the Loughton Residents Association and a number of local residents. District Councillor Mrs C Pond was also in attendance.

For the District Council was David Baker, of the Council's Planning Directorate and Chris Smith of the Council's Environment Directorate.

(a) The Application before the Sub-Committee

The Legal Officer outlined the application for 'Fifteen' (The Wheatsheaf), 15 York Hill, Loughton, which had applied to add recorded music and to extend their licensing times.

A number of objections had been received from local residents, the Loughton Residents Association, Loughton Town Council, the Hill's Amenity Society and the ward councillor.

The Applicant had agreed conditions with Essex Police.

(b) Presentation of the Applicant's Case

The applicant said that at present they are open until 23.00 hours. Other premises have later opening hours than they had. They had newly refurbished the premises in keeping with the area.

They have been in business for 35 years and were happy to reach a compromise as there have been a lot of objections on the grounds of noise. They have made efforts to reduce the noise from their premises so much so that that their business has been reduced by 30 to 40%. They have asked to play background music only with no live music or DJ's. The council's Planning Officer has also agreed that we had reduced our noise levels. We close our doors and windows at 8pm to reduce the noise levels to the outside. Our competitors open later and make more noise. There have been no Anti Social Behaviour and no police objections.

(c) Questions from the Sub-Committee

Councillor Boyce said that they were asking for a 1am closing time. Were they willing to negotiate? Mr Smith replied that they were; he was surprised at the number of objectors here today. No neighbours had complained and we have never had to call the police. We have also installed a 'Challenge 25' policy. They would offer a 00.00 hours finish time for Friday and Saturday nights and 23.00 hours for all other nights.

Councillor Morgan asked if this meant that they would stop selling alcohol at midnight and close the premises at 00.30 hours. Mr Smith agreed this was right.

Councillor Spencer asked if they were likely to increase their noise levels to get their customers back. Mr Smith said that they would not. They would make it more comfortable for customers to stay.

(d) Questions from the Objectors

Mr Linnell asked if there would be any limit on the number of people allowed in. Mr Smith said that there was limit of 100 people and it would be supervised by security on the door.

Mr Linnell then asked how many people were allowed to smoke outside after 11pm. Mr Smith replied that they allowed five persons at any one time, this was controlled by the door staff. They had trialled this last weekend but found it hard to keep it to just five. Now that there is a law that says that people cannot smoke inside, how do you stop people from smoking outside. They were happy to limit to a more sensible number other than five.

Mr Linnell asked if there were any plans for sound proofing to be installed. Mr Smith said that they had looked at that, as well as installing air conditioning but it was too expensive for them to install at present.

Mr Linnell asked if they had a licence for music. Mr Smith replied that that it was just for background music only, which is why they kept the door closed.

Mr Evans then asked about the provisions of bouncers and why was it necessary. Mr Smith said they were not bouncers more door staff to stop youngsters coming in. They were trying to make it a place for the older generation. They were also there to stop glass ware being taken out.

Councillor Pond asked what progress had been made to reduce noise. She was told that they had made substantial progress in keeping the noise inside their premises.

Mr Jarvis, an objector, asked how they proposed to stop people using the 'Zizzi' car park. Mr Smith said there was nothing they could do as it was not their premises and so could not regulate it.

Mr Caruso, an objector, asked why they decide to build a terrace and not put in air conditioning. He was told that they wanted to enhance their business.

(e) Council Officer's Statements

Chris Smith, the Council's Environment and Neighbourhood Officer said he had asked for a number of conditions in his letter dated 20 July 2012. He also noted that noise complaints on music had greatly reduced and were now mainly about people on the terrace. He had asked for the outside areas to be cleared by 11.00 pm. There have been about 40 to 60 people outside. The noise from that amount of people may cause a lot of noise, spoiling a local resident's quality of life. Officers felt that at 11.00 pm most people want to go to bed so a large amount of people outside would cause problems. The noise from outside areas should be controlled and if not I would recommend the application be refused.

Councillor Spencer asked how they could do this. Chris Smith said that he had recommended that they limit the hours the area was used or limit the number of people allowed outside. We have asked the applicant's opinion on this.

Mr James Smith said that that were willing to get people in at about 11.00 pm from the terrace.

Councillor Morgan asked about smokers after 11.00 pm. Mr Smith said that this was difficult but they would try and limit it again to 5 people at a time.

David Baker, Planning Officer, said as a general the other competitor establishments were on the main road. This property is off the High Street, down a narrow street. There were houses in the immediate vicinity of the premises. We would be happy to have a closing time of 12/12.30 and would then withdraw our objections. We would also like people not to be allowed on the terrace after 11.00pm and would further ask that smokers are not allowed to take their drinks out after 11.00pm when they go out to smoke.

