

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Sub-Committee                      **Date:** 4 February 2014

**Place:** Council Chamber, Civic Offices,                      **Time:** 10.30 am - 12.35 pm  
High Street, Epping

**Members Present:** L Leonard (Chairman), R Morgan, Mrs M Sartin and Mrs P Smith

**Other Councillors:**

**Apologies:**

**Officers Present:** A Mitchell (Assistant Director (Legal)), J Leither (Democratic Services Assistant) and S Kitts (Licensing Officer)

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### 122. DECLARATIONS OF INTEREST

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

### 123. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

### 124. EXCLUSION OF PUBLIC AND PRESS

#### RESOLVED:

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
5	Hackney Carriage Driver's Licence – Mr Naseem Saed	1
6	Hackney Carriage Driver's Licence – Suspend or Revoke Current Licence Mr Arif Raza	1

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**125. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR NASEEM SAED**

The Sub-Committee considered an application by Mr Naseem Saed for a Hackney Carriage Driver's Licence. The Sub-Committee for this item consisted of Councillors L Leonard, R Morgan and P Smith. Members noted that Officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Sub-Committee. The Chairman welcomed the applicant and introduced the Members and Officers present. The Assistant Director, Corporate Support Services (Legal) informed the Sub-Committee of the circumstances by which the licence could not be issued under delegated authority.

The applicant made a short statement in support of his application, before answering a number of questions from members of the Sub-Committee. The applicant then made a short closing statement to the Sub-Committee before the Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated this application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That a Hackney Carriage Driver's Licence be granted for one year to Mr Naseem Saed, subject to the following condition:

- (a) That the applicant passes the Council's Knowledge Test.

**126. EXISTING DRIVER RENEWAL SUSPEND OR REVOKE - MR RAZA**

The Sub-Committee considered whether to suspend or revoke the current Hackney Carriage Driver's Licence for Mr Arif Raza. The three councillors that presided over this item were Councillors L Leonard, R Morgan and P Smith. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Sub-Committee. The Chairman welcomed the applicant and introduced the members and officers present. The Assistant Director of Corporate Support Services (Legal) informed the Sub-Committee of the circumstances by which the licence could not be issued under delegated authority.

The applicant made a short statement to the Sub-Committee in support of their application, before answering a number of questions from members of the Sub-Committee.

The Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

**RESOLVED:**

That the Hackney Carriage Driver's Licence for Mr Arif Raza (H970) be allowed to continue.

**127. INCLUSION OF PUBLIC AND PRESS****RESOLVED:**

That the public and press be invited back into the meeting for the remaining items of business.

**128. APPLICATION FOR NEW PREMISES LICENCE - MAJESTIC WINE WAREHOUSE LIMITED**

The three Councillors that presided over this item were Councillors L Leonard, P Smith and M Sartin. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application was Consultant Solicitor Mr Barry Holland and a representative from the Majestic Wine Warehouse Limited, Mr Tom Holland. There were two objectors also in attendance, Mr and Mrs Bernard Winwood. The Chairman 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 Assistant Director, Corporate Support Services (Legal) informed the Sub-Committee that the District Council had received an application from Majestic Wine Warehouse Limited for a new premises licence at Unit 2, Station Road, Loughton, Essex IG10 1AA. The application was to sell alcohol between the hours of 08.00 and 23.00, Monday to Sunday. The application had gone out for consultation and that the responsible authorities had been notified. There had been no objections raised by the Police subject to a condition to install CCTV being added onto the Premises Licence, which had been agreed by the applicant. There had been four written objections received from the public, one of which had now been rescinded and one from Loughton Town Council.

**Presentation of the Applicants Case**

Mrs B Holland advised the Sub-Committee that Majestic Wine Warehouse Limited had 203 outlets across the country and the hours applied for were the standard policy for Majestic Wine Warehouse Limited. The usual hours of opening were from 10am – 8pm Monday to Sunday and these hours were applied across all Majestic Wine Warehouses. The extended hours applied for from 8am – 11pm were for events held for wine tasting and tutorial occasions that occurred approximately once a month.

