

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

**Committee:** Licensing Sub-Committee                      **Date:** 5 January 2021

**Place:** Virtual Meeting on Zoom                      **Time:** 10.00 - 11.15 am

**Members Present:** R Morgan (Chairman), I Hadley, B Rolfe and S Neville

**Other Councillors:** -

**Apologies:** -

**Officers Present:** J Leither (Democratic Services Officer), V Messenger (Democratic Services Officer), L Cole (Legal Services Officer), P Jones (Licensing Compliance Officer), D Houghton (Licensing Compliance Officer), D Bastick (Licensing Compliance Officer) and S Mitchell (PR Website Editor)

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### **75. WEBCASTING ANNOUNCEMENT**

The Chairman made a short address to remind everyone present that the virtual meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

### **76. DECLARATIONS OF INTEREST**

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

### **77. PROCEDURES FOR THE CONDUCT OF A VIRTUAL MEETING**

The Sub-Committee noted the procedure for the conduct of business for this virtual meeting.

### **78. PROCEDURE FOR THE CONDUCT OF BUSINESS**

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

### **79. APPLICATION FOR A PREMISES LICENCE - MOOROS, WOOLSTON HALL, ABRIDGE ROAD, CHIGWELL, ESSEX IG7 6BX**

The three Councillors that presided over this item were Councillors R Morgan (Chairman), I Hadley and S Neville. The Chairman introduced the Members and Officers present. The Chairman welcomed the participants to the Sub-Committee. In attendance for the application was the applicant, Elisabeth Sharp.

#### **(a) The application before the Sub-Committee**

The Licensing Compliance Officer, P Jones, informed the Sub-Committee that an application had been made by Mooros Chigwell Limited, Woolston Hall, Abridge Road, Chigwell, Essex IG7 6BX for a new premises licence at the same address.

The application was for the following licensing activities:

**The Provision of Live Music (Indoors)  
The Provision of Recorded Music (Indoors)  
Late Night Refreshment (Indoors) and  
The Sale by Retail of Alcohol (for consumption on the premises)**

Tuesday and Wednesday	11:00 – 23:00
Thursday	11:00 – 00:00
Friday and Saturday	11:00 – 01:00
Sunday	11:00 – 00:00

**Opening Times of the premises**

Tuesday and Wednesday	11:00 – 23:00
Thursday	11:00 – 00:00
Friday and Saturday	11:00 – 01:00
Sunday	11:00 – 00:00

The application was received by the Licensing Authority on the 10 November 2020. The premises licence application and the operating schedule setting out conditions, which would be attached to the licence if this application were to be granted and they were published in the agenda. The application had been made as the previous premises licence for the location lapsed by virtue of the premises licence holder being a company which had dissolved.

The Responsible Authorities had all received a copy of the application and the application had been properly advertised at the premises, in a local newspaper. All residences and businesses within a 150-metre radius of the premises had been individually consulted.

The Licensing Authority had received one representation from a member of the public with regard to the Prevention of Public Nuisance and the Prevention of Crime and Disorder.

There were also responses from Essex Police, Environmental Health, Essex Safeguarding, Community Resilience, Essex Fire and Rescue, Chigwell Parish Council and Planning, all of which had no comments to make.

**(b) Presentation of the Application**

The applicant, Elisabeth Sharp advised the Sub-Committee that the new application was for shorter hours than was previously held and that the premises would only be open as a private hire venue for events such as weddings and parties and would not be open to the general public. She stated that mid-week events were very rare and the premises would function mainly at the weekend.

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

Councillor R Morgan asked the applicant how long she had been involved in the business and if she was the Designated Premises Supervisor (DPS) and were all he staff fully trained.

L Sharp advised that she had worked at the premises for 8 years but she now owned the business since 2018. She stated she was not the DPS that was Lee Marns who was on the premises at every licensed event and that all the staff were fully trained.

Councillor R Morgan asked how many people did the venue hold.

