

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE MEETING ROOM A -
CHARRINGTONS HOUSE, BISHOP'S
STORTFORD ON MONDAY 19
SEPTEMBER 2011, AT 10.00 AM

PRESENT:

Councillors P Ballam, A Burlton and
A Warman.

ALSO PRESENT:

Councillor P Ruffles.

OFFICERS IN ATTENDANCE:

George Robertson	- Legal Services Manager
Peter Mannings	- Democratic Services Assistant
Paul Newman	- Interim Licensing Manager

ALSO IN ATTENDANCE:

APPLICATION FOR A PREMISES LICENCE TO PROVIDE
LATE NIGHT REFRESHMENT ONLY (NO ALCOHOL),
FLAMES GRILL, 3 NORTHGATE END, BISHOP'S
STORTFORD, HERTS, CM23 2ET

Mr Ali Ender	- Applicant's Agent
Mrs Gibson	- Objector
Mr Haslam	- Objector
Mr Mehmet Tekagac	- Applicant
Mr Jerome Wilcox	- Barrister

11 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor A Warman and seconded
by Councillor A Burlton that Councillor P Ballam be

appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor P Ballam be appointed Chairman of the Licensing Sub-Committee for the meeting.

12 MINUTES

RESOLVED – that the Minutes of the meeting of the Licensing Sub-Committee held on 23 August 2011 be confirmed as a correct record and signed by the Chairman.

13 LICENSING ACT 2003 - LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION FOR A PREMISES LICENCE TO PROVIDE LATE NIGHT REFRESHMENT ONLY (NO ALCOHOL), FLAMES GRILL, 3 NORTHGATE END, BISHOP'S STORTFORD, HERTS, CM23 2ET

The Chairman outlined the procedure to be followed in considering the application. All those present for it were introduced.

The Interim Licensing Manager outlined the application which was for a new premises licence to provide late night refreshment only (no alcohol) at Flames Grill, 3 Northgate End, Bishop's Stortford, Herts, CM23 2ET for Mr Mehmet Tekagac.

Mr Haslam, objector, stated that he had circulated information to the Interim Licensing Manager in support of his objection. The Sub-Committee adjourned to allow the applicant the opportunity to consider whether he was happy for this new evidence to be considered by the Sub-Committee.

The meeting resumed and the Sub-Committee was advised of observations being made that the premises had been trading after 11 pm on 2 and 3 September 2011 without a temporary event notice being in force. Members were referred to paragraphs 2.1, 2.4 and 3.5 of

the report now submitted for more information.

The Interim Licensing Manager referred to a map of Bishop's Stortford Town Centre and explained the location of the premises and the locations of the properties of the principal objectors. The Sub-Committee was advised that the applicant had applied to serve food on or off the premises until 1 am Monday to Wednesday, 2 am Thursday to Saturday and until 12 midnight on Sundays.

The applicant already operated Master Fryer in South Street; this being operated under the terms of a late night licence. The Interim Licensing Manager stated that an applicant had to allow ten working days for a TEN application. The applicant had operated later than the permitted hours at Flames Grill on two occasions as applications had not been received in time by Officers.

Members were advised that 5 local residents' objections had been included with the report now submitted. The Interim Licensing Manager summarised the objections with references to anti-social behaviour, noise, public nuisance, refuse storage problems attracting foxes and the likelihood of significant additional impact for residents. The Police and Environmental Health had not objected to the application.

Mr Jerome Wilcox, barrister for the applicant, acknowledged that there had not been TENs in place on two occasions in September at Flames Grill. He stated that TENs applications had been submitted by the applicant's agent. He sought and was given clarification regarding the location of Master Fryer. He was also given clarification in relation to reviews at Master Fryer.

Mrs Gibson, an objector living at Conifer Court, referred to the area around Flames Grill being part of the Bishop's Stortford conservation area. She referred to an ongoing effort to preserve the character of the town. She stated that other food outlets in the area all closed at 11 pm and the Police presence at this end of the town was minimal.

Mrs Gibson expressed concerns that these premises should also close at 11 pm regardless of the times premises closed elsewhere in the town. She expressed concern at the lack of custodial facilities in Bishop's Stortford, meaning that Police Officers were often being taken away from the town when arrests were made.

Mrs Gibson referred to problems of people urinating and vomiting in the street and windows being smashed in the vicinity of Flames Grill. She stated that residents were entitled to a respite from disturbance at 2 am, particularly for residents of sheltered accommodation. She referred to the application as unsupportable and commented on the likelihood of an increase in rowdy behaviour should the application be approved.

Mrs Gibson referred to a number of irregularities with the application, particularly in relation to contact details for the applicant, his contact address being the premises and the fact that the application did not appear to have been signed.

Mr Wilcox sought clarification from Mrs Gibson regarding her place of residence in relation to Flames Grill. He also queried the location of residents' sheltered housing. Mr Wilcox sought and was given clarification that Mrs Gibson did not have signed authority to act on behalf of other objectors. Mr Wilcox was given a detailed breakdown of the location of other food outlets in the vicinity of Flames Grill.

Mr Wilcox commented on the extent to which residents felt this application was unacceptable. Mrs Gibson stressed that concerns related to noise, sleep deprivation, crime and disorder and concerns similar to those detailed on page 41 of the agenda papers.

Mr Haslam, an objector living at North Terrace, referred in detail to residents' concerns relating to the application failing to satisfy the licensing objectives. He referred to concerns about vandalism and intimidating youths

loitering in the area and urinating in alleyways. He was particularly concerned about inadequate waste storage leading to problems with vermin and issues around litter being left in residents' gardens.

