

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 2 July 2019

Place: Council Chamber, Civic Offices, **Time:** 10.00 - 11.25 am
High Street, Epping

Members Present: R Morgan (Chairman), S Heather, D Stocker and J M Whitehouse

Other Councillors:

Apologies:

Officers Present: R Ferriera (Assistant Solicitor), D Houghton (Licensing Compliance Officer), H Ibrahim (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 and agreed the procedure for the conduct of business.

3. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the item of business set out below on the grounds that it would involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or were confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
5	Application for a Hackney carriage Driver's Licence – Mr G Emokpae	1

4. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR G EMOKPAE

The Sub-Committee considered a new application for a Hackney Carriage Driver's Licence from Mr G Emokpae. The three councillors that presided over this item were Councillors R Morgan (Chairman), D Stocker and J M Whitehouse. Members noted

that officers did not have delegated powers to determine this licence review 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 Compliance Officer informed the Sub-Committee of the circumstances under which the Licence could not be dealt with 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 Chairman requested that everyone, except the Licensing Sub-Committee members and advising officers left the Chamber whilst they considered the application.

The Chairman invited the Applicant, Licensing Officer and Councillor S Heather back into the Chamber and informed the Applicant of the Sub-Committee's decision.

The Chairman advised that they had received no legal advice whilst determining the application.

RESOLVED:

That the application for a Hackney Carriage Drivers Licence be granted for a period of three years, subject to the applicant passing the Council's knowledge test, as the Sub-Committee were satisfied that the applicant was a fit and proper person to hold a driver's licence, subject to:

- (i) That a DVLA check be carried out on Mr G Emokpae licence after the first year; and
- (ii) That he lets the EFDC Licensing authorities know as soon as possible if he receives any cautions or conviction or penalty points or disqualifications.

5. INCLUSION OF PUBLIC AND PRESS

RESOLVED:

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

6. PREMISE APPLICATION, LIDL 140-142 CHURCH HILL, LOUGHTON

The three Councillors that presided over this application were Councillors R Morgan (Chairman), S Heather and J M Whitehouse. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee.

In attendance on behalf of Lidl Great Britain Limited were Amanda Pillinger, solicitor for the applicant, Oliver Barratt (Regional Head of Property – London East) and Rob Cowan (Regional Director).

No objectors were present.

The Chairman then introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application.

(a) Application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim, introduced the application for a new premises Licence at 140-142 Church Hill, Loughton, IG10 1LH, for Lidl Great Britain Limited. The application was for the supply of alcohol Monday to Sunday, 07.00 to 23.00. the hours the premises would be open to the public would be Monday to Sunday 07.00 to 23.00. the application was received on 9th May 2019.

The Operating Schedule set out the conditions which would be attached to the licence if the application was granted.

The Responsible Authorities had received a copy of the application and it was also advertised at the premises and the local newspaper.

All residences and businesses within 150 meters radius of the premises were individually consulted.

The authority had received five representations from residents and from Loughton Town Council. The objections related to the prevention of crime and disorder, public safety and public nuisance. The Safeguarding Services, Essex Police and the Public Health Team had no objections.

The Licensing Compliance Officer went on to explain what the Licensing Sub-Committee should have regard to in coming to their decision and what options were open to them when considering the application.

(b) Presentation of the Applicant's Case

Amanda Pillinger advised the sub-committee that this application was for a new premises licence made by Lidl Great Britain for the supply of alcohol Monday to Sunday 07.00 – 23.00 and opening hours Monday to Sunday 07.00 – 23.00.

She noted that no objections had been received from the responsible authorities. The objections received from local residents and Loughton Town Council were based on the possibility of potential disturbances which was not something that the sub-committee could take into account.

The premises could operate as a supermarket anyway, but this application was for the sale of alcohol. One of the objections was concerned about the noise from the deliveries, this aspect was covered by planning regulations, however deliveries would be sent into a separate delivery bay that would be soundproofed to minimise any disturbance.

The Town Council objected to excessive trading hours on a Sunday. However, despite the hours asked for, the premises would still have to conform to the existing Sunday trading laws, however, they would still like the hours asked for, granted.

The objection from Ms Connolly was based on the need in this area and the position of the store; both were not relevant to the application and anyway was a planning issue not licensing.

Lidl, as a national company, always promotes the licensing objectives and had lots of experience in doing this. They tried to make a positive impact in the areas they trade in and liaised with the local Police and community whenever they could. They also provided exhaustive training for their staff and regularly updated their training

programme and repeated the courses every six months. Staff were always supported and supervised by their managers. All staff had to sign that they have undergone and had understood the training. The store would also have a 'Challenge 25' policy and if doubtful would always ask for identification. Usually the shift manager would be asked to assess the purchaser, this showed that the decision was made by a manager and tended to avoid conflict. Lidl also employed an independent company to carry out test sales for them.

The majority of their products were groceries and the store was so designed to limit any crime and disorder. The alcohol was always at end of the store furthest away from the entrances and near to a till that always had a cashier or manager.

As said before, Lidl worked with the local community and has set up Community Alcohol Partnerships to assess the local area and to put in interventions to address any problems. They also worked with the drink aware charities, other local charities and the NSPCC who they help to provide courses at schools.

Ms Pillinger referred the Licensing Sub-Committee to the Council's own licensing policy and the relevant Government Guidance, noting that they would look to the Police for any advice on crime and disorder. They had no responsibility for anyone once they had left their premises and noted that the objections in the report did not relate to the sale of alcohol. She asked that the application be granted as asked for.

Mr Barratt noted that they had applied for 7am to 11pm hours on a Sunday; Planning had said 10am to 4pm for Sundays. They would be applying to planning to extend these hours; but would abide with the current 10am to 4pm Sunday Trading hours.

Mr Cowan added that they monitored weekly alcohol sales at their HQ and reviewed this to see if they needed to add more training to any particular store.

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

The Sub-Committee asked if this was to be a supermarket or a convenience store as different laws applied. They were told that they were a supermarket, and if the Sub-committee wanted to restrict their Sunday trading hours it would have to be based on the four objectives, as there were no restrictions on applying for these hours. Also if the law changed then there would be no need to come back to the Licensing Authority and ask for a variation of their licence.

The Sub-Committee asked who would be the premises DPS. They were told that it would be the store manager.

The Council's legal officer advised that the applicants were quite correct in saying that the Sub-Committee could not turn down the application based on their hours of operation on a Sunday as the existing Sunday Trading Hours had to be complied with.

(d) Closing Statement from the Applicant

The Applicant had nothing further to add.

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

The Chairman advised that the Sub-Committee would withdraw from the Council Chamber to consider the application in private.

During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

That the application for a premises licence for Lidl, Great Britain Limited at 140-142 Church Hill, Loughton, be granted subject to the following conditions which were considered reasonable and proportionate for the promotion of the licensing objectives:

- 1) The conditions which were consistent with the Operating Schedule;
and
- 2) The mandatory conditions contained in Sections 19-21 of the Licensing Act 2003.

CHAIRMAN