(f) Presentation of the Objector's Case

Mr D Linnell, Loughton Residents' Association, said that they had sent letters to local residents and made them as factual as possible. They had received a lot of

objections to this application, mostly about concerns about late opening hours. We are grateful to the applicants for being so open; but this was in the middle of a residential area. As for smokers, any noise after 11.00pm would disturb residents. We ask that the licence be reduced to 11.00pm. There are parking problems here which provide concerns for public safety and for the access for emergency vehicles. We would like conditions imposed that they would not take glasses outside, that litter bins be provided and bottles be thrown away only during normal daytime hours.

Mr M Evans, an objector, said that in 40 years there had not been any problems and in the last few weekends the noise has been reduced. But the people outside (on the terrace) caused a lot of noise. What was a neighbourhood pub has been turned into a night club, causing a lot of parking problems.

Ms S Moran, the Licensing Enforcement Officer, commented that a lot of the objections were not relevant to the licensing act such as the road being blocked. This has to be addressed by the police of the Highways Authority. Any objection concerning the protection of children has to be something to do with the pub and not outside it. Also could the applicants clarify if they wanted to have the Challenge 25 or 21?

Mr Evans said there were concerns about large numbers congregating outside that could be intimidating. They now have bouncers and doormen, extending the hours would increase the problems. I propose that they sell alcohol to 11.30pm and close at midnight. The present application should be rejected.

District Councillor C Pond was representing Loughton Town Council and as the district ward councillor. She said this was a residential area off the High Road and was also a conservation area, more pleasant than the High Road. It was a very narrow street at places with no pavements. Extending the hours would increase the noise and nuisance.

(g) Questions to the Objectors from the Sub-Committee

The sub-committee had no questions.

(h) Questions for the Objectors from the Applicants

The applicants had no questions for the objectors.

(i) Objector's Closing Statement

Mr Linnell suggested an 11.30 / 12.00 close and asked that the business of the smokers going out after 11pm be addressed.

(j) Applicant's Closing Statement

The applicant informed the sub-committee that they had drawn up a noise management plan covering patron noise control. They had an over 21 policy which the Police advised should be a 'Challenge 25 Policy', which they now offer. They have door staff to control patrons and have installed signs inside and out. Taxi firms will be informed of their noise management plans.

As for access, I have seen police and fire engines come up the road in the last few weekends.

Our doors and windows will be kept closed and we are happy to give our telephone number to residents to address problems. We are also happy to limit our hours to 12 for alcohol and close at 12.30am.

(k) Consideration of the Application by the Sub-Committee

The Sub-committee retired to consider the application in private session. They received no advice from officers.

RESOLVED:

1. That the application for a variation of an existing Premises Licence for Fifteen (The Wheatsheaf), 15 York Hill, Loughton, be granted so that Fridays and Saturdays closing times be extended to 00.30 hours and the sale of alcohol ending at 00.00 hours.
2. That on Mondays to Thursday, and Sundays, the sale of alcohol will cease at 23.00 hours with the closing time to be 23.30 hours.
3. That the provision of recorded music (indoors only) be granted for the following times:
 - Monday to Thursday from 11.00 to 23.00 hours;
 - Friday and Saturdays 11.00 to 00.00 hours;
 - Sundays 12.00 to 23.00 hours.
4. That the conditions agreed with the Police and recorded in their letter dated 30 July 2012 be agreed; with the condition under Public safety be altered to 11pm and the word drinks be added, so that it reads: "No glassware/drinks will be permitted outside after 23.00 hours."
5. That the conditions outlined by Chris Smith, the Environment and Neighbourhood Officer in his letter dated 20 July 2012, be agreed with some amendments. They were:
 - No speakers are to be placed outside the building;
 - All outside areas should be cleared of customers after 23.00 hours (until the premises reopens in the am);
 - Clear and prominent notices shall be displayed by entrances and exits and within the outside areas requesting customers to respect the needs of local residents and to leave the premises and area quietly;
 - All windows and doors should be kept closed whilst regulated entrainment was occurring;
 - The Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance.
6. That Smokers asked to keep the noise levels to a minimum when smoking outside the premises;
7. That 'Challenge 25' be implemented;
8. That litter bins are to be provided within the curtilage of the premises;
9. That the disposal of bottles/glassware be undertaken between the hours of 09.00 and 20.00 hours;

10. That a noise management plan is to be made available to responsible authorities on request;
11. That taxi firms be notified of the noise management plan;
12. That contact names and numbers be made available to local residents when requested; and
13. That the Councils standard mandatory conditions are applied as applicable.

33. THE WHITE BULL, 2 CENTRIC PARADE, LOUGHTON

The members who presided over the application were Councillors R Morgan, A Boyce and P Spencer.

The Chairman welcomed the participants and introduced the Members and Officers present and then requested that the participants introduce themselves to the Sub-committee. In attendance were the applicant Mr L Whitelock and his legal representative Mr K Hoddinott. In attendance as an objector was Mr David Linnell on behalf of the Loughton Residents Association.

