

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 7 October 2013

Place: Council Chamber, Civic Offices, **Time:** 6.30 - 8.10 pm
High Street, Epping

Members Present: Councillors Mrs P Smith (Chairman), A Mitchell MBE, R Morgan and Mrs M Sartin

Other Councillors:

Apologies:

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

74. DECLARATIONS OF INTEREST

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

75. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

76. APPLICATION FOR NEW PREMISES LICENCE ABBEY NEWS, 9 HILLHOUSE, WALTHAM ABBEY, ESSEX EN9 3EL

Introduction

The three Councillors that presided over this item were Councillors P Smith, A Mitchell and M Sartin. The Chairman welcomed the applicant and her agent and requested that they introduce themselves to the Sub-Committee. In attendance in support of the application were Mr C Mitchener of Licensing Solutions, the applicant's agent and Mrs N Unadkat, the applicant. There were no objectors in attendance. The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application.

Application before the Sub-Committee

The Legal Officer informed the Sub-Committee that the application sought a new premises licence for Abbey News, 9 Hillhouse, Waltham Abbey. The application sought permission for alcohol to be supplied and the premises to be open from 0630 to 2200 Monday to Sunday.

The Sub-Committee were advised that following receipt of the application, the Council had received representations from:

- (a) Essex Police;
- (b) Essex County Fire and Rescue Service;
- (c) Essex County Council Children's Safeguarding Service;
- (d) one local resident; and
- (e) one business in the locality.

Members were informed that in relation to the representations made by Essex Police, the applicant's agent had confirmed that in Section P of the application form reference should have been made to "Challenge 25" and that CCTV was installed inside the premises.

Presentation of the Applicant's Case

Mr Mitchener, the applicant's agent informed the Sub-Committee that the applicant's business had been well established for some seven years and was operated by her with support from her husband. He advised that the application sought permission for alcohol to be supplied and the premises to be open from 0630 to 2200 Monday to Sunday.

Mr Mitchener confirmed that "Challenge 25" policy would be implemented within the premises. He pointed out that there had been no adverse comments from the relevant authorities, particularly Essex Police and Essex County Council Children's Safeguarding Service.

He emphasised that for representations to bear weight they had to relate to licensing objectives and have substance. He contrasted the lack of adverse comments from the relevant authorities with the representations which had been made by a local resident and another local business which had suggested that if the licence was granted it would create problems in the area. He drew attention to the relationship between the applicant's business and that of the business which had made representations. He pointed out that the business making representations had referred to the likely negative impact on their business, the number of off licences already in Waltham Abbey and the possibility of their rent being increased. Mr Mitchener submitted that if there were already antisocial behaviour problems in the locality as a result of the sale of alcohol these could be due to sales from the business making adverse comments about the application before the Sub-Committee.

Mr Mitchener stated that anyone working at the premises would be trained and required to take a written test which would be repeated at three monthly intervals. He advised that a training document would be maintained and that appropriate signage would be displayed including a leave quietly notice. He pointed out that the applicant could not be held responsible for behaviour off the premises.

Mr Mitchener stated that if the Sub-Committee felt more comfortable with a closing time of 2000 this would be accepted although he submitted there was no evidence to support such a restriction.

Mr Mitchener submitted that the application should be granted as submitted.

Questions for the Applicant from the Sub-Committee

The applicant and the applicant's agent gave the following answers to questions from members of the Panel:

