

The Sub-Committee considered an application for a Hackney Carriage Driver's Licence from Mr A Imudia. The three councillors that presided over this item were Councillors Keska (Chairman), C P Pond and J M Whitehouse. Members noted that officers did not have delegated authority to determine this 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, D Houghton informed the Sub-Committee of the circumstances under which the licence could not be dealt with under delegated authority.

The applicant made a short statement in support of his application before answering a number of questions from members of the Sub-Committee. The Chairman requested that everyone, except the Licensing Sub-Committee members and advising officers left the chamber whilst they considered the application.

The Chairman invited the applicant and Licensing Officer back into the chamber and informed the applicant of the Sub-Committee's decision.

The Chairman advised that during their deliberations in private session they had received no advice from officers whilst determining the application.

RESOLVED:

That the application for Hackney Carriage Drivers Licence be granted, subject to the applicant passing the Council's knowledge test, as the Sub-Committee were satisfied that the applicant was a fit and proper person to hold a driver's licence.

30. Local Government (Miscellaneous Provisions) Act 1976 & Town & Police Clauses Act 1847 - Driver's Licence H1676 Mr L Street

The Sub-Committee considered an application for a Hackney Carriage Driver's Licence held by Mr L Street. The three councillors that presided over this item were Councillors Keska (Chairman), C P Pond and J M Whitehouse. Members noted that officers did not have delegated authority to determine this 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, D Houghton informed the Sub-Committee of the circumstances under which the licence could not be dealt with under delegated authority.

The applicant made a short statement in support of why he should retain his licence before answering a number of questions from members of the Sub-Committee. The Chairman requested that everyone, except the Licensing Sub-Committee members and advising officers left the chamber whilst they considered the application.

During their deliberations the Sub-Committee clarified with the Licensing Compliance Officer that if they revoked the licence, Mr Street would be unable to reapply until 2021.

The Chairman invited the applicant and Licensing Officer back into the chamber and informed the applicant of the Sub-Committee's decision.

The Legal Officer had referred members to the Council's Public Hire Licence Application Guidance.

RESOLVED:

31. **Inclusion of Public and Press**
- That the Driver's Licence H1676 – Mr L Street be revoked.

RESOLVED:

32. **Application for Premises Licence - The Hub, 3 The Broadway, Loughton, IG10 2FA**
- That the public and press be invited back into the meeting for the remaining item of business.

The three councillors that presided over this application were Councillors P Keska (Chairman), B Rolfe and J M Whitehouse. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee.

In attendance on behalf of The Hub, 3 The Broadway, Loughton, IG10 2FA were D Chappell and P Relph.

In attendance on behalf of the objectors were D Linnell for Loughton Resident Associations and J Tapfield for the residents of the Landmark House.

The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application.

(a) Application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim introduced the application for a new premises licence at 3 The Broadway, Loughton, IG10 2FA, for The Hub.

The application was for the following;

Supply of Alcohol (on the premises)

Sunday to Thursday 10:00am-23:00pm
Friday-Saturday 10:00am-00:00pm

Live Music

Thursday – Saturday 18:00pm- 23:00pm
Sunday 14:00pm-19:00pm

Recorded Music

Sunday-Thursday 10:00am-23:00pm
Friday-Saturday 10:00am-00:00pm.

Opening Hours of the Premises (Public)

Monday-Thursday 08:00am-23:30pm
Friday 08:00am-00:30pm
Saturday 09:00am-00:30pm
Sunday 09:00am-23:30pm.

The application had been received on the 8 August 2019 and the Operating Schedule set out the conditions that would be attached to the licence, if the application was granted.

The responsible authorities had received a copy of the application. It had been advertised at the premises, in a local newspaper and all residences and businesses within 150 meters radius of the premises had been individually consulted.

The authority had received seventeen representations which included Councillors C.C Pond and M Owen, M Richardson from the Councils Environmental Enforcement Service, Loughton Town Council, Loughton Residents Association and a number of local residents. The objections related to the prevention of crime and disorder, prevention of public safety, prevention of public nuisance and the protection of children from harm. Responses had also been received from the Essex Police which had been incorporated and agreed with the applicant. There had been no objections from the Essex Fire Service and Environmental Health.

(b) Presentation of the Applicant's Case

The Applicant, D Chappell advised that the premises mirrored an application that had been submitted last year for 32 Barrington Green, Loughton which had been granted permission. Unfortunately there had been loading issues which had prevented the premises going ahead. She advised that in working with the Council's Estate Team and Higgins, they had been offered this premises as alternative.

The premises had been fitted with fixed double glazed windows at the front with a two door system to prevent noise escaping and was full air conditioned. The sound system would also be controlled by the staff behind the bar. The recorded music would be predominately played with live music scheduled for special occasions and would only be a DJ or singer.