Mr B Holland explained that the Majestic Wine Warehouse Limited policy was to sell wine by the case, a minimum of 6 bottles could be purchased at one time, beer and cider were sold by the manufacturers packing case and would not be split into smaller quantities, spirits could be bought as single bottles. Majestic Wine Warehouse did not sell any confectionary, tobacco products or alcopops. The average purchase of their customer was £130.00 per visit. He advised that Majestic Wine Warehouse offered internet and telephone sales and provided customers with a delivery service.

Mr Holland advised that they estimated the traffic movement in and out of the warehouse should not cause a problem, there were 15 spaces between the three units and 3 dedicated spaces for the Majestic Wine Warehouse. There were approximately two customers per hour throughout the day. Our delivery van would park outside the warehouse overnight and during the day it would be out delivering to customer and returning to the store to load orders. This was a business where specific people would go to buy large quantities of wines and beer and not go to browse.

**Questions for the Applicant from the Sub-Committee**

Councillor Sartin asked which unit Majestic Wine Warehouse would be occupying?

Mr B Holland explained that Majestic Wine Warehouse would occupy the middle unit and the other two units would be occupied by Nandos and Tops Tiles.

Councillor Smith asked what were the provisions made for deliveries to the Warehouse and how many deliveries would they expect per week?

Mr T Holland advised that everything was delivered on pallets there would be one delivery of wines, beers and spirits per week which would take approximately 15 minutes to unload. There would also be deliveries of water and soft drinks, again delivered on pallets. He envisaged that there would be in total up to three deliveries per week all taking approximately 15 minutes to unload. He also advised that the size of the lorry would be that of a standard size and not of an articulated lorry size.

Councillor Smith asked Mr B Holland about the proposed conditions of the premises licence relating to CCTV from Mr Peter Jones, Licensing Officer, Essex Police.

Mr Holland replied that terms had been agreed with Mr Peter Jones to install CCTV which would cover all entry and exit points and the till area enabling frontal and facial identification of every person entering and exiting the warehouse, this would be stored on a hard drive for 31 days and available at all times to the Police or authorised Council Officials.

Councillor Sartin asked if the doorway shown on the plan at the rear of the unit would be alarmed and would customers have access to this door?

Mr T Holland advised that this was a fire door which would be alarmed and there would be no customer access unless it was an emergency.

Councillor Leonard noted that the shape of the unit was long and narrow and asked how deep the shelving would be?

Mr B Holland advised that there would be no shelving as everything would be stored on pallets.

#### **Questions for the Applicant from the Objectors**

Mr Winwood asked for reassurance that the Majestic Wine Warehouse would not sell small quantities of wines beers and ciders to members of the public. His concern was that members of the public would be able to buy off sales in small quantities and hang around the local streets drinking alcohol and causing a public nuisance.

Mr T Holland confirmed that this was not company policy as wines, beers and ciders came in cases with a barcode on them and therefore they could not be opened and sold individually as they would not be able to go through the till system. He reassured Mr Winwood that they did not sell the cheaper types of beer and cider that could be purchased in a supermarket most of their beer and cider was specialised and expensive to buy he reiterated that breaking open manufacturers cases and selling wine, beer and cider individually was against company policy and would not be able to go through the till system.

Mr Winwood asked if checks could be made to monitor their system and staff to make sure that smaller quantities of wines, beers and ciders could not be processed as sales from the warehouse.

Mr T Holland assured Mr Winwood that the till system would not be able to process cases being broken down into smaller parcels to sell. He reiterated that the only way

a sale could be achieved was by buying the product how it came packed from the manufacturers. Mr Holland also advised that the Majestic Wine Warehouse focused on high quality products and not products that would appeal to the younger generation or street beer drinker.

**Closing Statement from the Applicant**

Mr Holland advised the Members that he had covered all concerns and that he had nothing further to add.

**Consideration of the Application by the Sub-Committee**

The Sub-Committee asked the applicant and the objectors to leave the chamber so that they could consider the applications. They received no advice from officers.

**RESOLVED:**

That the application for a premises licence for Majestic Wine Warehouse Limited, Unit 2, Station Road, Loughton, Essex IG10 1AA be granted subject to the Council's standard conditions and the implementation of the proposed condition agreed with Essex Police regarding CCTV installation.

**CHAIRMAN**