

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 5 November 2019

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 12.30 pm
High Street, Epping

Members Present: M Sartin (Chairman), S Heather, J Jennings and S Neville

Other Councillors:

Apologies:

Officers Present: G Oakley (Senior Legal Executive), D Houghton (Licensing Compliance Officer), H Ibrahim (Licensing Compliance Officer) and A Hendry (Senior Democratic Services Officer)

36. DECLARATIONS OF INTEREST

No declarations of interest were made by members of the Sub-Committee, pursuant to the Council's Code of Conduct.

37. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

38. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

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 it would involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
5	Local Government (Miscellaneous Provisions) Act 1976 & Town & Police Clauses Act 1847 – Application for a Hackney Carriage Driver's Licence – Ms I Gaizer	1

39. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MS I GAIZER

The Sub-Committee considered an application for a Hackney Carriage Driver's Licence from Ms I Gaizer. The three councillors that presided over this item were Councillors M Sartin (Chairman), S Heather and S Neville. 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 her 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 leave 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.

40. INCLUSION OF PRESS AND PUBLIC

RESOLVED:

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

41. GREEN'S STEAKHOUSE & GRILL, 3 CENTRIC PARADE, 200 HIGH ROAD, LOUGHTON, IG10 1DN

The three Councillors that presided over this item were Councillors M Sartin (Chairman), S Heather and S Neville. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee.

In attendance on behalf of the application were Mr B Green the founder of the company, Mr V Maksimuk, the area manager and Ms A England a paralegal.

Mr D Linnell (Loughton Residence Association) was also present as an objector as well as Mr P Jones, Essex Police Licensing Officer, who was there as an observer.

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 for Green's Steakhouse & Grill, 3 Centric Parade, 200 High Road, Loughton. She began by explaining that the application was for the provision of live music, Monday to Sunday from 11.00 to 00.00hours. the provision of recorded music, Monday to Sunday 08.00 to 00.00 hours. The provision of late-night refreshment,

Monday to Sunday 23.00 to 00.00 hours. The supply of alcohol, Monday to Sunday 08.00 to 00.00 hours. And for nonstandard timings on Christmas eve and New Years' eve.

All responsible authorities had been notified. The application had been advertised at the premises and in a local newspaper. All residences and businesses within 150 meters radius of the premises had been individually consulted.

The authority had received one representation from Loughton Town Council, one representation from the Loughton Residents Association and two representations from local residents. Responses had also been received from Essex Police, Mr C Smith the Environmental Enforcement Officer.

Comments had also been received from the Planning Department within EFDC. As the Planning Department was not a responsible authority it could not be considered as a representation.

It was noted that the application included the use of tables and chairs in the outside area however this was highways land and the Council could not issue a licence for this and it would not form part of the application.

(b) Presentation of the Applicant's Case

Mr Green said that Green's Steakhouse was an award winning restaurant and the focus was on food and not drink; it had a 70/30 split with the 30 being drink. But they do need an alcohol licence and the ability to play music (not live), playing soft, jazz type, music. Also, over the last 6 years they had a live jazz duo playing on New Year's Eve (unplugged) and so would need a music licence.

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

The Sub-Committee asked about the comments from the planning department which stated that they were allowed to be open only from 07.00 to 01.00 Mondays to Saturday and 08.00 to 22.00 on Sundays. Would they be finishing later than this? Mr Green said that they would usually be finished and closed by 10pm Monday to Thursdays and there was no reason why they would need a late licence except for Christmas and New Year's Eve. But they had been advised that they needed to apply for these new hours.

The Sub-Committee asked the licensing officer if this was correct. Ms Ibrahim said that it was up to the applicant to put down their times. We did not take into consideration planning application permission for opening times. The applicant would have to reapply to planning for a variance.

Noting this, the Sub-Committee asked why they had applied for such long hours. Mr Green replied that perhaps they had become confused over certain issues, as even on New Years' eve they would close at 00.30 hours.

The Sub-Committee said it would be helpful to get a feel from the applicant on any amended hours they would like. Mr Green said that he was happy to have a 23.00 hour close, except for Christmas and New Year's Eve when they would like a 00.30 or 01.00 hours close. They would also have a live act then.

The Sub-Committee asked the officer if they grant the hours requested could it be handed over to a new licence holder. They were told that it could either be transferred onto another company or surrendered.

The Sub-Committee asked where on the plans of the premises would the live music take place. Mr Green said that this was not shown on the plan as it was only a duo and they would fit into any space around the tables, probably towards the back.

(d) Questions for the Applicant from the Objectors

Mr Linnell asked as they had music towards the rear would the windows be closed even in the summer. Mr Green said that they would, it was usually in winter that they had the Jazz duo. They would also take decibel readings outside.

