

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Licensing Sub-Committee **Date:** 12 November 2020

**Place:** Virtual Meeting on Zoom **Time:** 10.00 - 10.40 am

**Members Present:** M Sartin (Chairman), L Mead, P Stalker and J M Whitehouse

**Other Councillors:** -

**Apologies:** -

**Officers Present:** G Oakley (Senior Legal Executive), L Kirman (Democratic Services Officer), H Ibrahim (Licensing Compliance Officer), G Woodhall (Team Manager - Democratic & Electoral Services), D Bastick (Licensing Compliance Officer), L Cole (Legal Services Officer) and S Mitchell (PR Website Editor)

### **56. WEBCASTING ANNOUNCEMENT**

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

### **57. DECLARATIONS OF INTEREST**

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

### **58. PROCEDURES FOR THE CONDUCT OF A VIRTUAL MEETING**

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

### **59. PROCEDURE FOR THE CONDUCT OF BUSINESS**

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

### **60. NEW BREED BOTTLE SHOP, 287 HIGH ROAD, LOUGHTON, ESSEX, IG10 1AH.**

The three Councillors that presided over this application were Councillors M Sartin, (Chairman), L Moss and P Stalker. The Chairman welcomed Mr Datta, the applicant and Mr O'Kane his business partner. 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 Ibrahim, informed the Sub-Committee that an application had been made by New Breed Bottle Shop Ltd for a new premises

licence at 287 High Road, Loughton, Essex, IG10 1AH, for a specialist off-licence with a local & UK focus on independent producers of craft beer, wine & spirits, to be sold in bottles, cans and through 6-8 draft lines for beer and wine containers to be refilled, with a small seating area for product sampling.

The application was for the following licensed activities:

The supply of alcohol (both on & off the premises)  
Monday to Saturday 12:00-20:00, Sunday 12:00-17:00.

Provision of recorded music  
Monday to Saturday 12:00-20:00, Sunday 12:00-17:00

Opening times of the premises  
Monday to Saturday 12:00-20:00, Sunday 12:00-17:00

The application was received on the 29 September 2020 the Operating Schedule set out conditions which would be attached to the licence if this application was granted.

All Responsible Authorities had been notified and had been properly advertised at the premises and in a local newspaper and 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 prevention of public nuisance. The Police and the Essex Fire Service, and the environmental enforcement team had no objections to the application.

#### **(b) Presentation of the Application**

The applicant, Mr Datta, outlined the nature of the business as an independent retailer for specialist beers, wines and spirits, that would bring niche producers to the market, enhance the High Street and bring employment opportunities to the area. The applicant stated that music would be played as background music and would not be audible outside the premises. A key component of the business model was that customers had the opportunity to sample the high-end product before purchase, the operating hours reflected this, and he confirmed that this was not a bar or pub. Mr O'Kane reiterated the statement made by the applicant and confirmed that this was not a bar, but an offer for customer to taste the product prior to purchase.

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

Members of the Sub-Committee sought details on the area planned to be used for sampling and charges associated with sampling the products. The applicant advised there would be a small seating area, there would not be a bar, but taps and sample glasses would be at the end of the counter. Mr O'Kane advised that small samples would be free of charge, but due to the nature and cost of the products there would be a charge to customers when a bottle or can was opened. Mr O'Kane also explained that draft products would be sold in-refillable glass containers (growlers) or canned on-site.

The Sub-Committee also wanted to know if there would be specific tasting events and of these would be chargeable? The applicant advised that this had not been ruled out and tastings could be offered to the local community. Mr O'Kane added this

was an opportunity to create an offer with other local businesses to bring something new and fresh to the High Street.

The Sub-Committee requested clarification on the provision of music. Mr Datta confirmed that Music would be played as background music only at the premises.

A Sub-Committee member noted that concerns over on-sale had been allayed by the applicant and that this was not a bar.

The Council's Senior Legal Officer, G Oakley, stated that in response to the discussion and points raised by the objector the sub-committee, if minded to grant the licence, a note could be added that the premises could be used for product tasting only and not as a bar or public house, with a condition for public nuisance relating to recorded music not being audible from outside the premises. He reminded the panel that whilst all matters relating to the licence must be dealt with on their own merit, previous Sub Committee meetings had included a condition to keep record of CCTV footage for a minimum of 28 days, for the prevention of crime and disorder.

The Sub-Committee asked if the applicant was prepared to retain CCTV footage for 28 days? The applicant confirmed they would.

**(d) Questions for the Applicant from the Objectors**

No objectors were present

**(e) Closing Statement from the Applicant**

The applicant detailed that there had been a change in the face of alcohol retail and a growth of bottle shops, this new business would bring high end products to the High Street, and support the local area Mr Datta stated that this was not a bar and would never be a bar, but customers needed the opportunity to sample products. The business would look to expand in the locality and offer an on-line presence in the future.

**(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 new premises licence in respect of New Breed Bottle Shop, 287 High Road, Loughton, Essex, IG10 1AH, be **granted** subject to the following conditions:

- A. the conditions and operating schedule as submitted by the applicant dated 21 September 2020 received by Epping forest District Council on 29 September 2020 with particular note that the consumption of alcohol on the premises shall be for product sampling only and not as a bar or public house;

- B. for the prevention of crime and disorder all CCTV recordings shall be retained for inspection for a minimum of 28 days;
- C. for the prevention of public nuisance, the sound of any recorded music shall not be audible from outside the premises; and
- D. the mandatory conditions contained in Sections 19 -21 of the Licensing Act 2003.

The Sub-Committee considered 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.

**61. TEMPORARY EVENT NOTICE - ABBEY GRILL, 18 SUN STREET, WALTHAM ABBEY, EN9 1EE.**

The Sub-Committee was advised that the application for this temporary event notice licence had been withdrawn.

**CHAIRMAN**