

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 24 September 2013

Place: Council Chamber, Civic Offices, **Time:** 6.30 - 9.31 pm
High Street, Epping

Members Present: L Leonard (Chairman), P Keska, R Morgan and P Spencer

Other Councillors: Ms H Kane

Apologies:

Officers Present: R Ferriera (Assistant Solicitor), J Owen (Licensing Admin) and R Perrin (Democratic Services Assistant)

63. DECLARATIONS OF INTEREST

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

64. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

65. WALTHAM ABBEY EXPRESS, 1 FARM HILL ROAD, WALTHAM ABBEY, ESSEX, EN9 1NE

The three Councillors that presided over this item were Councillors L Leonard, P Keska and P Spencer. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were Ms E Guler, the applicant's solicitor and Mr Hazar, the applicant. In attendance objecting to the premises was a resident Mr Emery, Councillor Kane, Peter Jones from the Essex Police and two members of the public. The Chairman then introduced the Members and Officers present, and outlined the procedure that would be followed for the determination of the application.

The Application before the Sub-Committee

The Legal Officer informed the Sub-Committee that a variation of a premises licence for Waltham Abbey Express, 1 Farm Hill Road, Waltham Abbey had been received along with representations from interested parties. The variation had requested permission to:

- To supply alcohol from 09:00 to 03:00 Monday to Sunday but following representations from the police the applicant submitted the reduced hours;
- To supply alcohol from 09:00 to 01:00 Monday to Thursday,
- To supply alcohol from 09:00 to 02:00 Friday and Saturday; and
- To supply alcohol from 09:00 to 00:00 Sunday.

Following receipt of the application, the Council had received representations from:

- Essex Police;
- Councillor Kane;
- Six representations from local residents;
- Essex County Fire & Rescue Service;
- Children's Safeguarding Service; and
- Essex County Council Trading Standards.

Presentation of the Applicant's Case

Ms Guler advised the committee that the applicant wished to increase his licensing hours from 00:00, Monday to Sunday to 01:00 Monday to Thursday, 02:00 Friday and Saturday and 00:00 on Sunday.

Ms Guler advised the sub-committee that objections regarding litter, noise, anti social behaviour and parking could not all be attributed to the off license, as a lot of the customers were local residents. There were also other establishments in the near vicinity that opened later than the off license and served alcohol.

The applicant had owned the off license since July 2012 and was an experience business man. He had fitted eight cameras in and round the premises, recording and holding the footage for 31 days. The applicant would require proof of age for customers and refuse any serve inebriated people requesting alcohol. Ms Guler advised the sub-committee that customers who used the off license also purchased other essential items such as milk, bread, gas and electric. In response to the objectors complaints Ms Guler stated that the off license could not be held responsible for the anti-social behaviour that residents experienced, although the applicant had reduced the licensing hours applied for after consultation with the Police.

Questions for the Applicant from the Sub-Committee

Councillor Keska asked how many staff was employed. The applicant advised that he and another part time member of staff worked in the premises. Councillor Keska enquired how the alcohol would be covered when it was not for sale and the shop was open. The applicant advised he would re-design the shop if it was required.

Questions from Objectors to the Applicant

Mr Emery asked about how the applicant would prevent drunken people from attempting to purchase alcohol or even enter the shop. Ms Guler advised that it would be a breach of his license if he sold alcohol to drunken people and therefore he would not sell it to them.

Mr Emery asked whether the tenant attached to the premises was his tenant and whether they worked for Mr Hazar. The applicant advised that he also rented the premises and that he did not employ the tenant.

Mr Emery asked what the main product that was purchased late in the evening. Ms Guler advised that when Tesco closed, sales of alcohol did increase but so did other items such as milk, bread, cigarettes, gas and electric tokens.

Councillor Kane enquired about the consumption of goods sold and the premises turn over. Mr Hazar did not know his turn over. Councillor Kane enquired on the closing time of the nearest supermarket. It was confirmed that Tesco closed at 23:00.

Peter Jones, from Essex Police asked for the opening hours to be clarified. Ms Guler advised that the opening hours would replicate the licensing hours as follows:

Monday – Thursday 09:00 – 01:00
Friday - Saturday 09:00 – 02:00
Sunday 09:00 – 00:00.

Ms Guler advised that even though the licensing hours for the original application start from 07:00, Mr Hazar requested that the shop opens at 09:00 but he would still like the licensing hours to start from 07:00 and that the licensing hours replicate the opening hours.

