

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 3 November 2020

Place: Virtual Meeting on Zoom **Time:** 10.00 - 11.00 am

Members Present: P Keska (Chairman), L Mead, P Stalker and D Stocker

Other Councillors: -

Apologies: J Jennings

Officers Present: P Jones (Licensing Compliance Officer), H Gould (Licensing Compliance Officer), R Ferreira (Assistant Solicitor), K Tuckey (Licensing Team Manager), A Hendry (Democratic Services Officer), V Messenger (Democratic Services Officer) and S Mitchell (PR Website Editor)

49. WEBCASTING ANNOUNCEMENT

The Chairman made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

50. SUBSTITUTE MEMBERS

The Sub-Committee noted that Councillor D Stocker would substitute for Councillor J Jennings for the duration of the meeting.

51. DECLARATIONS OF INTEREST

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

52. PROCEDURES FOR THE CONDUCT OF A VIRTUAL MEETING

The Sub-Committee noted the procedure for the conduct of business for this virtual meeting.

53. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business and the Terms of Reference.

54. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE FOR IL VINO, 28 QUEENS ROAD, BUCKHURST HILL, ESSEX, IG9 5BY

The three Councillors that presided over this item were Councillors P Keska (Chairman), L Mead and P Stalker. The Chairman introduced the Members and Officers present. The Chairman welcomed the participants to the Sub-Committee. In attendance for the application were the applicant, Mr A Long, and his agent Mr J Knight. No objectors were in attendance.

a) The Application before the Sub-Committee

The Licensing Compliance Officer, P Jones, informed the Sub-Committee that an application has been made by Dello Spirito Ltd, The Coach House, Powell Road, Buckhurst Hill, Essex, IG9 5RD, for a new premises licence at 28 Queens Road, Buckhurst Hill, Essex IG9 5BY.

The application was for the following licensing activities:

- The Sale by Retail of Alcohol
Monday to Sunday 10:00 – 22:00 Off Sales only
- Opening Times of the premises
Monday to Sunday 10:00 – 22:00

The application was received on the 23rd September 2020 and the Operating Schedule set out conditions which would be attached to the licence if this application was granted.

The Responsible Authorities had all received a copy of the application and it was also advertised at the premises and in a local newspaper.

All residences and businesses within 150 meters radius of the premises were individually consulted.

This authority had received five representations from members of the public which were attached to the report.

There were also responses from Environmental Health, Essex Police, Essex Safeguarding, and Essex Fire and Rescue, all of whom had no comments to make.

The Objections related to Prevention of Crime and Disorder, Prevention of Public Nuisance, and Public Safety.

b) Presentation of the Application

The Applicant, Mr A Long, said that the object of the business was to provide a fine wine shop. They would not be selling anything else such as cigarettes beers or other types of drinks. He worked in the fine wine world for some years and had noticed that there were no fine wine shops in the area. His business plan was to offer a selection of fine wines and to present high end wines. The fine wine selection would be kept to the rear of the shop.

This type of establishment would not cause any nuisance or present any danger to the neighbourhood. He had spoken to the local businesses, 18 in all, and once he had explained the concept, they were happy as they thought it was going to be an Off Licence.

The Council's Legal officer stated that the Council did not have a cumulative impact policy and that each case be treated on its own merits. When raising an objection under the licensing objectives, speculation was not enough, you needed evidence to back up the objection showing that it relates to the premises in question.

c) Questions for the Applicant from the Sub-Committee

The Sub-Committee had no questions for the applicant.

d) Questions for the Applicant from the Objectors

There were no objectors present.

e) Closing Statement from the Applicant

Mr Long repeated that this was just to be a fine wine shop and would enhance and invigorate the area.

f) Consideration of the Application by the Sub-Committee

The Chairman advised that the Sub-Committee would go into private session to consider the application. Therefore, the webcast was stopped and would resume when the private session was completed.

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 the sub-committee was that the application for a premises licence in respect of Il Vino, 28 Queens Road, Buckhurst Hill, Essex IG9 5BY be granted subject to the following conditions which they considered were reasonable and proportionate for the promotion of the licensing objectives:

1. The conditions which are consistent with the Operating Schedule and would not undermine the licensing objectives.
2. Also attached are the mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

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.

