

The authority had received two representations of objections from local residents, both related the prevention of public nuisance. A response had also been received from Essex Police with recommendations that had been agreed by the applicant. No comments had been received from any other responsible authority.

(b) Presentation of the Applicant's Case

Mr Semper outlined the application and advised the Sub-Committee that the licence was for a small retailer that sold high end products. He highlighted that the representations made in relation to anti-social social behaviour were speculative and that parking was not a consideration for the Sub Committee. Mr Semper advised the committee that CCTV covered the premises and the frontage, all staff would be trained, the premises would be operated with due diligence, all relevant logs would be maintained and Challenge 25 would be operated, to ensure compliance with the Licencing Policy aims. He summarised that the conditions in the application would promote the licensing objectives.

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

Members of the Sub-Committee received confirmation that the application had been received in 2022, not 2021 as stated on the officer's report. The Sub-Committee asked about the applicants experience and were advised that Mr R Parekh and Ms A Parekh had operated a licensed convenience store for 9 years in Whitford, Basildon, there had been no issues and Ms Parekh had trained staff for that site. She confirmed that she would be responsible for training staff if the licence was granted.

The Sub-Committee queried the layout of the different areas of the shop, staffing levels and if there would be internet sales. They were advised that only high-end products for wine and spirit areas would be sold and that both Mr and Ms Parekh would be present at the premises, there was also face recognition CCTV inside the premises. There would be internet sales, and the applicant or trained staff would carry out the deliveries only the person who placed the ordered could take receipt of the delivery. The applicant confirmed there would not be any tables and chairs at the premises.

The Sub-Committee queried why the reduced hours offered to the objector were not those proposed in the application, the applicant's agent advised that these had been offered, unsuccessfully, to placate the objector. The application had therefore been submitted for hours until 11:00 pm, these hours would ensure there would be time to pick and pack internet orders, it was expected that the shop would close at approximately 8:00pm during the week and 9:00pm on the weekend.

The applicant confirmed to Mr G Oakley, (Senior Legal Executive) that the agreed conditions were as detailed on page 58-59 of the agenda.

(d) Questions for the Applicant from the Objectors to the Review

No objectors were present at the Sub-Committee meeting.

(e) Presentation from the Objectors to the Review

No objectors present were at the Sub-Committee meeting.

(f) Closing Statement from the Applicant

No closing statement was made by the Applicant.

(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 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 this Licensing Sub-Committee was that the application for a premises licence in respect of Yung and Kush 84A Queens Road Buckhurst Hill Essex IG9 5BS for the consumption of alcohol off the premises Monday to Sunday between 9.00 and 23.00 with opening hours for the same times be **granted** subject to the following conditions

A: The conditions which are consistent with the Operating Schedule as varied by the conditions agreed with the Licensing Officer of Essex Police all of which are set below.

1. All stocks of spirits would held behind the counter.
2. When the Designated Premises Supervisor is not on duty, a contact telephone number would be available at all times.
3. CCTV would be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.
Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.
The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual.
An operational daily weekly report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police (on contact number '101') and Council Licensing Department immediately.
4. An incident log must be kept at the premises. Incident log records would be retained for a period of 12 months from the date it occurred. It would be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the Police, and must record the following:

- (a) all crimes reported to the premises (where relevant to the licensing objectives)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objectives)
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol or tobacco products
- (g) any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.

Public Safety

- 5. The Premises Licence Holder shall have a procedure in place to ensure that the Fire Exit(s) is checked regularly and clear of obstruction at all time.
- 6. Emergency lighting and smoke detectors shall be installed and inspected regularly to ensure that they are in good working order and free of hindrance or obstruction.

The Prevention of Public Nuisance

- 7. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly.

The Protection of Children from Harm

- 8. A written register of Refusals on grounds of age or sobriety would be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and would be collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council on demand.
- 9. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing prior to commencing employment unless themselves a Personal Licence Holder in their own right. Retraining would be carried out every 12 months. Training records shall be kept on the premises and produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/ Council) on demand.
- 10. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.
- 11. A refusals record shall be maintained at the premises that details all

refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

Internet Sales:

12. The Premises Licence Holder shall ensure that any person who purchases from the site shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. A clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection and records shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council.
13. The terms and conditions of the company website would contain the following:
 - a) The company would not sell alcohol to any person until it has been verified that the person is over 18 years of age.
 - b) An age confirmation requirement when registering to purchase.
 - c) Reference to the operating of a Challenge 25 policy.
 - d) That no parcels would be left by the courier if the person at the delivery address is under 18 years of age.
14. Order payments would only be taken by credit/debit card via web sales or telephone, no payment would be accepted at the door.

