

# EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 7 June 2016

**Place:** Council Chamber, Civic Offices,                      **Time:** 10.00 - 11.15 am  
High Street, Epping

**Members Present:** D Dorrell (Chairman), R Gadsby, R Morgan and B Surtees

**Other Councillors:**

**Apologies:**

**Officers Present:** A Mitchell (Assistant Director (Legal Services)), K Tuckey (Licensing Manager), L Turner (Licensing Compliance Officer) and A Hendry (Senior Democratic Services Officer)

## 1. DECLARATIONS OF INTEREST

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

## 2. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

## 3. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
5	Application for a Hackney Carriage driver's Licence – Mr G Doddimeade.	1
6	Application for a Hackney Carriage driver's Licence – Mr S Gilliani	1
7	Application for a Hackney Carriage driver's Licence Mr R Wilson	1

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR G DODDIMEADE**

The Sub-Committee considered an application by Mr G Doddimeade for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors D Dorrell, R Gadsby and B Surtees. 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 introduced the Members and Officers present. The Licensing Manager informed the Sub-Committee of the circumstances by which the licence could not be issued 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 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 debated the application in private.

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

**RESOLVED:**

That the application for a Hackney Carriage Driver's Licence for Mr G Doddimeade be granted.

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR S GILLIANI**

The Sub-Committee considered an application by Mr S Gilliani for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors D Dorrell, R Gadsby and B Surtees. 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 introduced the Members and Officers present. The Licensing Manager informed the Sub-Committee of the circumstances by which the licence could not be issued 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 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 debated the application in private.

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

**RESOLVED:**

That the application for a Hackney Carriage Driver's Licence for Mr S Gilliani be refused. The Sub-Committee were not satisfied that the Applicant had sufficient driving experience, which would allow them to agree a variation from the Council's policy of not granting a licence to a driver who had not passed their driving test three years prior to the application. For this reason the Sub-Committee held that Mr Gilliani was not a fit and proper person to hold such a licence.

**6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AS AMENDED & TOWN & POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR R WILSON**

The Sub-Committee considered an application by Mr R Wilson for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors D Dorrell, R Gadsby and B Surtees. 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 introduced the Members and Officers present. The Licensing Manager informed the Sub-Committee of the circumstances by which the licence could not be issued 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 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 debated the application in private.

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

**RESOLVED:**

- (1) That the application for a Hackney Carriage Driver's Licence for Mr R Wilson be granted;
- (2) That the Applicant be given a warning that any future transgressions of his Licensing conditions may result in the revocation of his licence; and
- (3) Mr Wilson was reminded that it was incumbent upon him to inform this Authority immediately of any incident.

**7. INCLUSION OF PRESS AND PUBLIC****RESOLVED:**

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

**8. STREET TRADING CONSENT - BARNEYS SEAFOOD AT THE SULTAN, WALTHAM ABBEY**

The three Councillors that presided over this item were Councillors D Dorrell, R Gadsby and B Surtees.

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 the applicant, Ms J Chandler.

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

The Licensing Compliance Officer, L Turner introduced the application. The application had been made by Ms J Chandler on 21 March 2016 for a street trading consent to trade at Barneys Seafood at The Sultan, Sewardstone Road, Waltham Abbey; to operate the following Licensing Hours – Thursdays 11am to 8pm; and Friday to Sunday 10am to 8pm.

It was noted that there had been a trader at this site for a number of years but that this was a new applicant.

No letters of objection had been received.

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

The Applicant, Ms Chandler advised the Sub-committee that her family had been in Seafood for 50 years and that her parents had a seafood stall in Woodford.

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

Councillor Surtees asked if the hours of operation were to be the same as before. The applicant replied that they were.

Councillor Gadsby asked if the trailer would be the same as before. The applicant said that it was the same trailer and position; she was just taking over the established business.

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

Ms Chandler noted that she had an agreement with the pub to use their kitchen and facilities; she could also use their bins. She had also arranged for a company to take away her used cooking oil.

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

The Sub-Committee asked the applicant and officers to withdraw from the chamber while they considered the application in private. During their deliberations the Sub-committee received no further advice from the officers present.

**RESOLVED:**

That Ms J Chandler be granted a Street Trading Consent for 'Barney's Seafood' at The Sultan, Sewardstone Road, Waltham Abbey subject to the council's standard conditions.

**9. NEW PREMISES LICENCE, CAFELICIOUS, THE BROADWAY, LOUGHTON**

The three Councillors that presided over this item were Councillors D Dorrell, R Gadsby and B Surtees.

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 the applicant Mr Y Yaman and an objector Mr A Balta.

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

The Licensing Compliance Officer, L Turner introduced the application. The application had been made by Mr Y Yaman for a new premises licence at Cafelicious, 57 The Broadway, Loughton. The application was for a café shop which provided freshly prepared hot and cold food. The supply of alcohol will be for on and off the premises during permitted hours, as detailed on the application schedule. The authority had received the application on 19 April 2016.

Since the publication of the agenda Loughton Town Council had withdrawn their objections.

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

The applicant, Mr Yaman said that this was a family business, running since April 2015. He noted that Loughton Town Council had concerns about the supply of alcohol and he had tried contact them to discuss this.

He noted that there would be no alcohol served outside after 8pm as agreed with the police. Other objectors had also raised this point.

They wanted the ability to serve alcohol to their customers with their food. Also if a customer wanted to take their bottle of wine away once they had ordered it (with their food) they now could. Alcohol for consumption on the premises would only be sold ancillary to a table meal.

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

There were no questions from the Sub-Committee.

**(d) Presentation of the Objector's case**

Mr Balta noted that this was five doors away from his premises and would affect it. There were also concerns about rubbish on the street and vandalism in the area by teenagers and this may cause an increase in public nuisance.

**(e) Closing statement from the Applicant**

Mr Yaman noted that it had been suggested that he kept a record of people who had been refused service, which he would. Also he has his rubbish collected twice a week and has his old cooking oil taken away by a specialist company.

His family has been established in the area for 5 or 6 years and they know the area well. His father owns a supermarket nearby.

The only reason for the off sales of alcohol was so that people could take it away with them when they had finished their meals.

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

The Chairman asked the applicant, objector and officers to withdraw from the chamber while they considered the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

**RESOLVED:**

That Mr Y Yaman be granted a new premises licence at Cafelicious, 57 The Broadway, Loughton subject to the standard conditions and those agreed with the Essex Police, Epping and Brentwood Licensing Officer.

**CHAIRMAN**