

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Licensing Sub-Committee **Date:** Tuesday, 3 April 2018

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 am - 1.20 pm

**Members Present:** Councillors R Morgan (Chairman), J Jennings and A Lion

**Other Councillors:**

**Apologies:**

**Officers Present:** D Houghton (Licensing Compliance Officer), D Bastick (Licensing Administrator), R Ferriera (Assistant Solicitor) and R Perrin (Democratic Services Officer)

### **78. Declarations of Interest**

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

### **79. Procedure for the Conduct of Business**

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

### **80. 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):

| <b>Agenda Item No</b> | <b>Subject</b>   | <b>Exempt Information Paragraph Number</b> |
|-----------------------|--|--|
| 5                     | Application for a Hackney Carriage Driver's Licence – Mr Faruk Ahmed | 1  |
| 6                     | Application for a Hackney Carriage Driver's Licence – Mr Zoeb Hasan  | 1  |

**81. Application for a Hackney Carriage Driver's Licence - Mr Faruk Ahmed**

The Sub-Committee considered an application for a Hackney Carriage Driver's Licence by Mr F Ahmed. The three councillors that presided over this item were Councillor R Morgan (Chairman), Councillor J Jennings and Councillor A Lion. 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 wife and introduced the Members and Officers present. The Licensing Officer informed the Sub-committee of the circumstances under which the licence could not be dealt with under delegated authority.

Members were reminded by the Council's Legal Officer of the relevant clauses from the EFDC Council's Hackney Carriage Driver's Licence Guidance and the Public Hire Licensing: Guidance on Decision Making which was read out.

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 considered the application.

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

**RESOLVED:**

That the applicant for a Hackney Carriage Driver's Licence for Mr Ahmed be refused.

**82. Application for a Hackney Carriage Driver's Licence - Mr Zoeb Hasan**

The Licensing Officer advised the Sub-Committee that Mr Z Hasan had requested that his application be deferred to a future meeting as he was unable to attend.

**RESOLVED:**

That the application for a Hackney Carriage Driver's Licence for Mr Z Hasan be deferred to a future meeting.

**83. Inclusion of Public and Press****RESOLVED:**

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

**84. New Premises Licence application for Belgique, 242-244 High Street, Epping, Essex, CM16 4AP**

The three Councillors that presided over this item were Councillors R Morgan, J Jennings and A Lion.

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 Mr M Borysiewicz for Belgique Epping Ltd and Mr C Keen, the Group Manager for Belgique. A representative from Epping Town Council, Councillor B Scruton was also in attendance.

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

The Licensing Officer introduced the application for a new Premises Licence under the Licensing Act 2003. The application had been made by Belgique, 242-244 High Street, Epping CM16 4AP. The application was for the sale of alcohol both on and off the premises, Monday to Sunday 08.00 to 18.00, and the provision of recorded music, Monday to Sunday 08.00 to 18.30.

The responsible authorities had received a copy of the application and it had been 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 1 representation from Epping Town Council and the response received from the Police included agreed conditions with the applicant.

The Legal Officer advised that the licence permission was not required for the recorded music for the suggested times.

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

The applicant, Mr M Borysiewicz advised that the premises licence was being pursued to ensure that the service was consistent across the Essex and London branches of the Belgique Group that he managed. The wish was not to become a major player in the sales of alcohol, but to offer a small range of wines, Belgium beers and prosecco with the range of products on offer. The community had requested these services and it would be inline with the licensing requirements.

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

The Sub-Committee enquired about the times for sales of alcohol and whether it was necessary for the license to start at 8 a.m. The applicant advised that the requested times were to comply with the opening hours of the premise and to be consistent within the group. Alcohol was normally served with food and some customers liked to celebrate breakfast with a glass of prosecco. The premises would not stock spirits and the alcohol was expensive in comparison to off licences. The sales of alcohol across the other stores only accounted for 2% of total sales.

The Sub-Committee asked the Legal Officer whether the premises would be able to extend their range of alcohol if they chose. The Legal Officer advised that alcohol was alcohol regardless of what it was and the premises, could if they chose to, sell other types of alcohol.

The Sub-Committee asked what steps were being taken to prevent under age drinking. The applicant advised that Challenge 25 would be used and staff would be trained.

The Sub-Committee asked whether the sale of alcohol would make difference to sales. The Applicant advised that they were looking to get a consistency across the stores and to prevent confusion over products sold in one Belgique store compared to another.

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

There were no questions from the Objector.

**(e) Presentation of the Objectors**

Councillor B Scruton advised that the clientele who visited the Belgique premises within the District were, perhaps very different in comparison to other Belgique premises in Woodford, South Woodford and Chingford as Epping was a small town. The Epping Town Council were objecting on the grounds of prevention of public nuisance and believed that there was no reason for the premises to want to sell alcohol from 8 a.m. and perhaps it should only be served with the purchase of food.

The applicant advised that alcohol could be purchased in the high street from as early as 6 a.m. at a cheaper price and with a bigger range of products. He did not consider that the premises would attract the wrong type of people and staff would be trained to a high standard. It would not be like an off licence and alcohol would not be advertised.

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

There were no questions to the Objector.

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

The Applicant asked whether the additional conditions set out in the agenda were not enough to satisfy the concerns of the Town Council. Councillor B Scruton advised that in her opinion they were not.