(c) Questions to the Applicant

The objectors asked how the outside seating arrangements would work. The applicant advised that the outside seating area would be removed at 21.00 and only two tables would remain outside for ash trays. Customers would not be allowed to take any drinks outside with them after 21.00. The objectors asked how many tables would be situated outside. The applicant advised that a maximum of five would be placed outside, although the necessary permissions were being sought.

The Sub-Committee enquired where the staff would smoke. The applicant advised that the staff would also smoke at the front of the premises, as evaluations had been carried out, at the front and back of the premises. This had determined that the front and back of the building were completely different environments and they only acceptable area would be the front of the building.

The Sub-Committee asked who would be the Designated Premises Supervisor (DPS). The applicant advised that it would be D Chappell and there would always be a DPS supervisor or manger onsite.

(d) Presentation of the Objector's

The objector representing the 50 residents from the Landmark House advised that the residents were already experiencing problems from the other restaurant situated under their flats. The problems included noisy staff, smells and litter and they were deeply concerned that the premises would add to these problems. The Council had been informed and residents were keeping diary sheets for possible enforcement action.

The objector advised that the residents had been told that the units underneath their flats would become a gym and Co-Op, which were a totally different proposition to a restaurant and pub that they found themselves with now.

The objector commented that many of the residents had young families and were concerned by the potential noise, smoke, talking, anti-social behaviour, litter and increased traffic of people in the street.

The applicant advised that they had worked with the Council and Higgins always keeping the residents in mind. They had proposed an awning to prevent noise and smoke travelling upwards; had a zero drug tolerance policy, CCTV at the front and back of the premises; and would sweep the front of the pavement every evening, if residents requested. Furthermore, the applicant advised that he believed that it had been a condition for a pub to be allocated a unit to replace the lost of the Winston Churchill public house previous built on the site.

The objector on behalf of the Loughton Resident Association advised that although they welcome shops in the units, a different approach was required when it came to placing a pub in the Landmark building. The flats were a different proposition compared to the previous Winston Churchill pub, as there had no residential properties near or within the previous site. He stated that most of the current residents would be asleep before midnight and even background music could create problems. The preference would be for the premises to stop serving alcohol at 23.00 and for the premises to close at 12:00 on Friday and Saturdays. This would be inline with other premises within the area. He also had concerns that although the applicant had good intentions, what could happen if they premises was passed onto other owners.

(e) Questions to the Objectors

The Sub-Committee asked the objector whether he had been aware that there had been a clause, stating that a pub would be required in one the units in the Landmark building. The objector advised that they appeared to be have been mis-lead and had not been aware.

The Sub-Committee asked whether the conditions set out in the agenda from the Police and Environmental Officer were acceptable. The objector advised that he had not seen these conditions.

The Chairman adjourned the meeting for five minutes whilst the objectors read through the conditions.

The objector noted the conditions, although he would still be affected by the smoke, as in the summer time, the windows of his flat needed to be left open for ventilation.

The Sub-Committee noted that residents were already experiencing issues from a current restaurant; that the flats had been purchased with long leases; and the residents in the Landmark Building had started a petition in regards to the type of businesses being placed in the units below their flats.

(f) Closing Statement from the Applicant

The applicant advised that they had run a successful business in Loughton called the Gunmaker Arms at Chester Road for 14 years and had a good relationship with surrounding local residents and hoped to create the same. They had worked with the Council throughout the whole process and hoped that the licence would be granted.

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

The Chairman advised that the Sub-Committee would withdraw from the council chamber to consider the application in private.

During their deliberations the Sub-Committee received no further advice from the officers' present.

RESOLVED:

That the application for a premises licence for The Hub, 3 The Broadway, Loughton, IG10 2FA, be granted subject to the following conditions which were considered reasonable and proportionate for the promotion of the licensing objectives:

- (1) That the supply of alcohol (on the premises) be from Sunday to Thursday 10:00 - 23:00 and Friday-Saturday 10:00 - 23:30;
- (2) That recorded music be from Sunday-Thursday 10:00 - 23:00 and Friday-Saturday 10:00 - 23:30;
- (3) That the opening hours of the premises to the public be from Monday-Thursday 08:00 - 23:30, Friday 08:00 - 00:00, Saturday 09:00 - 00:00 and Sunday 09:00 - 23:30;
- (4) That the mandatory conditions contained in Section 19-21 of the Licensing Act 2003 were included;
- (5) That the conditions agreed between the Police, Enforcement Officer and the Applicant set out in the agenda be included;
- (6) That a suitable awning to prevent noise nuisance be provided over the outside seating area;
- (7) That no more than five tables be sited outside at anyone time; and
- (8) That the conditions were consistent with the Operating Schedule subject to the above changes.

CHAIRMAN