

The Chairman introduced the Members and Officers present. The Chairman welcomed the participants to the Sub-Committee. In attendance for the application was the applicant and his wife, Mr and Mrs Lovelock. There were no objectors present.

a) The Application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim, informed the Sub-Committee that an application had been made by Multitap Gaming Ltd in respect of a new premises licence at Multitap Gaming Hub, 52 The Broadway, Loughton IG10 3ST.

The application had been received by the Licensing Authority on 22 June 2020. A copy of the new premises licence application and the operating schedule setting out conditions, which would be attached to the licence application if this application was granted, were attached to the agenda.

The applicant was applying for a new Premises Licence for an eSports gaming café that would include:

Sale of Alcohol on the premises:

Monday - Friday 18.00 to 22.00, Saturday 18.00 to 23.30 and Sunday 18.00 to 20.00

Premises opening hours:

Monday to Friday 10.00 to 22.00, Saturday 10.00 to 23.30 and Sunday 10.00 to 20.00

The application had been properly advertised at the premises, in a local newspaper and the public notice was attached to the agenda. All residences and businesses within a 150-metre radius of the premises had been individually consulted.

The Council had received three letters of objection that had related to the four licensing objectives of the Licensing Act 2003 – the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

The applicant had also agreed recommended conditions with Essex Police, as detailed in the agenda.

b) Presentation of the Applicant's Case

Mr Lovelock informed the Sub-Committee that this would be a video games hub in a niche, new sector of this market. The eSports gaming café would be a venue for people who enjoyed playing video games in a community, socially orientated and safe environment. Refreshments would be provided as an auxiliary service. People would be able to sit down on chairs or sofas and play video games. Age limits would be applied according to the (age) ratings on the video games. There was also the eSports scene, which would tap into the professional levels and those who wanted to take part in competitions. It was hoped that professional players and semi-professionals would come into Multitap Gaming Hub. There would be strictly controlled hours and the applicant had taken steps to reduce the impact of the premises licence, as the safety of its customers was a foremost priority. The auxiliary part of the business of selling refreshments would mean that Multitap Gaming Hub was limited on the alcoholic drinks it would be able to sell, up to 6% alcohol only, which included beers, ciders and pre-mixed drinks. The applicant had co-operated with the Police, liaised with the Council Environment Officers on noise pollution and a fire inspection of the premises had been completed. The applicant explained that

Multitap Gaming Hub was very different to a club or pub and out of control drinking would not be encouraged, but monitored and enforced, as there would be lots of expensive equipment that the applicant did not want damaged. The Gaming Hub had been prepared for children with whom it would be a popular venue.

c) Questions for the Applicant from the Sub-Committee

Councillor R Morgan asked how the machines would work? Mr Lovelock replied that customers would drop-in, choose the game they wished to play on and pay by the hour. Staff would keep a note of how long they had been playing for. It was an e-gaming hub not gambling venue. No money would change hands on wagers.

Councillor R Morgan asked how many machines would there be? Mr Lovelock replied there would be twelve PCs and four sofas, each with consoles and TVs that people could play on. Social distancing would be in operation. If the Covid-19 guidelines were relaxed in the future, the applicant hoped the number of stations could be increased. If the eSports gaming café was full, people would be encouraged to stay and socialise with their friends, or staff would give them a time when they could return.

Councillor P Stalker asked if the drinks would be in bottles and/or cans? Mr Lovelock replied yes, and that most drinks would be in bottles.

Councillor P Stalker asked if 6.00pm was the time that younger clientele could stay to? Mr Lovelock replied that no bookings for children would be taken after 6.00pm. However, if they were with a parent or responsible adult, then children could stay, unless there was a tournament on that appealed to young children, then they would look at their drink policy. There was not much business after 6.00pm therefore, there would be no children.

Councillor P Stalker asked if staff would challenge people on their age? Mr Lovelock replied that there would be a Challenge 25 policy in effect. Therefore, this was the higher age limit and it would be enforced.

As Councillor J Jennings had lost connectivity and left the meeting at this point, Councillor R Morgan took over as Chairman and Councillor L Mead formally joined the meeting but had no further questions to ask.

The Council's Senior Legal Executive, G Oakley, explained that the premises floor plan showed a bar area. Was this where people would buy drinks and stand at the bar? Mr Lovelock replied, no, because people could consume drinks in the main area, or sit down with a drink at the stations and be near the equipment, or sit on the sofas.