- (a) the designated premises supervisor and the applicant was Mrs N Unadkat;
- (b) the applicant had applied for a personal licence; the lack of a personal licence did not prevent the granting of the application before the Sub-Committee but did prevent the operation of any consent;
- (c) there had been a delay in obtaining a personal licence as there had been a misunderstanding between the applicant and the applicant's agent about the information contained within the application;
- (d) it was normal for an application to seek permission for the display of alcohol throughout a store rather than restricting it to a specific area as this allowed an expansion of the display area at certain times of the year, eg the Christmas period;
- (e) the police had not expressed any concerns about security at the premises;
- (f) the sale of alcohol would be ancillary to other sales including confectionary and newspapers; the actual area where alcohol was likely to be displayed would comprise four or five bays which equated to less than 25% of the floor space;
- (g) the requested hours for the sale of alcohol mirrored the proposed opening hours of the shop as this would prevent potential confrontation arising from customers being unable to purchase alcohol at certain times;
- (h) staff would receive full training and would be retrained quarterly in November, February, May and August; these times were recognised nationally as being the most suitable;
- (i) staff appraisals had not been undertaken in the past but could be considered; to some extent the need for appraisals was offset by the regular training and testing which required a pass of 100% each time;
- (j) at present only the applicant and her husband staffed the premises; the applicant's husband would undertake Level 1 training and was prepared to undertake Level 2 training if the Sub-Committee felt this necessary;
- (k) training was compiled in accordance with industry standards; Levels 1 and 2 were set by the British Institute of Innkeeping; Level 1 was required for staff and Level 2 was required for the personal licence holder;
- (l) the licence was being sought with the intention of encouraging more customers;
- (m) the applicant was experienced in relation to "Challenge 21" and "Challenge 25" procedures and was used to dealing with local youths who attempted to make purchases of cigarettes and/or Lottery tickets without showing the required ID;
- (n) the applicant had become acquainted with most of the local youths as she had seen them growing up over the past few years and had no difficulty in dealing with them;

- (o) a refusals book was maintained which included details of the relevant date, time, a name if possible and the reason for refusal; Trading Standards had inspected the register in the past; all the relevant notices would be displayed within the premises; whilst the applicant had not held a personal licence in the past, she had experience of the requirements as she had witnessed a friend's operation;
- (p) CCTV data would be kept for 28 days;
- (q) during the last two or three years the applicant had not witnessed any antisocial behaviour problems in the vicinity of her premises; on occasions youths had attempted to annoy her but she had not reacted;
- (r) there were two schools in the vicinity – King Harold and the Hillhouse Primary School;
- (s) the applicant being alone in the shop was not considered to be a problem and had not been an issue raised by the police; this practice was common place throughout the country.

Closing Statement on behalf of the Applicant

Mr Mitchener submitted that the representations made by a local resident had been made in good faith but were outside of the remit of the Licensing Act. He repeated that neither the relevant authorities nor Council Officers had made any adverse comments about the application. He suggested there was no reason to refuse the application as submitted but reaffirmed the offer made earlier that if the Sub-Committee felt it necessary the applicant would be prepared to accept a condition requiring the closure of the premises at 2000 hours. He also repeated the offer for the applicant's husband to take Level 2 training.

Consideration of the Application by the Sub-Committee

The applicant and her agent left the meeting. The Sub-Committee considered the application and received no advice from officers. During their deliberations the Sub-Committee decided that they needed information about the timescale for completing training. The applicant and her agent were called back into the meeting.

In response to questions from members of the Panel the applicant's agent advised that in relation to Level 2 training there was a one day course which was held once a month at various venues throughout the country; he stated that in his opinion a reasonable timescale for completing Level 2 would be three to four months which would allow for just missing a course and possibly failing at the first attempt.

The applicant and her agent then left the meeting again.

RESOLVED:

That the application for Abbey News, 9 Hillhouse, Waltham Abbey be granted subject to the following conditions:

- (a) the applicant obtaining a personal licence and being appointed a designated premises supervisor;
- (b) the references in (b) and (e) of Section P of the application form to "Challenge 21" being replaced with "Challenge 25";

(c) the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003;

(d) the installed CCTV covering the premises being maintained; recording at all times the premises are open to the public and recordings kept in an unedited format for a period of not less than 30 days; the images to be made available to police, local authority or Trading Standards for inspection upon lawful request and

(e) the applicant's husband to receive Level 1 training at the first opportunity and to undertake Level 2 training within four months.

77. 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