

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

**Committee:** Licensing Sub-Committee                      **Date:** 7 August 2018

**Place:** Council Chamber, Civic Offices,              **Time:** 10.00 - 11.40 am  
High Street, Epping

**Members Present:** S Neville (Chairman), N Bedford, S Heather and D Stocker

**Other Councillors:**

**Apologies:**

**Officers Present:** R Perrin (Senior Democratic Services Officer), R Ferriera (Assistant Solicitor), M Richardson (Environment and Neighbourhood Officer) and K Milligan (Senior Asset Manager)

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### **11. DECLARATIONS OF INTEREST**

There were no declarations of interest by members of the Council under this item.

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

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

### **13. APPLICATION TO VARY A PREMISES LICENCE - BP CHIGWELL SF CONNECT, THE BROADWAY, LOUGHTON IG10 3ST**

The three Councillors that presided over this item were Councillors S Neville (Chairman), S Heather and N Bedford.

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 Karl Davison, BP Licensing Manager, Robert Botkai Legal Representative and the Objector David Linnell representing Loughton Residents Association.

#### **a) The Application before the Sub-Committee**

The Licensing Compliance Officer, D Houghton introduced the application. The application had been made by BP Oil UK Limited, for a variation to the premises licence at The Broadway, Loughton, IG10 3ST. The proposed variation was to extend the hours for the sale of alcohol to 24 hours a day, 7 days a week and to vary the licence conditions by updating the wording in the operating schedule contained in Annex 2 of the report.

The authority had received three representations from a local resident relating to the prevention of public nuisance, crime and disorder, the protection of children from harm and public safety. Responses had also been received from the Police, Essex

Fire Services, EFDC Planning Department and EFDC Environmental Health Department who had not objected.

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

The Legal Representative advised that the application was to ensure that the licensing hours reflected the trading hours of the premises. The applicant already had 60 premises with a 24 hour licence and no issues had been reported. The applicant had commenced a further 100 trials, which had resulted in the 24 hour licenses being granted to all of those premises.

The Legal Representative advised that the objections relating to the likely cause of public nuisance could not be taken into account as they were presumptions and if there were any issues the residents and/or Police could request that a review of the licence take place. There had been no negative feedback or proceedings taken against any other BP Marks & Spencers Stores and he did not expect that this would be the case at this store. The premises had a Night Policy, which allowed staff to remotely lock the doors of the premises at 10 pm and only allow customers they wished into the premises after this time, which would be the case if the licence was granted. Furthermore the doors would remain locked if there were less than two members of staff and the night box would be used to service customers. Regarding the drink drivers, there had been no evidence to support this or link petrol stations to drink driving incidents and many motorway services stations now provided the sale of alcohol. Finally he advised that it was important that the premises provided the community with a service and fitted into the residential area. The premises priced alcohol at a higher rate than other establishments and therefore should not cause anti-social behaviour.

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

The Sub-Committee asked whether the premises would include the Challenge 25 policy. The Legal Representative advised that the premises would.

The Legal Officer, R Ferreira enquired whether the doors were locked under the current licence. The Legal Representative advised that they were currently locked 10 pm and this would remain the policy.

There were no questions from the objector to the applicant.

**d) Consideration of the Objector's statement**

The Objector, D Linnell from the Loughton Resident Association advised that the Broadway area had issues with anti-social behaviour and drugs and this premises would provide alcohol 24 hours, 7 days a week. The premises may also encourage individuals to congregate in and around the service station.

There were no questions from the Sub-Committee.

There were no questions from the applicant.

**e) Closing Statement from the Applicant**

The Legal Representative advised that BP would work with Loughton Residents Association and welcomed any feedback if problems occurred around the premises, but as there had been no issues so far, he hoped that it would not be required.

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

The Sub-Committee withdrew from the Council Chamber, whilst considering the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

**RESOLVED:**

- (1) That the application to vary the premises licence for BP Oil UK Limited be granted subject to the modification as set out in the application to vary the licence, namely that the replacement of the wording in Annex 2 with the word set out in section 16 in the Licensing Objectives of the application, which the Council considered were reasonable, proportionate and in the public interest for the promotion of the licensing objectives.

**14. NEW PREMISE LICENCE THE HUB, 32 BARRINGTON GREEN, LOUGHTON, ESSEX, IG10 2BA**

The three Councillors that presided over this item were Councillors S Neville (Chairman), S Heather and D Stocker.

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 Applicants Paula Chappell and Paul Relph, the Objector Bill Hayward and EFDC officers Mike Richards from Environmental Health and Kevin Milligan from Estates.