55. POST OFFICE, 7 QUEENS ROAD, BUCKHURST HILL, ESSEX, IG9 5BZ

The three Councillors that presided over this item were Councillors P Keska (Chairman), L Mead and D Stocker. The Chairman introduced the Members and Officers present. The Chairman welcomed the participants to the Sub-Committee. In attendance for the application were the applicant, Mr G Sarwar, and his agent Mr A Newman. Councillor J Share-Bernia was present as an objector.

a) Application before the Sub-Committee

The Licensing Compliance Officer, H Gould, informed the Sub-Committee that an application has been made by Golam Sarwar of Sarwar Trading Ltd for a new premises licence at the Post Office, 7 Queens Road, Buckhurst Hill, Essex, IG9 5BZ.

The application was for a new Premises Licence at this Post Office and convenience store which offered greeting cards, stationary, confectionary and soft drinks.

They sought to include the Sale of Alcohol for consumption off the premises from Monday – Saturday between 09:00 hrs and 19:00 hrs. for which the premises opening hours were the same.

The application was initially received on the 19th August 2020, however the publishing of the notice in a local newspaper within 10 working days of the start of the application, was not met. For this reason, the consultation period had been restarted on the 8th September 2020.

The Operating Schedule set out conditions which would be attached to the licence, if this application was granted.

The Responsible Authorities had received a copy of the application. It was also advertised at the premises and in a local newspaper.

All residences and businesses within 150 meters radius of the premises had been individually consulted.

The authority had received two representations both from local Councillors.

Responses had also been received from Public Health, Environmental Health, Essex Police, Trading Standards and Essex County Fire & Rescue Service, who had made no objections.

b) Presentation of the Application

The Applicants Agent, Mr Newman, stated that the applicant had made this application in order to help the business survive. The fact that other premises in the area also sold alcohol was completely irrelevant. None of the responsible authorities had made any representations and little or no credible representations had been made. Mr Newman then went through the relevant laws covering an application like this and some relevant case law.

c) Questions for the Applicant from the Sub-Committee

The Sub-Committee had no questions for the applicant.

d) Questions for the Applicant from the Objectors

The objector had no questions for the applicant.

e) Presentation from the Objector

The objector, Councillor J Share-Bernia, explained that she was a Town and District Councillor who also lived near the shop. She wondered if there would be room in there to sell the alcohol as it was a small shop. She felt that Queens Road was saturated with premises selling alcohol and this would result in anti-social behaviour and vandalism, she noted that the nearby play areas had been vandalised and that it would cost the taxpayer to put it right. As local councillors they received reports of anti-social behaviour in the park and the nearby road tunnel.

The Council's Legal officer stated that the Council did not have a cumulative impact policy and that each case be treated on its own merits. When raising an objection under the licensing objectives, speculation was not enough, you needed evidence to back up the objection showing that it relates to the premises in question.

f) Questions for the Objector from the Sub-Committee

The Sub-Committee had no questions for the objector.

g) Questions for the Objector from the Applicant

Mr Newman noted that no evidence had been produced, there was a complete lack of evidence and even the Police had not made a representation on this application.

h) Closing Statement from the Objector

Councillor J Share-Bernia commented that they were like a village in Buckhurst Hill and that the Queens Road was saturated with off sales premises.

i) Closing Statement from the Applicant

The applicant Agent finished by saying that this was not a cumulative zone and that the applicant was a responsible owner and a postmaster who lived on the premises.

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. Therefore, the webcast was stopped and would resume when the private session was completed.

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 the sub-committee was that the application for a premises licence in respect of the Post Office, 7 Queens Road, Buckhurst Hill, Essex, IG9 5BZ, be granted subject to the following conditions which they considered were reasonable and proportionate for the promotion of the licensing objectives:

1. The conditions which are consistent with the Operating Schedule and will not undermine the licensing objectives.
2. Also attached are the mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

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

CHAIRMAN