

licence at 50 Rochford Avenue, Waltham Abbey, Essex, EN9 1SE.

The application for a new Premises Licence at this residential premises was to stock and sell alcohol by internet/telephone sales, for consumption off the premises from Monday - Sunday 08:00 to 23:00. The alcohol will be in sealed bottles for customer home delivery only. The residential premises will have no public access.

The application was received on the 28 August 2020. All Responsible Authorities had been notified and had been properly advertised at the premises and in a local newspaper, all residences and businesses within a 150 metre radius were consulted.

The authority had received one representation from a member of the public which related to the prevention of crime and disorder, public safety, prevention of public nuisance. Responses had been received from Trading Standards and Essex County Fire and Rescue Service who had no objections to the application.

The Police had agreed conditions, regarding the protection of children from harm, with the applicant.

(b) Presentation of the Application

Mr Patrick stated that he wanted to address the two issues that had been raised by the objector. First deliveries would be made to his work address and he would bring it home from there. Customers could not order or collect in person from the premises, therefore there would be minimum street disruption. The second point was related to the risk of a break in, this license application was the only reason this address had been made public. The product was a bespoke, handmade product with a specialised market that was unlikely to attract casual sales and sales to young people. If there were orders in the locality, he would personally deliver to minimise traffic disruption.

(c) Questions for the Applicant from the Sub-Committee

A Sub-Committee member asked if the applicant would accept the removal of the 08:00 to 23:00 Sunday hours, to address the potential for vehicular movement on a Sunday? Mr Patrick replied that these hours were not for deliveries or collections, but for the processing of orders and the packaging of bottles, any orders received through the weekend would be processed, ready for delivery on Monday from his work premises.

The Sub-Committee sought further clarity on the processing and delivery of orders, and the need to have a license on Sunday? The Senior Legal Officer, Mr G Oakley summarised that couriers would deliver and collect to Mr Patrick's workplace Monday to Friday. Orders processed over the weekend would be dispatched on Monday from his workplace. Courier deliveries to or from his house, would be very rare. He confirmed that a license was required on Sunday to allow transactions via the internet and telephone.

A member of the Sub-Committee asked for an explanation of the website and product. Mr Patrick explained that this was a specialised product, this application would allow sales directly to the public via internet orders. The online approach would work in the same way as any on-line shop, a front page with information on the product and a shopping page, with restrictions, for proof of age and delivery restrictions.

A Sub-Committee member asked for further detail on the age verification safeguards? Mr Patrick stated that he used 'One Account', a specialist company.

Proof of age is verified at the point of sale against the payment card used, as an extra measure ID that corresponds to the credit card used at the point of sale, must be provided to the courier before delivery is made.

(d) Questions for the Applicant from the Objectors

No objectors were present

(e) Closing Statement from the Applicant

There was no additional statement from the applicant.

(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.

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 license in respect of Lost Soul Spirits, 50 Rochford Avenue, Waltham Abbey, Essex, EN9 1SE, be **granted** subject to:

- (A) the conditions and operating schedule submitted by the applicant dated 24 August 2020;
- (B) for the prevention of public nuisance there shall be no courier deliveries or collections from the premises on a Sunday; and
- (C) the conditions which had previously been agreed between the applicant and Essex Police, relating to the protection of children from harm. The conditions were:

Protection of Children from Harm

- i) Age verification software to be used at the point of ordering;
- ii) Over 18 payment methods e.g. Pay Pal/ Credit Card to be used, and
- iii) Age verification protocol to be used, by the delivery company on delivery..

The Sub- Committee considered these were reasonable and proportionate and would not undermine the licensing objectives.

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

48. EUROPENA SUPERMARKET, 23 MARKET SQUARE, WALTHAM ABBEY, ESSEX, EN9 1DU

The three Councillors that presided over this application were Councillors J Jennings (Chairman), P Keska and J M Whitehouse.

The applicant Alexandru-Catalin Barbila and his representative Ileana-Alina Susanu were in attendance. There were no objectors present.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application

(a) Application before the Sub-Committee

The Licensing Compliance Officer, H Gould, informed the Sub-Committee that an application had been made by Alexandru-Catalin Barbila of Treicului Ltd. for a new premises licence, at Europa Supermarket, 23 Market Square, Waltham Abbey, Essex, EN9 1DU for the Sale of Alcohol for consumption off the premises from Monday - Sunday 09:00 to 23:00.

The application was received by the Licensing Authority on the 3 September 2020. All Responsible Authorities had been notified and it had been properly advertised at the premises and in a local newspaper, all residences and businesses within a 150 metre radius of the premises were individually consulted.

The authority had received one representation from a local business owner relating to the prevention of public nuisance. Responses had been received from Public Health, Environmental Health, Essex Police, Trading Standards and Essex County Fire & Rescue Service, who had no objections to the application.

(b) Presentation of the Applicant's Case

Ms. Susanu outlined the current nature of the business as a small, local family run, international supermarket that sold traditional European and British produce. The applicant was aware of some of the public nuisance issues raised and had co-operated with the Police. The applicant had upgraded CCTV with four additional cameras to cover all entries to the shop, and had made provision to ensure that spirits would be behind the counter, staff would receive training every three months rather than the required six month interval.

The applicant suggested that all business should have the opportunity to trade, irrespective of competition and suggested that a range of licensed establishments in the vicinity had earlier trading hours than those requested in the application. The applicant was prepared to adjust the trading hours to start at 10:00am rather than 9:00am as submitted in the application, to address some of the concerns raised.

(c) Questions for the Applicant from the Sub-Committee

A Sub-Committee member asked for an explanation of the training, as the designated supervisor would not always be present? Mr Barbila explained training would take place every 3 months, more frequently than the 6 month required by law. There would be regular discussions with staff, all paperwork would be kept on the site, and the member of staff may be trained as a designated premises supervisor (DPS) in their own right.

They were asked, how many staff there would be? Ms Susanu, stated that there would be one member of staff.

A Sub-Committee member asked if the staff member would be permanent? Ms Susana advised that there would be one permanent member of staff with the same duties, that would be re-trained every three months.

A Sub-Committee member asked if all alcohol would be stored behind the counter? Mr Barbila detailed that spirits would be behind the counter, lighter alcohol drinks e.g. beer would be in an open fridge, and there was a small storeroom, with a secure pin code entry system, that customer could not access for the storage of alcohol.

The Council's Senior Legal Officer, G Oakley, reminded all present that The Council had no policy for the cumulative effect of the granting of licences and that each case must be looked at on its own merits. Objections must be considered on evidence and not speculation as to what may happen in the future.

(d) Questions for the Applicant from the Objectors

No objectors were present at the meeting.

(e) Closing Statement from the Applicant

The applicant had nothing further to add.

(f) 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 license in respect of Eurpoena Supermarket, 23 Market Square, Waltham Abbey, Essex, EN9 1DU, be **granted** subject to the following conditions:

(1) The conditions and operating schedule as submitted by the applicant dated 24 August 2020 received by Epping Forest District Council on 3 September 2020 save that the Licensing hours shall be from 10.00 until 23.00 hours every day;

(2) For the prevention of crime and disorder all CCTV recordings shall be retained for inspection for a minimum of 28 days;

The Sub-Committee considered these were reasonable and proportionate and would not undermine the licensing objectives.

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

CHAIRMAN