(a) The Application before the Sub-Committee

The Legal Officer outlined the application for the White Bull, 2 Centric Parade, Loughton for a variation of an existing Premises Licence. The applicant was requesting the addition of live music and the extension of time to various activities including opening times and the sale of alcohol. They would also like the removal of the condition 1 and 2 of Annex II of their existing licence.

A number of objections had been received from local residents, the Loughton Residents Association and Loughton Town Council.

Essex Police have agreed new conditions with the applicant and so have the Council's Environmental Health and Neighbourhood team.

(b) Presentation of the Applicant's Case

Mr Hoddinott started by saying that the establishment was now known as 'Whites' and had originally been granted their licence under "grandfather rights". He outlined their case saying that along with varying their hours and adding live music, they wanted to remove the now outdated conditions listed in Annex II of their existing licence.

(c) Questions from the Sub-Committee

The Sub-committee had no questions for the applicant.

(d) Questions from the Objector

Mr Linnell asked what the upstairs/downstairs split was for people attending the club. He was told that there was no particular split in force now that they had reconfigured their bar area.

Mr Linnell asked how many would be seated and was told it would be 45 people downstairs.

Mr Linnell then commented that there had been a number of disturbances; could he comment on what happened and on the extended opening hours. Mr Hoddinott replied that the problems seemed more applicable to the High Road and not to this premises. We will not have any Music after 01.30 hours. We also use toughened glass and have door staff who do not allow drink to be taken off the premises. We are expensive and do not get loutish customers. The disturbances were general comments and not specific to our establishment.

Ms Glasscock, the Licensing Enforcement Officer, noted that the incident had not been attributed to 'Whites' at all.

Mr Linnell then pointed out the email from Mr Crouch about a recent fight outside the premises. Ms Glasscock replied that this was the first time that Licensing Officers had been informed of this and therefore officers could not establish what had happened.

(e) Presentation of the Objector's Case

Mr Linnell said that there were a number of late night venues, the question here was of a cumulative affect. This is a residential area. With 210 people coming out at 2am would cause a lot of disturbance to local residents.

(f) Questions to the Objector from the Sub-committee

Councillor Spencer asked why there was no evidence from the Police. Mr Linnell said there was nothing from the Police one way or the other for you to decide upon.

Ms Glasscock commented that any complaint they received, they would look into to attribute it to any premises. There were no problems associated with this premises.

(g) Questions for the Objector from the Applicant

Mr Hoddinott asked if Mr Linnell could name other premises in the area. Mr Linnell said there were the Lux Bar and the Nu Bar and also a Café.

Mr Hoddinott then asked how far they were from his premises. Mr Linnell said the Lux Bar was further away than the Nu bar. It was about 50 yards to the nearest one. Mr Hoddinott replied that Whites was 200 metres from the Lux and Nu Bars and 200 to 300 metres from the Wheatsheaf. Also, they were not always full to capacity. Mr Linnell replied that nevertheless, it would be a considerable amount of people coming out at the same time.

(h) Objectors Closing Statement

The objector had nothing to add.

(i) Applicant's Closing Statement

Mr Hoddinott said that they had offered conditions and had agreed terms with the relevant authorities. They had sought to work with all authorities and the local communities. They had never had any representations made about their one off late night opening events.

The Legal Officer, Ms Ferreira asked if they were also looking to reconfigure their premises as part of their application. Mr Hoddinott said they were.

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

The Committee retired to consider the application in private session. They received no advice from officers.

RESOLVED:

(1) That the application for a variation of an existing Premises Licence for the White Bull, 2 Centric Parade, Loughton, be granted so that live music be added and extended times for the following:

- **Live Music:** Monday to Thursday 20.00 to 24.00 hours; Friday and Saturday 20.00 to 01.30 hours and Sundays 20.00 to 24.00 hours.
- **Recorded Music:** Monday to Thursday 20.00 to 24.00; Friday and Saturdays 20.00 to 01.30 hours and Sundays 20.00 to 24.00 hours.
- **Provision of facilities for dancing:** Monday to Thursday 20.00 to 24.00 hours; Friday and Saturdays 20.00 to 01.30 hours and Sundays 20.00 to 24.00 hours.
- **Late Night Refreshment:** Monday to Thursdays 23.00 to 24.00 hours; Friday and Saturdays 23.00 to 01.30 hours and Sundays 23.00 to 24.00 hours.
- **Sale of Alcohol:** Monday to Thursdays 11.00 to 24.00 hours; Friday and Saturdays 11.00 to 01.30 hours and Sundays 11.00 to 24.00 hours.
- **Opening Hours:** Monday to Thursday 11.00 to 24.30 hours; Friday and Saturdays 11.00 to 02.00 hours and Sundays 11.00 to 24.30 hours.

(2) The conditions are to be as set out and as agreed with the Police in their letter of 6 August 2012 and as agreed with the Environment and Neighbourhoods Officer as set out in his letter dated 27 July 2012.

(3) That the removal of conditions 1 and 2 of Annex II of their existing licence be agreed.

(4) That the internal the re-configured layout of the premises be agreed.

CHAIRMAN