Mr Oakley referred to page 26 of the agenda on the prevention of crime and disorder, regarding anti-social behaviour, in that was there a difference between limiting drinks to people who were becoming drunk to refusing drinks? Mr Lovelock replied that staff would not tolerate abusive behaviour, as these individuals would be straight out of the Gaming Hub, but staff would deal with them on a case-by-case basis. Staff would speak to individuals if they thought they were becoming drunk, but should not encourage them to drink and then refuse to serve them. Staff had a responsibility to everyone at the venue and the priority was that everyone stayed safe and that it was not spoilt by an individual.

Mr Oakley asked what the definition of children was, age wise? Mr Lovelock replied any young people 16 years of age and below were children.

d) Questions for the Applicant from the Objectors

In the absence of any objectors, Members asked the following questions posed by the objectors in their written submissions to this application.

Councillor R Morgan referred to Loughton Town Council's objection to the serving of alcohol up to 11.30pm on Saturdays because of residential units being above and nearby to the Gaming Hub. Could this be reduced to 11.00pm on Saturdays and the hours on Sundays? Mr Lovelock replied that he was happy to bring down the time to 11.00pm on Saturdays if this would be more appealing to Members. On Sundays as only two hours of drinking was being proposed, he couldn't see a problem with this, in that it was not long enough to become a problem with the safeguards in place at the premises. If necessary, he would discuss this further.

Councillor R Morgan remarked that the Loughton Residents Association Plans Group had a similar objection to the Town Council but with concerns about underage drinking in that during licensable hours access to the venue should only be for people 18 and over. Did any other Members have questions in relation to the submitted objections?

Councillor P Stalker had no further questions.

Councillor L Mead queried the age level at which alcoholic drinks would be served to people. Mr Lovelock replied that no alcohol would be served to anyone under the age of 18.

Councillor R Morgan asked if the applicant could clarify when the admittance of 16 year olds would be allowed to the property? Mr Lovelock replied that individuals 16 years and over should be allowed to stay at the venue or come in after the 6.00pm curfew but would not be served alcohol.

Councillor R Morgan asked at what age would people be allowed to use the machines in that, were there certain machines that they wouldn't be able to use if they were under 18? Mr Lovelock replied that all ages would be able to use any of the machines but some of the video games were limited by their rating and age range for the video game. This wasn't enforceable by a venue such as theirs but was only enforceable when being purchased by individuals. Needless to say that was something that they did enforce.

e) Presentation of the Objectors

There were no objectors present at the meeting.

f) Questions for the Objectors from the Sub-Committee

There were no objectors present at the meeting.

g) Questions for the Objectors from the Applicant

There were no objectors present at the meeting.

h) Closing Statement from the Objectors

There were no objectors present at the meeting.

i) Closing Statement from the Applicant

The applicant stated that he had nothing further to add but thanked the Sub-Committee for allowing him the opportunity to explain what the business was about, as it was a new idea. It was a family-run business and they wanted to make it a family friendly venue for everyone to be in a safe environment. He had received lots of positive feedback from parents that they and their children had enjoyed being at the Gaming Hub.

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 for a premises licence in respect of Multitap Gaming Hub, 52 The Broadway, Loughton IG10 3ST, be granted subject to:

- (A) the conditions as submitted in the operating schedule by the applicant on 22 June 2020 save that the Licensing hours on a Saturday shall be from 18.00 hours until 23.00 hours; and
- (B) the additional conditions, which had previously been agreed between the applicant and Essex Police, as set out on pages 44 and 45 of the agenda relating to the prevention of crime and disorder, prevention of public nuisance and protection of children from harm;

which the Sub-Committee considered were reasonable and proportionate and would not undermine the licensing objectives; and

- (C) the mandatory conditions contained in Sections 19-21 of the Licensing Act 2003 were applied to this licence.

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.

Multitap Gaming Hub – Conditions (agreed with Essex Police)**Prevention of Crime and Disorder**

1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
 - i. CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;
 - ii. CCTV cameras shall cover all entrances {and exits} and the areas where alcohol sales take place;

- iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of {31} days;
 - iv. Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.
2. Signs must be displayed at all entrances advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.
3. The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy shall specifically include but not be limited to:
 - i. Scrutiny of spaces including toilets or outside areas;
 - ii. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
 - iii. Staff training regarding identification of suspicious activity and what action to take;
 - iv. The handling of items suspected to be illegal drugs or psychoactive substances
 - v. Steps taken to discourage and disrupt drug use on the premises
 - vi. Steps to be taken to inform patrons of the premises drug policy/practices

A copy of this policy document shall be lodged with the police and licensing authority.

4. During the period in which the premises is open for licensable activities, toilets shall be checked on at least an hourly basis for the purpose:
 - a) of detecting and deterring the use of controlled drugs and psychoactive substances; and
 - b) maintaining public safety.A record of these checks shall be maintained with the date, time, and condition of the toilets and staff member conducting the check.
5. An individual may not supply alcohol unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder. A written record of this consent will be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.
6. In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.