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

The Group Manager advised that the stores within their control had never had any problems with the police or even drunk customers. The premises were places to go for an experience and enjoy the products they had on offer, rather than a drinking establishment.

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

The Sub-Committee requested confirmation on the ownership of the outside area of the application, as the area included the pavement to the front of the premises, which the Council was not responsible for and would need to be agreed with the public Highway Department. The Licensing Officer advised that no representation from the Highways Department had been received. The Applicant advised that they would be happy to remove this area from the application until the matter had been resolved with the appropriate authority.

The Legal Officer also asked whether the applicant was happy to include the additional conditions suggested by the Police. The applicant advised that he was happy for these to be included.

The Chairman advised that the Sub-Committee would withdraw from the chamber whilst they considered the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

**RESOLVED:**

That the application for a New Premises Licence for Belgique, 242-244 High Street, Epping, CM16 4AP be granted subject to the following;

- (1) That the area of outside pavement shown in the attached plan be excluded;
- (2) That the mandatory conditions be applied;
- (3) That the conditions were consistent with the Operating Schedule; and
- (4) That the additional conditions from Essex Police attached be applied.

**85. New Premises Licence application - Belgique Theydon Bois Ltd, 14 Forest Drive, Theydon Bois, Essex, CM16 7EY**

The three Councillors that presided over this item were Councillors R Morgan, J Jennings and A Lion.

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 Mr M Borysiewicz for Belgique Theydon Bois Ltd and Mr C Keen, the Group Manager. Representatives from Theydon Bois Parish Council, Councillor P Gooch and Councillor Elizabeth Burn were also in attendance.

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

The Licensing Officer introduced the application for a new Premises Licence under the Licensing Act 2003. The application had been made by Belgique, 14 Forest Drive, Theydon Bois, CM16 7EY. The application was for the sale of alcohol both on and off the premises, Monday to Sunday 08.00 to 18.00, and the provision of recorded music, Monday to Sunday 08.00 to 18.30.

The responsible authorities had received a copy of the application and it had been 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 1 representation from Epping Town Council, 3 representations from local residents. The Police, Essex Fire Service, EFDC Planning Department and the Public Health Department had no objections, although the Police had agreed additional conditions with the applicant.

The Legal Officer advised that the licence permission was not required for the recorded music for the suggested times.

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

The applicant, Mr M Borysiewicz advised that the premises licence was being pursued to ensure that the service was consistent across the Essex and London branches of the Belgique Group that he managed. The wish was not to become a major player in the sales of alcohol, but to offer a small range of wines, Belgium beers and prosecco with the range of products on offer. The community had requested these services and it would be inline with the licensing requirements.

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

The Sub-Committee enquired whether the area marked out on the front of the application was in the ownership of the premises. The Applicant advised that they believed this area was in their ownership and should be included within the application. Following comments from the Objector, the applicant removed the outside area from the application.

The Sub-Committee enquired about the type of recorded music that would be played. The Group Manager advised that it would be background music that was usually classical or jazz.

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

The Objector advised that the outside sitting area was not included within the lease of the premises and that there was an ongoing investigation into the use of this area. He asked whether music would be amplified. The Applicant advised that it would not be and would be background music for dining purposes, to create an atmosphere.

**(e) Presentation of the Objectors**

The Objector advised that the Parish Council advised that the premise was in rural location, with noise nuisance being very noticeable in a residential area. The Parish Council had issues with the proposed times and alcohol being served from 8 a.m. and advised that the premises closed at 3 p.m. on a Sunday, so the application needed to be amended inline with the planning consent. There were concerns that that with the premises licence including Sunday until 18.00; this would allow the premises to remain open. The Legal Officer advised that the applicant could apply for any times, although if there was a restriction because of planning permission this would be effective through the planning department.

The Objector requested that a condition be applied to prevent the sale of alcohol without purchasing food.

The Objector advised that that there were concerns for the environment, customers that used the premises and delivery trunks that may cause obstruction. The Applicant advised that the deliveries would remain the same days and times and that the Belgique group wanted to create a uniform across their stores, so that the customer could be confident that the service was the same no matter which premises they attended within the group.

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

The Sub-Committee asked whether there had been any antisocial behaviour issues. The Objector advised that antisocial behaviour had been experience around the Tesco's store, although nothing had been attributed to Belgique.

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

There were no questions from the applicant.

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

The Applicant advised that all staff would be trained in the sale of alcohol and that they wanted all their stores to operate the same across the group, therefore they would like the times and days set out in the application.

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

The Legal Officer also asked whether the applicant was happy to include the additional conditions suggested by the Police. The applicant advised that he was happy for these to be included.

The Chairman advised that the Sub-Committee would withdraw from the chamber whilst they considered the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

**RESOLVED:**

That the application for a New Premises Licence for Belgique Theydon Bois Ltd, 14 Forest Drive, Theydon Bois, Essex CM16 7EY be granted subject to the following;

- (1) That the area of outside pavement shown in the attached plan be excluded;
- (2) That the mandatory conditions be applied;
- (3) That the conditions were consistent with the Operating Schedule; and
- (4) That the additional conditions from Essex Police attached be applied.

**CHAIRMAN**