

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 22 March 2017

Place: Council Chamber, Civic Offices, **Time:** 10.00 - 10.51 am
High Street, Epping

Members Present: D Dorrell (Chairman), R Gadsby, P Keska and M Sartin

Other Councillors:

Apologies:

Officers Present: N Clark (Licensing Compliance Officer), L Cole (Legal Services Officer) and A Hendry (Senior Democratic Services Officer)

59. DECLARATIONS OF INTEREST

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

60. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

61. VARIATION OF EXISTING PREMISES LICENCE (LICENSING ACT 2003) FOUR WANTZ SERVICE STATION

The three Councillors that presided over this item were Councillor D Dorrell, P Keska and M Sartin.

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's legal representative, R Botkai, the Licensing Officer for Malthurst Limited, N Law and the station manager Robert Nelson. Also in attendance were two objectors M Haaden and W Careford.

(a) The Application before the Sub-Committee

The Licensing Compliance Office N Clark introduced the application. The application had been made by Malthurst Limited, the premises licence holder for a variation to the premises licence for the Four Wantz Service Station, Ongar. The applicant was requesting to extend the hours for the sale of alcohol to 24 hours daily; to remove all of the conditions for the premises licence as detailed in Annex 2 of the report, and to replace with other conditions as set out in section 16 of the application; and to make some alterations to the layout of the premises as indicated in the report.

(b) Presentation of the Applicant's Case

Mr Botkai introduce the revised application saying that they had already had a late night refreshment licence and wanted to vary the alcohol hours to 24 hours seven days a week. All responsible authorities have been notified and none had objected. And they were in accordance with the council's policy that says they could sell alcohol to match their opening hours.

The objectors had provided a petition raising an objection to this application. However, objectors should have put in individual objections to make them valid, and because of this we ask that little weight be put on this petition.

They also said that serious incidents had occurred but did not supply details. They also raise concerns about the alleyway across the road from the site and the litter. The alleyway was some distance from the store and not its responsibility, the litter could have come from anywhere. There had been a robbery some years ago where they were after cash and not interested in the contents of the shop. There were also some concerns about underage drinking; all our cashiers will ask for ID when serving younger people. There were no problems of this kind at present. Other shops have had problems with proxy sales, but he did not believe that this happened here. Also, there had never been any customer complaints about litter or operation of the store.

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

Councillor Sartin asked about the range of alcohol sold. She was told that it was the standard range, including sprits, although they did not sell the high strength cider.

Councillor Keska asked how many times the premises had not stayed open the full 24 hours. He was told that as far as they could remember, they had never closed.

Councillor Keska the asked how many designated supervisors they were for the premises. Mr Botkai explained that by law they needed only one and they did not need to be there all the time. All their cashiers went through relevant training and they also had two personal licence holders there.

Councillor Sartin noted that one of the crime and disorder conditions mentioned the use of video tape (out of date now); she went on to ask if it could be added to the condition that along with the police, other authorised officers could also access the recordings and if there were cameras that covered both the outside and the inside of the premises. She was told that yes video tape was out of date but it also mentioned digital recordings. They were happy to make the recordings available to other authorised officers and yes they did have cameras both inside and outside the premises.

Councillor Dorrell asked what type of clientele they would have at night. He was told that they would be mostly shift workers using this facility and some night time users.

Councillor Dorrell asked about the operation of the night pay window. He was told that it operated from 10pm to 6am with the goods passed through and money taken through that window.

(d) Questions for the applicant from the Objector

Ms Haaden asked how the extended hours for the premises would benefit the people living near the service station, she could not see any use for a 24hour sales of alcohol. Mr Botkai said that they did not have to establish a need, but people did shop at different times. If in the long run there was no call for this and no business they would close it.

(e) Presentation of the Objector's case

Ms Careford said that they had not realised that people had to put in separate representations of objections. They already had problems at the alleyway across from the service station where there was always a lot of litter left there. The garage had been robbed some years back and the extended sale of alcohol may encourage another robbery. This may also encourage people to drink and drive. They also have a beer festival in the summer and this may cause problems. Also there may be problems of very young people and the sale of alcohol.

Please do not give this premises a 24/7 licence.

(f) Questions for the Objector's from the Sub-Committee

Councillor Sartin asked if the Police were called for any of the serious incidents they mentioned. Ms Careford said that they had not been called.

(g) Closing Statement from the Objectors

They had nothing more to add.

(h) Closing Statement from the Applicant

Mr Botkai noted that as for drinking and driving they had been selling alcohol at service stations since 1994 and there was no evidence that it contributed to the drink drive issue. In fact drink driving had fallen dramatically over the last 10 years. As for 24 hour opening being more of a risk for a robbery, they were open for 24 hours anyway.

As for the rubbish in the alleyway, it may be a problem but they were not responsible, but they could speak to the Council to get it cleared up.

If anything went wrong, the Licensing Act offered up a chance for a review and the premises called in.

He was happy to amend the conditions to add that the CCTV footage be made available to other authorised officers.

(i) Consideration of the Application by the Sub-Committee

The Sub-Committee withdrew 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:

- (1) That the application for the extension of the hours for the sale of alcohol to 24 hours daily and the alterations of some of the conditions be granted; and
- (2) That two extra conditions be added, namely:
 - (a) That the CCTV recordings be made available for the police and other authorised officers; and

- (b) That signage be prominently displayed advising that the Challenge 25 scheme was in operation.

CHAIRMAN