Deliveries:

15. The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

B The mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

The applicant and persons who made relevant representations were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

The applicant was reminded that if the conditions of the Licence are breached, the matter can be reviewed by the Licensing Sub-Committee and the premises licence can be looked at again.

69. APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF NEW BREED BOTTLE SHOP, 287 HIGH ROAD, LOUGHTON, ESSEX, IG10 1AH

The three Councillors that presided over this application were Councillors M Sartin (Chairman), R Morgan and CP Pond.

The Chairman welcomed the applicants Mr N Datta and Mr M O’Kane, introduced the Members and officers present and outlined the procedure that would be followed for the determination of the application.

(d) Application before the Sub-Committee

The Licensing Officer, H Ibrahim, introduced the application for a variation to the existing Premises Licence at New Breed Bottle Shop, 287 High Road, Loughton, Essex, IG10 1AH.

The application was for an extension of the hours for the sale of alcohol at the premises to:

Monday to Wednesday 12:00 - 22:00
Thursday to Saturday 12:00 - 00:00
Sunday 12:00 - 18:00

The opening hours of the premises:

Monday to Wednesday 12:00 - 22:00
Thursday to Saturday 12:00 - 00:00
Sunday 12:00 -18:00

The application had been received on 1 April 2022, the operating schedule set out the conditions that would be attached to the licence, if the application were to be granted. The responsible authorities had received a copy of the application and it was properly advertised at the premises and in a local newspaper.

The authority had received a representation from Loughton Town Council and from one local resident these related to the prevention of crime and disorder, and the prevention public nuisance. Essex Police Licensing had agreed a condition with the applicant.

(e) Presentation of the Applicant’s Case

Mr O’Kane outlined the application, he described the businesses as the sales and tasting of craft beer, fine spirits and natural wine. The hours of the current licence had meant requests for bespoke tasting events had to be turned down and that had become business critical. They had been granted several TENS but this variation and extension of hours was essential to maintain a successful business. The business has started during Covid lockdown, but now people were commuting there was a demand for a later finish. There were two outside tables where people could taste the drinks, these tables were taken in at 9:00pm. This was a specialist establishment, which was covered by CCTV and the employers and employees were experts in hospitality.

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

Members of the Sub-Committee asked for clarity on if the outside of the shop was part of the licence. They were advised that a pavement licence had been granted and that a licence would only be required for on- site sales. The pavement licence was valid until 30 Sept 2022.

The Committee asked how many people could sit outside, if there was a smoking area, and if the applicant would be amenable to a condition that the outside should be cleared by 9pm. The applicant advised that there were 2 tables and 2 benches that seated up to 8 people, as this was an outside area if people did smoke, they would be provided with an ashtray, and staff swept the area regularly. The applicant stated that they would be happy to ensure the area was cleared by 9pm.

The applicants confirmed that there was an on-line element to the business, if orders were received by 2:30pm they would be delivered the same day, or the next day if order was received after 2:30 pm, they personally delivered locally and used couriers.

The Sub -Committee asked if the bespoke events could be a 'stag' type of event , the applicant advised that this was a unique business in Loughton with good reviews, there had been no problems and there was no intention that the business would become a drunken, noisy place.

Mr G Oakley asked about the TENS, the Licensing Officer confirmed there had been a number TENS to 11pm or midnight and there had been no objections to these licences.

(d) Questions for the Applicant from the Objectors to the Review

No objectors were present at the Sub-Committee meeting.

(g) Presentation from the Objectors to the Review

No objectors present were at the Sub-Committee meeting.

(h) Closing Statement from the Applicant

No closing Statement was made by the applicants.

(j) 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 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 to vary the premises licence in respect of NEW BREED BOTTLE SHOP 287 HIGH ROAD LOUGHTON ESSEX be **granted** subject to

The existing conditions on the licence with the addition the following conditions:

- 1 Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. These signs shall be a minimum size of 200mm x 148mm.

- 2 For the prevention of public nuisance any tables used outside the Premises shall be removed no later than 21.00 Monday to Saturday and 18.00 on Sundays

The applicant and persons who made relevant representations were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

The applicant was reminded that if the conditions of the Licence are breached, the matter can be reviewed by the Licensing Sub-Committee and the premises licence can be looked at again.

CHAIRMAN