Mr Linnell asked if they would be happy to have a condition to keep their windows closed. Mr Green replied that they would be happy to have a condition to keep the windows closed for the live music performances.

(e) Presentation from the Objector

Mr Linnell, on behalf on the Loughton Residents Association, said that they objected to closure after 23.00 hours, but they would withdraw their objection if the premises was restricted to a 23.00 hour close. They had no objections to the tables outside as long as they were cleared away at the end of the day.

(f) Questions for the Objectors from the Sub-Committee

The Sub-Committee members had no questions for the objector.

(g) Questions for the Objector from the Applicant

The Applicant had no questions for the objector.

(h) Closing Statement from the Objector

The Objector had nothing further to add.

(i) Closing Statement from the Applicant

Mr Green reiterated that they were a family restaurant and not a drinking establishment and that this was an important location and establishment for him.

(j) 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 advice from officers present on the options available to them and that any conditions imposed must be appropriate, be capable of being enforceable and must not undermine the licensing objectives and that each case must be determined on its own merits.

RESOLVED:

That the decision of the Sub-Committee was that the application for a premises licence in respect of Green's Steakhouse, 3 Centric parade, 200 High Road, Loughton IG10 1DN be granted subject to the following conditions, which the Council considered were reasonable, proportionate and in the public interest.

- 1) The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003;
- 2) The conditions as agreed between the applicant and the Police as detailed in the agenda on pages 66 and 67, relating to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm;
- 3) The conditions as agreed between the applicant and Christopher Smith, Epping Forest District Council, Environment Enforcement Officer as set out on pages 69 and 70 of the agenda relating to the prevention of public nuisance;
- 4) The Licensing hours for the sale of alcohol be from 08.00 until 22.30 hours with the premises closing at 23.00 every day.
- 5) The Licensing hours for the provision of live music from 11.00 until 23.00 hours every day;
- 6) Non-standard Hours: the sale of alcohol, provision of live and recorded music, the provision of late-night refreshment on Christmas and New Year's Eve shall be from 08.00 until 00.30 hours, with the closing time being 01.00 hours; and
- 7) These conditions only apply to the inside of the property and not the outdoor space shown on the application plan which does not form part of the licensed premises;
- 8) The applicant and objectors were reminded of their right to appeal to the Magistrates Court within 21 days of the date of the written notification of this decision.

42. FRUTERIA, 232 HIGH ROAD, LOUGHTON, IG10 1ET

The three Councillors that presided over this item were Councillors M Sartin (Chairman), S Heather and S Neville. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee.

In attendance on behalf of the application was Mr Y Metin the applicant.

There were no objectors present but Mr P Jones, Essex Police Licensing Officer was present as an observer.

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 for Fruteria Ltd. at 232 High Road, Loughton, IG10 1ET. The application was for the supply of alcohol (off premises) Monday to Saturday, 07.00 to 23.00 hours and Sunday 10.00 to 20.00 hours. The hours the premises will be open to the public Monday to Saturday 07.00 to 23.00 hours, Sunday 10.00 to 20.00 hours.

All Responsible Authorities have been notified and it had also been advertised at the premises and in a local newspaper. All residences and businesses within 150 meters radius of the premises were individually consulted.

The authority had received two representations from Loughton Town Council and from a local resident. Essex Police had agreed conditions with the applicant, which will be added to the licence if granted.

The objections received related to the prevention of crime and disorder, prevention of public safety and the prevention of public nuisance.

(b) Presentation of the Applicant's Case

Mr Metin said that he had started as a greengrocer when they opened in July. Responding to customer feedback they decided to become a mini-market, still including fruit and vegetables, plus alcohol, turning them into a convenience store.

This new application was to make a better business and to help the community. He added that he had agreed to the police conditions.

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

The Sub-Committee asked where would the alcohol would be displayed. They were told that the spirits would be held behind counter, other alcohol products would be displayed at the back of the shop.

(d) Questions for the Applicant from the Objectors

No Objectors were present.

(e) Closing Statement from the Applicant

The applicant had nothing further to add.

(f) 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 advice from officers present on the options available to them and that any conditions imposed must be appropriate, be capable of being enforceable and must not undermine the licensing objectives and that each case must be determined on its own merits.

RESOLVED:

That the decision of the Sub-Committee was that the application for a premises licence in respect of Fruteria, 232 High Road, Loughton, IG10 1ET be granted, subject to the following conditions which the Council considered were reasonable, proportionate and in the public interest for the promotion of the licensing objectives.

- 1) The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003;

- 2) The conditions as agreed between the applicant and the Police as detailed in the agenda on page 103, relating to the prevention of crime and disorder, public safety, and the protection of children from harm;
- 3) The applicant was reminded of their right to appeal to the Magistrates Court within 21 days of the date of the written notification of this decision.

CHAIRMAN