

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub Committee **Date:** 15 June 2021

Place: Virtual Meeting on Zoom **Time:** 2.30 - 4.00 pm

Members Present: J Jennings (Chairman), I Hadley, A Lion and R Morgan

Other Councillors: Cllr S Heap

Apologies:

Officers Present: A Hendry (Democratic Services Officer), L Kirman (Democratic Services Officer), D Houghton (Licensing Compliance Officer), P Jones (Licensing Compliance Officer), S Mitchell (PR Website Editor) and L Cole (Legal Services Officer)

7. WEBCASTING INTRODUCTION

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

8. DECLARATIONS OF INTEREST

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

9. PROCEDURES FOR THE CONDUCT OF A VIRTUAL MEETING

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

10. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

11. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE FOR 6 BRADWELL ROAD, BUCKHURST HILL, ESSEX, IG9 6BY

The three Councillors that presided over this application were Councillors J Jennings, I Hadley and R Morgan.

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

In attendance were the objectors Mrs B Kenyon, Mr L Kavanagh and Mr I Boscoe. The ward Councillor, Cllr Simon Heap, and Essex Police representative Ronan McManus.

(a) Application before the Sub-Committee

The Licensing Officer, P Jones, informed the Sub-Committee that an application had been made by Natassia Kourousi for a new premises licence at 6 Bradwell Road, Buckhurst Hill, Essex, IG9 6BY.

The application was for the licensable activity of Sale of Alcohol for consumption off the premises, Monday to Sunday 07:00 – 22:00. The premises would not be open to members of the public. The application was received on 7 May 2021. The operating schedule set out the conditions which would be attached to the licence, if this application was to be granted.

All responsible authorities had been notified, it had been properly advertised at the premises and in a local newspaper. All residences and businesses within a 150 metre radius of the premises were individually consulted.

The authority had received one representation from Buckhurst Hill Parish Council and five representations from residents and businesses in the area, the objections related to all four licensing objections. There had been no comments from Community Resilience, Environmental Health, Planning, and Essex County Fire and Rescue Service. Essex Police had agreed conditions with the applicant.

(b) Presentation of the Application

The applicant was not present at the meeting.

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

The Sub-Committee sought clarity on aspects of the application from P Jones. who advised the Committee that he would only be able to give clarity on the detail included in the application. This was an on-line business, he been advised that all orders and deliveries would be fulfilled by the applicant and no third party deliveries would be used. This was a hobby that would be carried out around a full time job. Advice could not be given on volumes or future projections.

(d) Questions for the Applicant from the Objector

The applicant was not present at the hearing.

(e) Presentation from the Objector

Mrs Kenyon advised that residents were not aware that this was for the sale of hampers, and she would withdraw her objection if this was for the sale of hampers only.

Mr Kavanagh and Mr Boscoe had technical issues that resulted in them not being able to hear the proceeding. The Sub-Committee could hear the objectors who represented Mrs Kavanagh, their objections were presented to the panel. Mr Kavanagh advised the panel that the licence
e would increase congestion in the residential close, this could set a precedent of having a business in a residential area and that people could turn up drunk to collect alcohol from the premises. Mr Boscoe advised that there was a school nearby and this business would add to the congestion and parking issues. He also suggested that there was a lack of information from the licensing officer, who could not advise on volumes, storage, commercial insurance or how deliveries would be made. Parking was a consideration and the storage of valuable items would lead to an

increase risk of crime. Mr Boscoe was critical of Mr Jones and suggested that he had not collected the basic information and could not understand how a decision could be made without this basic information or the applicant not being present to answer questions.

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

There were no questions from the Sub Committee.

Cllr Morgan advised the Sub-Committee that P Jones was an experienced professional officer and that he found the comments made by Mr Boscoe to be derogatory and unfounded.

(g) Questions for the Objector from the Applicant

There were no questions from the applicant.

(h) Closing Statement from the Applicant

Cllr Heap advised that he supported this application and confirmed that residents had concerns in relation to the selling of alcohol from a residential address, however these fears had been allayed when it was clear that this was an internet business selling hampers and there would not be any direct sales from the premises.