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

The Licensing Compliance Officer, D Houghton introduced the application. The application had been made by Dawn Chappell for a new premises licence at 32 Barrington Green, Loughton, IG10 2BA. The application was for the following;

**Provision of Recorded Music**

Sunday to Thursday 10:00-23:00, Friday and Saturday 10:00-00:00 with additional hours to 00:30 Christmas Eve, and till 01:00 New Years Eve into New Years Day.

**Provision of Anything of a similar description to Live Music, Recorded Music or Performances of Dance**

Sunday to Thursday 10:00-23:00, Friday to Saturday 10:00-00:00 with additional hours to 00:30 Christmas Eve, and till 01:00 New Years Eve into New Years Day.

**Supply of Alcohol**

Sunday to Thursday 10:00-23:00, Friday to Saturday 10:00-00:00 with additional hours to 00:30 Christmas Eve, and till 01:00 New Years Eve into New Years Day.

**Hours Premises would be Open to the Public**

Monday to Thursday 08:00-23:30, Friday 08:00-00:30, Saturday 09:00-00:30 and Sunday 09:00-23:30.

All responsible authorities had been notified and it had been advertised at the premises and in a local newspaper. The Licensing Authority had received three representations from a local resident relating to the prevention of public nuisance and crime and disorder, Loughton Town Council and the Council's Environmental & Street Scene Directorate Health Department. Responses had also been received

from Essex Police who had agreed additional conditions be added to the operating schedule.

The Legal Officer asked the Licensing Officer to confirm that the Applicant's were aware that only two gambling machines under the category C and D would be allowed in the premises. The Applicant's advised that they were aware.

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

The Applicant advised that they had worked closely with the Council to provide an establishment that provided breakfast, lunch and evening meals in the local area that would not impact on the local residents but provide an access to the community. Their intentions were not to upset the local residents and they had been mindful to prevent noise coming from the premises through planning and building regulations including double glazing, no opening windows, air conditioning and additional ceiling insulation.

The Applicant advised that they had agreed to the additional conditions requested by the Essex Police.

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

The Sub-Committee asked about the double doors on the front of the premises. The Applicant advised that they had been installed to prevent noise escaping.

The Legal Officer asked the Applicant whether they were willing to accept the additional conditions set out in the agenda on pages 77, 78, 79 and 80 from the Environment and Neighbourhoods Officer, M Richardson. The Applicants advised that they were happy to accept the further conditions proposed.

**d) Questions for Applicant from the Objectors**

The Objector, B Hayward wanted clarification on the type of music and noise that would be coming from the premises. The Applicant advised that the music would be for background purposes and he intended the music to be soul, blues, jazz or something similar. The speakers would be controlled and consideration and advice had been obtained for the placement of the speakers to reduce the noise for residents. The only time the Applicant may consider a DJ, would possible be New Years Eve.

The Applicant advised that with the addition conditions to remove the outside seating at 21.00 every evening, CCTV and that someone from the Management on duty at the end of the day, they would ensure that everyone leaves quickly and quietly.

**e) Presentation from the Objector's**

The Environment and Neighbourhoods Officer, M Richardson advised that with the additional conditions set out in the agenda at pages 77 – 80 agreed, he was happy with the application. He stated that due to noise issues being a concern he would be happy that the hours of deliveries and refuse collections be amended to 08.00 - 19.00.

The Objector, B Hayward advised that all of his concerns had been addressed, although he would like access to the back of the premise restricted, to prevent any disturbance.

There were no questions from the applicant.

**f) Closing Statement from the Applicant**

The Applicant advised that they were local residents that wished to run an establishment for the local community. They were willing to work with residents on any concerns raised and they had a long history running establishments, which therefore provided them with the relevant experience required.

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

The Sub-Committee withdrew from the Council Chamber, whilst considering the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

**RESOLVED:**

- (1) That the application for a new premises licence in respect of The Hub, 32 Barrington Green, Loughton, Essex IG10 2BA 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;
  - (a) The mandatory conditions contained in Section 19-21 of the Licensing Act 2003;
  - (b) The modified Operating Schedule which included the agreed conditions from the Epping and Brentwood Licensing Officer, Peter Jones and the Environment and Neighbourhoods Officer, M Richardson, set out within the agenda on pages 74 to 80; and
  - (c) A minor amendment to the Hours of Delivery, which should state 08.00 to 19.00, Monday – Friday ; 09.00 to 14.00 Saturday nor at any time on Sundays, Bank or Public Holidays.

**CHAIRMAN**