Mr Haslam stressed that customers would dispose of packaging and food waste in residents' gardens, in some cases where there were families with small children. He also cited concerns relating to parking problems and the likelihood of the premises attracting intoxicated persons to a residential area.

Mr Haslam referred to a number of breaches of control in that Flames Grill had been operating later than its' permitted hours without an approved TEN. In response to a query from Councillor P Ballam, the Interim Licensing Manager confirmed the premises had authorised TENS for most weekends in August.

Councillor A Warman sought and was given clarification that the staff of Flames Grill had not been capable of managing the premises well generally, and specifically, in terms of controlling the use of bins and ensuring these were not overfilled to the point where they overflowed. The Sub-Committee was advised that food packaging linked to Flames Grill had been found in Half Acre, Northgate End and Hadham Road.

In response to a query from Councillor A Burlton, Mr Wilcox confirmed that the applicant had been trying to encourage East Herts Council to collect bins twice weekly to alleviate issues with bins getting too full.

Mr Haslam was questioned by Mr Wilcox in relation to the times of the week when the bins were at their worst. He referred to pictures provided by Mr Haslam in relation to whether these portrayed the worst time of the week in terms of the situation with the bins. Mr Wilcox sought and was given extensive clarification regarding the numbers of residents likely to be affected by this application.

Mr Haslam clarified that he was speaking on behalf of other residents. Mr Wilcox challenged this point in that

other residents had not chosen to attend the meeting to object to the application. Mr Haslam explained that debris from the operation of Flames Grill was found in residents' hedges and a number of residents were concerned about the application.

Mr Wilcox explained that the applicant also owned and successfully traded from Master Fryer in South Street. He reiterated that the applicant was seeking to secure twice weekly bin collections from Flames Grill.

Mr Wilcox stressed that the applicant accepted a mistake had been made regarding TEN in September. The applicant's agent had accepted responsibility for this error. Mr Wilcox reminded the Sub-Committee that the police and Environmental Health had not objected to this application.

Mr Wilcox submitted that this application was not fraudulent and the only reason the application had not been signed was there had been no option to include an electronic signature when the application had been submitted online. Mr Wilcox challenged the number of residents who were in fact objecting to the application.

Mr Wilcox stated that whilst there would be some noise resulting from this application, this was not sufficiently high to justify refusing the application. He acknowledged that illegal parking would be an issue where such a premises was located. Mr Wilcox stressed that the level of objections seemed to be far lower than was portrayed by Mr Haslam.

Mr Wilcox submitted that his client would actively seek to avoid serving intoxicated customers. The applicant was confident that his management safeguards for Master Fryer would work equally well at Flames Grill. He stated that there were insufficient grounds for refusing the application and commented that the application was serving a local need and CCTV would be installed as a safeguard against problems.

Mr Wilcox stressed that it was not in his client's best interests for problems to occur as he was aware of the possibility of review applications and the risk of being closed down whilst being liable for rent, business rates and staffing costs. The business was also family run so the applicant had a vested interest in ensuring Flames Grill was successful.

Councillor Ballam sought and was given clarification regarding the issue of breaches of Licensing Control and the submission of TENs by the applicant's agent. She expressed her concern as to why the applicant had not checked that his agent was acting correctly when submitting his applications.

Mr Wilcox confirmed that the applicant had been assured by his agent that the TENs applications had been correctly made and he was entitled to operate under the terms of these applications. The applicant accepted that something had gone wrong with the applications and he had believed at the time he was entitled to operate.

In response to concerns from Councillor Burlton on litter and food debris, Mr Wilcox stressed that littering was a fact of life but the applicant had no reason not to make every effort to control this issue in the immediate vicinity of Flames Grill.

Mr Wilcox confirmed to the Sub-Committee and Councillor Burlton that there would be a zero tolerance policy towards any drug use in the premises and this would be monitored by CCTV. Mr Wilcox confirmed that the applicant would apply the same policy of clearing up the area immediately outside Flames Grill as he already had in place at Master Fryer.

Mr Haslam and Mrs Gibson summarised their concerns particularly that the applicant was unable to control what happened to the rear of the premises in terms of the likely impacts of the application. The Sub-Committee was advised that the applicant had no control over the customers once they left the premises. The objectors

stressed that the costs of the problems that would occur would place a financial burden on the public purse, namely the Local Authority.

Mr Wilcox summarised the applicant's case in that there would be a lessening clientele between 1 am and 2 am, a busy period was expected between 12.30 am and 1 am. Whilst it was accepted there would be some impact from this application, the concerns were not sufficient to justify a refusal. He stressed that the lack of significant objections would tend to imply there was a demand for the service to be provided by Flames Grill.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Assistant to consider the evidence.

Following this they returned and the Chairman announced the decision of the Sub-Committee, which was that the application for a Premises Licence be approved and residents were reminded of the review process.

RESOLVED - that the application for a Premises Licence to provide late night refreshment only (no alcohol) at Flames Grill, 3 Northgate End, Bishop's Stortford, Herts, be approved, subject to the following conditions:

1. CCTV to be installed in liaison with and the approval of Herts Police;
2. Tops of bins to be kept closed and an adequate number of bins must be provided to ensure this can be achieved at all times and no rubbish to be stored outside the bins; and
3. The applicant must ensure the front of the premises is kept clean and tidy and a Member of staff be employed to clear any debris/rubbish for half an hour after the premises have closed.

The applicant is reminded that he is responsible for

his applications and to ensure all applications are correct and not to rely on his agent. Residents were reminded of the review process.

The meeting closed at 1.15 pm

Chairman
Date