L Sharp advised that the venue held up to 100 people and that events mainly took place at the weekend.

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

The Applicant had nothing further to add.

**(e) Consideration of the Application before the Sub-Committee**

The Chairman advised that the Sub-Committee would now proceed into private deliberations to consider the application. Therefore, the webcast was stopped and would resume when the private session was completed.

During their deliberations in private session the Sub-Committee received no further advice from the Legal Officer present.

The Sub-Committee noted all of the submissions and representations, both oral and written made in relation to this application.

**RESOLVED:**

That the decision of the Sub-Committee was that the application for a Premises Licence in respect of the Mooros, Woolston Hall, Abridge Road, Chigwell, Essex IG7 6BX be **granted**, subject to:

(i) the conditions as submitted by the applicant on the 10 November 2020;

which the Sub-Committee considered were reasonable and proportionate and would not undermine the licensing objectives; and

(ii) the mandatory conditions contained in Section 19-21 of the Licensing Act 2003.

The applicants and objectors are reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

**80. APPLICATION FOR A STREET TRADING CONSENT - WAKES ARMS ROUNDABOUT, EPPING HIGH ROAD, EPPING, ESSEX CM16 5HW**

The three Councillors that presided over this item were Councillors R Morgan (Chairman), I Hadley and S Neville. The Chairman introduced the Members and Officers present. There were no attendees present for the application. Olive Porter from Essex Highways attended as an objector.

**(a) The application before the Sub-Committee**

The Licensing Compliance Officer, D Houghton, informed the Sub-Committee that an application for a renewal of a Street Trading Consent had been received on the 6 November 2020 by John Henry White, Camps Hill Farm, Levans Green, Ware SG11 1HD, to trade at the site next to the Shell Garage at the Wake Arms Roundabout,

Epping High Road, Epping CM16 5HW. The application sets out the relevant licensing activities applied for and times requested:

- (i) The sale of flowers, plants and trees, Monday to Sunday from 08.00 – 21.00 hours.

**(b) Presentation of the Application**

The Applicant was not present.

**(c) Questions from the Sub-Committee to Officers**

Councillor R Morgan asked the Licensing Officer, D Houghton how long had Mr J White been trading at this site.

D Houghton advised that she did not know exactly how long he had been trading on this site but she believed it to be over 4 years. She also advised that Mr J White only traded on this site for 4-5 weeks every year before Christmas as he mainly sold Christmas trees.

Councillor S Neville asked how many complaints had there been regarding this Street Trading Consent.

D Houghton advised that she was only aware of one complaint and that was obstruction of the bus layby where cars and vans parked making it impossible for the buses to pull into the layby and therefore the bus had to stop further up the road blocking the carriageway.

**(d) Presentation of the Objector**

Olive Porter from Essex Highways stated that Essex County Council could not support this application due to concerns raised over the past 2/3 years and complaints that they had received. One complaint, which must be taken seriously, was from a father whose child was put in danger whilst trying to get off of a bus in between parked cars and a car pulling out and not seeing the child which resulted in her nearly being hit by the car. Customers were continually pulling into the bus stop whilst picking out their trees this in turn inconvenienced the buses and their passengers. The piece of land was very near to the exit of the Shell Garage with cars pulling out turning left and right and it was therefore not safe to park in the layby as this caused traffic congestion and visibility issues especially if a bus had to park in the middle of the carriageway because it could not access the layby.

**(e) Questions for the Objector by the Sub-Committee**

The Sub-Committee Members had no further questions to raise.

**(f) Consideration of the Application before the Sub-Committee**

The Chairman advised that the Sub-Committee would now proceed into private deliberations to consider the application. Therefore, the webcast was stopped and would resume when the private session was completed.

During their deliberations in private session the Sub-Committee received no further advice from the Officers present.