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

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application. During their deliberations the Sub-Committee received no further advice from the Legal Officer present. The Sub Committee noted all of the submissions and representations, both oral and written made in relation to this application and 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:

That the application for a premises licence in respect of 6 Bradwell Road, Buckhurst Hill, IG9 6BY for an online only business to be operated from the premises be **GRANTED** subject to the following conditions:

1. the conditions and operating schedule as submitted by the applicant .
2. The additional conditions which had previously been agreed between the applicant and Essex Police, as set out on page 43 of the agenda relating to the protection of children from harm, namely:
 - I. All orders to be made to the business via telephone or online. Records of orders to be produced to police or council officers if required.
 - II. Age verification process in place at the point of purchase.
 - III. Alcohol would not be delivered to any person other than at a residential or business address given. It would not be delivered to persons in the vicinity or in a park, street or similar location.
 - IV. At the point of delivery there must be age verification process in place (Challenge 25). To include any third-party delivery services used.
 - V. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age was required to produce on request an item which meets the mandatory age verification requirement and was either

- Proof of age card bearing the PASS Hologram;
 - Photocard driving licence;
 - Passport; or
 - Ministry of Defence Identity Card.
- VI. All delivery sales of alcohol must be paid for at the time of ordering. Payment shall be made by debit or credit card, or electronic payment such as Paypal, Apple Pay, Android Pay, etc. No payment should be made at the door.
- VII. All staff engaged in the sale or supply of alcohol (including delivery drivers) shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Training to be entered onto a training register and maintained at the premises.
- VIII. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
- IX. The Licence was for Off Sales Only.

3. Deliveries would only be made to bona fide residential address.

which they considered were reasonable and proportionate for the promotion of the licensing objectives:

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.

12. LICENSING ACT 2003- APPLICATION FOR A PREMISES LICENCE FOR PITCH 1, NORTH WEALD MARKET, NORTH WEALD AIRFIELD, MERLIN WAY, NORTH WEALD BASSETT

The three Councillors that presided over this application were Councillors J Jennings, I Hadley and R Morgan.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application. In attendance was the applicant Mr Ritchie.

(a) Application before the Sub-Committee

The Licensing Officer, D Houghton, informed the Sub-Committee that an application had been made by John Ritchie, for a new premises licence for Pitch 1, North Weald Market, North Weald Airfield Merlin Way, North Weald Bassett, Epping, Essex, CM16 6HR

The application was for the licensable activity of sale by retail of alcohol off the premises only:

Saturday:	08:00 – 16:00
Bank Holiday Mondays:	08.00 – 16.00

Opening Times of the premises

Saturday	08.00 – 16.00
Bank Holiday Mondays	09.00 – 15.00

The application was received on 1 May 2021. The operating schedule set out the conditions which would be attached to the licence, if this application was to be granted.

All responsible authorities had been notified, it had been properly advertised at the premises and in a local newspaper. All residences and businesses within a 150 metre radius of the premises were individually consulted. The authority had received one representation from North Weald Parish Council, the objections related to the protection of children from harm. There was a response from Public Health, Essex Fire and Rescue, Essex Police, and Planning, none of which had any comments or representations to make.

(b) Presentation of the Application

The applicant detailed customers for his stall that sold basic groceries had requested that he sell wine and beer through the lockdown. There had been a number of Temporary Events Notices (TENS) in place and this application would formalise the position.

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

The Sub-Committee sought the applicants view on the appropriateness of the site to sell alcohol and asked what alcohol would be sold for confirmation that alcohol would not be consumed on site and that sales would be to over 18 year olds.

Mr Ritchie advised that he would sell only wine and beer, there were no other stalls selling alcohol and the market had their own security that would ensure there was no drinking on the site. The Challenge 25 scheme would be in operation and additional posters advising that drinks should not be opened and consumed on the market could be displayed. He suggested that the location was a family based market and that it was unusual to see group of youths alone due to the location, so this was an appropriate place to sell alcohol.

(d) Questions for the Applicant from the Objector

No objectors were present at the meeting

(e) Presentation from the Objector

No objectors were present at the meeting

(f) Closing Statement from the Applicant

Mr Ritchie advised they were a responsible stall and they would not risk their reputation by offering under-age sales.

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

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application. During their deliberations the Sub-Committee received no further advice from the Legal Officer present. The Sub Committee noted all of the submissions and representations, both oral and written made in relation to this application and 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:

That the application for a premises licence in respect of 1 North Weald Market, Merlin Way, North Weald Essex CM16 6HR, be **GRANTED** subject to the following conditions:

1. the conditions and operating schedule as submitted by the applicant.
2. the additional condition to protect children from harm. Operate challenge 25 and display clear signage that purchases could not be consumed within the market.
3. the mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003

which they considered were reasonable and proportionate and would not undermine the licensing objectives:

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