

# EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub Committee

**Date:** 17 August 2021

**Place:** Virtual Meeting on Zoom

**Time:** 10.00 - 10.50 am

**Members Present:** R Morgan (Chairman), J Jennings, P Keska and K Williamson

**Other Councillors:**

**Apologies:**

**Officers Present:** A Hendry (Democratic Services Officer), L Kirman (Democratic Services Officer), H Gould (Licensing Compliance Officer) and L Cole (Legal Services Officer)

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## **19. WEBCASTING INTRODUCTION**

The Chairman made a short address to remind everyone present that the virtual meeting would be broadcast to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

## **20. DECLARATIONS OF INTEREST**

There were no declarations of interest made pursuant to the Councils Members' Code of Conduct.

## **21. PROCEDURES FOR THE CONDUCT OF A VIRTUAL MEETING**

The Sub-Committee noted the procedure for the conduct of business for this virtual meeting.

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

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

## **23. NEW PREMISES APPLICATION FOR ABBEY'S LOCAL, 15 MARKET SQUARE, WALTHAM ABBEY, ESSEX, EN9 1DS.**

The three Councillors that presided over this application were Councillors R Morgan (Chairman), J Jennings and K Williamson.

The Chairman welcomed Suresh Kanapathi the applicant's agent and the applicant Pathmanathan Pathmakaran. There were no objectors present. The Chairman 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 Gould informed the Sub-Committee that an application had been made by Arka Licensing Consultants on behalf of

Pathmanathan Pathmakaran for a new premises licence at Abbey's Local, 15 Market Square, Waltham Abbey, Essex, EN9 1DS which has an A1 use category (general retail). Mr Pathmakaran would operate the shop as a local convenience store.

The proposed licence was looking to include:

The sale of alcohol for consumption off the premises during the following hours: Monday to Sunday 06:00 hours to 00:00 hours. This was in line with the opening hours.

- The application was received on the 29<sup>th</sup> June 2021.
- The Operating Schedule set out conditions which would be attached to the licence, if this application was granted.

The Responsible Authorities had received a copy of the application. It was advertised at the premises and in the local newspaper. All residents and businesses within 150 metre radius were also informed by letter.

The authority had received 1 objection from a local business owner with concerns relating to the prevention of public nuisance objective.

Responses were received from Essex County Fire and Rescue Service, Essex Police and Environmental Health who had no objections.

#### **(b) Presentation of the Application**

Mr Kanapathi noted that the applicant had been there for the last 3 months. They did not want any fewer hours for the sale of alcohol as there was no evidence for doing so. They had tried to mediate with the objector who had expressed concerns about people who would buy and consume alcohol, hanging around their shop. There was no evidence of people doing this or when it would happen. The objector was unsure of this as well. He noted that the shop did not, as yet, sell alcohol.

People would welcome the flexible times for this shop, and he hoped the sub-committee would agree with their application.

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

A Sub-committee member questioned if the applicant held a personal licence and if he would be there every day. He was told that yes, the applicant did hold a personal licence and that whenever he was not at the shop his wife would be.

A Sub-Committee member expressed concern about the closing time of midnight, especially on a Sunday. The Applicants Agent noted that other premises had similar hours, and that as a rule, people did not buy alcohol in the mornings. It was also easier to advertise the opening hours and have separate times for the sale of alcohol.

A Sub-Committee member asked about the display of the alcohol. Would it be prominently or discreetly displayed. They were told that the alcohol would be at the rear of the shop and behind the till. The beers and wines would be at the back and the more expensive stock behind the till. They noted that the shop had been refitted out recently and that it was secure at the back of the premises.

The Chairman considered the objector's written objections in the agenda and asked if any member or officer had any questions related this statement. There were no questions raised.

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

There was no additional statement from the applicant.

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

The Chairman advised that the Sub-Committee would go into private session to consider the application.

During their deliberations the Sub-Committee received the following advice from the Legal Officer present, that the storage of the alcohol was not relevant to the application.

The Sub-Committee consider that the application satisfied the necessary requirements as it was on the prescribed form, it had been advertised and relevant notifications given.

They were grateful to the parties for their presentation to them.

They had taken these, and the written material submitted into account and had considered what was appropriate to promote the four licensing objectives and the relevant parts of the Council's Licensing Policy and the Home Office's guidance.

**RESOLVED:**

The decision of the sub-committee was that the application for a premises licence in respect of: Abbey's Local, 15 Market Square, Waltham Abbey, Essex, EN9 1DS, **be granted** subject to the following conditions which were considered to be reasonable and proportionate for the promotion of the licensing objectives:

- (1) the conditions and operating schedule as submitted by the applicant;
- (2) and the condition that: -  
That the sale of alcohol cease at 10pm on Sunday to protect children from harm; and
- (3) they were also attaching the mandatory conditions contained in Sections 19 - 21 of the Licensing Act 2003.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

**CHAIRMAN**