**RESOLVED:**

That the application for a renewal of a Street Trading Consent to trade at the land next to the Shell Garage at the Wake Arms Roundabout, Epping High Road, Epping CM16 5HW be **refused** for the following reason:

- (i) In the interests of Public Safety.
- 81. VARIATION OF AN EXISTING PREMISES LICENCE - THE HIVE, 38B CHIGWELL LANE, LOUGHTON IG10 3NY**

The three Councillors that presided over this item were Councillors R Morgan (Chairman), I Hadley and B Rolfe. The Chairman introduced the Members and Officers present. The Chairman welcomed the participants to the Sub-Committee. In attendance for the application was the applicants agent Mahir Kilic and the applicant Sema Yildz.

**(a) The application before the Sub-Committee**

The Licensing Compliance Officer, D Bastick, informed the Sub-Committee that an application had been made by Sema Yildz for a variation to the existing premises licence for The Hive, 38b Chigwell Lane, Loughton IG10 3NY.

The Licensing Authority had received the application on 9 October 2020. A copy of the present licence for the premises, the application for variation including proposed conditions and the public notice were attached to the agenda.

The applicant was requesting an extension to the current hours for the sale of alcohol from 08:00 to 23:00 hours Monday to Sunday and a seasonal variation of 08:00 to 00:00 hrs on Christmas Eve and New Year's Eve. Also to add the Provision of Late Night Refreshment from 23:00 to 00:00 hours on Christmas Eve and New Year's Eve. The standard opening hours of the premises will be 08:00 to 23:00 hours Monday to Sunday and non-standard opening hours of 08:00 to 00:00 hrs on Christmas Eve and New Year's Eve.

The Responsible Authorities had received a copy of the application. It was advertised at the premises and in a local newspaper and all residences and businesses within a 150-metre radius of the premises had been individually consulted.

Whilst the applicant did set out details of the application in the newspaper notice, it only referred to the hours for provision of late night refreshment on Christmas Eve and New Year's Eve and not the seasonal variation hours for those days. Licensing verbally discussed this matter with one of the Council's Legal Advisers and agreed as this was a minor omission, it was decided to allow the application to proceed.

The Licensing Authority had received one representation from Loughton Town Council and one representation from Loughton Residents Association Plans Group. The representations related to the prevention of public nuisance and protection of children from harm.

**(b) Presentation of the Application**

The Applicant's Agent, Mahir Kilic advised the Sub-Committee that the Applicant, Sema Yildz was the owner and DPS of the premises since the beginning of 2020. Previously, she had been very successful in running a late night café for 13 years with no complaints.

The premises was a very small establishment with room for 15 seated customers inside the premises and 12 seated outside. All alcohol was served only with a substantial meal.

Mahir Kilic pointed out to the Sub-Committee that the objections related to planning matters and should therefore not be taken into account as this was for a variation of a premises licence and not related to planning issues. If this licence was granted then the Applicant would submit a planning application the Planning Authority at a later date.

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

Councillor R Morgan asked the Applicant's Agent what the current hours were at present.

Mahir Kilic replied that the current hours were from 08.00 – 18.00 hours Monday – Sunday.

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

The Applicant had nothing further to add.

**(e) Consideration of the Application before the Sub-Committee**

The Chairman advised that the Sub-Committee would now proceed into private deliberations to consider the application. Therefore, the webcast was stopped and would resume when the private session was completed.

During their deliberations in private session the Sub-Committee received no further advice from the Legal Officer present.

The Sub-Committee noted all of the submissions and representations, both oral and written made in relation to this application.

**RESOLVED:**

The decision of the Sub-Committee was that the application to vary the premises licence in respect of The Hive, 38b Chigwell Lane, Loughton, Essex IG10 3NY be **granted** subject to the following conditions which in the opinion of the Sub-Committee are reasonable, proportionate and in the public interest for the promotion of the licensing objectives.

- (i) That the existing conditions on the licence are modified as set out in the application to vary the licence.

The applicants and objectors are reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

**CHAIRMAN**