Prevention of Public Nuisance

7. No alcohol with an alcohol by volume content above 6% will be sold or offered for sale.
8. Customers will not be permitted to remove from the premises any drinks supplied by the premises in open containers.
9. In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.

Protection of Children from Harm

10. The premises shall display prominent signage indicating at any point of sale that it is an offence:
 - for a person under the age of 18 to buy or attempt to buy alcohol; or
 - buy, or attempt to buy, alcohol for a person under the age of 18.
 11. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - Proof of age card bearing the PASS Hologram;
 - Photocard driving licence;
 - Passport; or
 - Ministry of Defence Identity Card.
 12. The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.
 13. 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.
- 16. APPLICATION TO VARY AN EXISTING PREMISES LICENCE - MCCOLLS, 65 HIGH STREET, ROYDON, HARLOW CM19 5EE**

The three Councillors that presided over this application were Councillors J Jennings, L Mead and P Stalker.

The Chairman introduced the Members and Officers present. The Chairman welcomed the participant, and in attendance on behalf of the applicant was Mr L Charalambides (barrister). There were no objectors present.

a) The Application before the Sub-Committee

The Licensing Compliance Officer, H Ibrahim, informed the Sub-Committee that an application had been made by Corrigan Lockett Limited on behalf of Martin McColl Limited, the Premises Licence Holder, for a variation to the existing premises licence for McColls, 65 High Street, Roydon, Harlow CM19 5EE.

The Licensing Authority had received the application on 17 June 2020. A copy of the present licence for the premises, the application for variation including proposed conditions and the public notice were attached to the agenda.

The application set out the varied licensing activities applied for and times requested.

Sale by retail of alcohol for consumption off the premises:

The applicant was requesting to extend the hours to:
Monday to Sunday, 06.00 – 23.00

Current hours:
Weekdays, 08.00 – 23.00
Sundays, 10.00 – 22.30

Sale by retail of alcohol on Christmas day

The applicant was requesting to remove the seasonal restrictions from the premises licence.

Current restrictions:
Christmas Day, 12.00 – 15.00 and 19.00 – 22.30

The applicant was requesting that the Licensing Authority allow for the delivery service of alcohol and grocery products from the premises using a delivery service provider within the permitted times stated on the premises licence.

The applicant was wishing to add conditions under Annex 2 (Conditions consistent with the Operating Schedule), of the premises licence. These included the use of CCTV, staff training, a till 'age restriction' prompt, a sale refusal log, a Challenge 25 policy for both in store and on delivery with prominent signage, the location of spirits behind the counter and the prepayment of all delivery sales. Full details were attached in the agenda.

The application had been properly advertised at the premises, in a local newspaper and the public notice was attached to the agenda. All residences and businesses within a 150-metre radius of the premises had been individually consulted.

The Council had received four letters of objection that had related to the four licensing objectives of the Licensing Act 2003 – the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Essex County Fire & Rescue Service, who had responded and audited the application, was of the opinion, taking into consideration the information submitted, that there was no additional risk to the public as a consequence of the proposed application being approved.

b) Presentation of the Applicant's Case

Mr Charalambides informed the Sub-Committee that this application was based on policy, specifically paragraphs 10.13 to 10.15 of the section 108 guidance in relation to retail shop hours, where effectively shops should be open whenever retail was on offer. McColls was seeking to match the retail hours to the policy, that being 06.00 to 23.00 daily at this convenience store. Guidance by the Secretary of State clearly supported that stores should normally be allowed to provide the consumption of alcohol off the premises at any time when the store was open for shopping unless there were good reasons. The Business and Planning Act 2020 effectively allowed those hours in any event, but McColls wanted to regularise that. The reason this started in part before Covid-19 was that McColls was an important part of the retail community and was seeking to match the opening hours with the licensing hours, as this aided due diligence and staff training. The licences were in effect grandfathered by the old regime. There was nothing new on the additional conditions but these reflected their existing practises for CCTV, Challenge 25 policy and regular training etc.