Presentation of the Objector's Case

Councillor Kane stated that there was no need for the late license within the area. It would attract patrons from pubs, clubs and restaurants from Sun Street which were near by and in turn create anti social behaviour. Waltham Abbey was a historical Town and drunken behaviour was not the type of culture wanted. Councillor Kane advised that residents did not want to have to clear out their gardens the following mornings and did not want anti social behaviour in residence area.

Mr Emery advised the sub-committee that he was the closest neighbour and that he had experienced anti social behaviour regularly in front of his property. His drive way was littered with glass bottles on a regular basis, drunken people sat on his car and he had CCTV installed because of the nuisance caused by drunken people. He advised that the high street had plenty of places that sold alcohol and that the residential area did not need the late opening hours. He had concerns over the fact that the nearest police station was in Harlow, so if any problems did occur the time in which they took to respond may result in the problem escalating. Problems were also occurring with customers blocking his drive way and car doors being slammed.

Peter Jones, from Essex Police advised that committee that a public place order had been placed on Sun Street, Waltham Abbey and that this premise sat just outside this area. This prevents people from walking around with alcohol as it could be removed from them or even led to an arrest. Mr Jones recognised that the area had anti social behaviour problems and these were mainly due to alcohol and an increase in hours for the off license could result in a precedent. He noted that none of the bigger named stores had requested an extension to their license and saw this as a sign that the demand was not necessarily there.

Questions for the Objector's from the Sub-Committee

Councillor Spencer asked what time other premises were open in the local vicinity. Councillor Kane advised that other premises were open to around 01:00.

Councillor Spencer asked Mr Emery if he would still object to the application if the premises did not sell alcohol. Mr Emery felt that the problem was mainly with the sales of alcohol in the evenings.

Councillor Keska asked about the parking problems and when these problems occurred.

The legal officer advised that the parking issues were not relevant to the application as that was a matter for the highways authority.

Councillor Spencer asked Mr Jones whether a reduction in the times as now suggested by the applicant was now acceptable. Mr Jones advised that the variation to the licensing hours requested were still excessive for the premises and location.

Councillor Leonard asked whether the police had received any complaints against the premises. Mr Jones advised that no incidents had been reported and that the police had not attended the premises.

Councillor Leonard asked whether there reports of drinking in the day around the premise. Mr Jones advised that problems had been report for the area but that the alcohol could not be attributed to the premises without all premises having bottle marking or coloured bags for each shop selling alcohol, therefore the problems could not be attributed to this premises. Mr Jones also advised that Trading Standards had not reported any problems either and he had viewed the refusal log for the premises.

Questions from the Applicant to the Objectors

There were no questions to Councillor Kane.

Ms Guler asked Mr Emery if any problems were from customer of the premises. Mr Emery advised the sub-committee that he had been into the off license to speak with Mr Hazar about the problems he has had with customers on a few occasions.

Closing Statement from the Objectors

Mr Emery advised that the premises was detrimental to the area and contributed to the anti sociable behaviour.

Councillor Kane advised that there already problems with Waltham Abbey and this premises opening to the hours requested would add to the problems already created.

Mr Jones advised that this premises was the latest off license in the area and only the pubs had later licenses. If the variation was allowed it would set precedence in the area where problems already existed.

Closing Statement from the Applicant

Mr Hazar advised that Trading Standards had checked his premises and he had received no complaints.

Ms Guler advised that other establishments were open to later hours than requested by the premises and that the sub-committee should consider granting the application.

Consideration of the Application by the Sub-Committee

The Sub-Committee retired to consider the application. They received no advice from officers.

RESOLVED:

That the application for a premises license for Waltham Abbey Express, 1 Farm Hill Road, Waltham Abbey be granted subject to the existing conditions on the license and the modified times as follows;

Opening hours

Monday – Saturday 09:00 – 00:30

Sunday – 09:00 – 00:00

Sale of alcohol

Monday – Saturday 09:00 – 00:30

Sunday 09:00 – 00:00

Having weighed up the evidence and considered the representations presented to us we have curtailed the trading hours as mentioned above. In our opinion the right of the owner to make a living should be balanced against the right of the residents not to suffer public nuisance.

66. EXCLUSION OF PUBLIC AND PRESS

The Sub-committee noted that there were no items of business on the agenda that necessitated the exclusion of the public and press from the meeting.

CHAIRMAN