McColls was a national operator in the multicultural society that we lived in and so did not want to favour one religious holiday over another religious or festival day, which the Council recognised in its own Licensing Policy at 1.14 on equality duty. The same Licensing Policy at paragraph 7.1, replicated the Secretary of State's guidance that the Council recognised opening hours should match the licensable activities, as McColls was a community store. McColls did not want disorder, anti-social behaviour or underage sales, but wanted the same things as the local community. Small stores were playing a crucial role in the current Covid-19 restrictions and therefore, the whole range of options and early opening hours were needed. No disputes had been raised by the Council's responsible authorities, expert advisors or Legal officers, and that the steps in the operating schedule were satisfactory, as supported by the Essex County Fire and Rescue Service response given in the agenda. In terms of the delivery aspect, the fact that McColls could supply and sell alcohol at the point of transaction on the premises meant that it could deliver this with or without the Council's authority but had wanted to co-operate with the Licensing Authority. Moreover, this emergency period had accelerated the importance that deliveries now had. In the absence of legitimate representations as some of them were general and some were not relevant, i.e. parking problems, McColls was a store committed to promoting the licensing objectives as given in the operating schedule.

c) Questions for the Applicant from the Sub-Committee

Councillors L Mead and P Stalker had no questions for the applicant's barrister.

d) Questions for the Applicant from the Objectors

In the absence of any objectors, Councillor J Jennings asked the following questions posed by the objectors in their written submissions to this application.

Parking was not a relevant objection, but because of parking in relation to delivery lorries, was there any way that McColls could mitigate the inconvenience of deliveries at 06.00 when many people would not be awake? Mr Charalambides did not have the delivery schedules, but this was an existing premises with existing planning permission to which the delivery times were arranged. The last thing McColls wanted to do was upset the local people that it wanted to shop there, so he would take this back to the client and see if this could be mitigated. The deliveries came throughout the day but he did not have the exact delivery times for this store.

The other objection was in respect of extending alcohol sales on Christmas day that concerned the objectors and did Mr Charalambides have any further comment to make? Mr Charalambides replied this was a hangover from the 1964 Act as the 2003 Licensing Act was the current legislation and did not have any preference over one religious group to another, or one day of the year over another. Christmas fell on different days and the 1964 Act was out of date. If people wanted to go shopping for last minute products, they should be allowed to do so, and it was a public sector equality duty not to favour one religious group over another.

e) Presentation of the Objectors

There were no objectors present.

f) Questions for the Objectors from the Sub-Committee

There were no objectors present.

g) Questions for the Objectors from the Applicant

There were no objectors present.

h) Closing Statement from the Objectors

There was no closing statement.

i) Closing Statement from the Applicant

Mr Charalambides commended the application to the Sub-Committee. McColls was a well-known operator. If McColls got it wrong then the licence could be reviewed, but to date this had never happened.

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 the following advice from the Legal Officer present that each case must be decided on its merits.

RESOLVED:

That the application to vary the premises licence in respect of McColls, 65 High Street, Roydon CM19 5EE licence be granted:

1. Subject to the existing conditions on the licence modified as set out in the application to vary the licence on page 73 of the Agenda for today's meeting and to the standard Mandatory Conditions.

The variation of the premises licence determined was to:

- (1) extend the sale of alcohol to between 06.00 hours and 23.00 hours Monday to Sunday for consumption off the Premises;
- (2) to remove seasonal restrictions relating to the retail sale of alcohol on Christmas day from the Premises Licence;
- (3) allow for a delivery service of alcohol and grocery products from the Premises using a delivery service provider within the permitted times of the Premises Licence, and
- (4) to add conditions to the Premises Licence as contained in annex 2 of the application and set out on page 73 of today's Agenda.

The Sub Committee considered what was appropriate to promote the four licensing objectives and the relevant part of the Council's Licensing Policy and the Home Office's guidance. The Sub-Committee considered that the licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm were engaged and noted that there had been no objections from any Responsible Authorities.

The applicants were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision.

Annex 2 conditions**Updated Conditions**

1. A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.
2. Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training (every 6 months) will also be undertaken. Training records can be made available for inspection upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.
3. A till prompt system will be in operation at the store and used for the refusal of all age restricted products.
4. An electronic refusal log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request (meaning within 48 hours).
5. A Challenge 25 policy will be operated at the premise; forms of identification that will be accepted are a valid passport, photo card driving licence, a PASS accredited identification card or a Military ID.
6. The licence holder shall display prominent signage confirming the company's Challenge 25 policy.
7. Spirits will be located behind the counter.
8. The Premises Licence Holder shall be permitted to undertake the delivery of goods including alcohol by a third-party delivery company.
9. The premises shall operate in accordance with the Challenge 25 scheme. The scheme operates on the basis that, whilst alcohol may be sold to persons aged 18 years and over, at the point of delivery any person who appears under 25 years of age will be asked for a valid form of identification. This challenge will be made by the person making the delivery.
 - a) The only acceptable forms of valid ID are a:
 - i. proof of age card bearing the PASS hologram logo;
 - ii. passport; or
 - iii. UK photo driving licence
 - iv. Military ID
 - b) Alcohol will not be delivered to any person who is challenged and fails to provide an acceptable form of ID.
10. 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 Apple Pay, Android Pay, etc.

CHAIRMAN