

Report to the Licensing Sub Committee

Date of meeting: 3rd October 2013

**Subject: Martins the Newsagents, 273-277 High Street,
Epping, Essex, CM16 4DA**

**Responsible Officer: Kim Tuckey (Ext 4034) Senior Licensing
Officer**



**Epping Forest
District Council**

Democratic Services: Rebecca Perrin

Decisions Required:

To determine the application for a Premises Licence Variation under the Licensing Act 2003.

Report:

Application

1. An application has been made by Martin McColl Limited for a variation of premises licence for the above premises. The application was received on the 07th August 2013 and is attached to this report. The application sets out the relevant licensing activities applied for and times requested.
2. The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

Licensing Act 2003

3. When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote of the licensing objectives. These are—
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm
4. It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

Consultation

5. The Responsible Authorities have received a copy of the application; it was properly advertised at the premises and in a local newspaper.
6. The Licensing Unit received a letter from Essex Police stating that they will not be making any representations.
7. The Licensing Unit received a letter from Children's Safeguarding Service stating that they will not be making any representations.
8. The authority has received one representation from Mr Geoff & Mrs Anne Clarke (local residents).
9. The Objection relates to The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

Guidance Issued by the Secretary of State

10. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
11. Sections 2.1 - 2.35 of the Guidance are relevant to this application.

Options

12. In determining this application the Sub-Committee may take any of the following steps as it considers necessary for the promotion of the licensing objectives, namely:
 - a. to grant the licence as applied for subject to
 - i. the conditions mentioned in the Operating Schedule modified as the Sub-committee considers necessary for the promotion of the licensing objectives, and
 - ii. the mandatory conditions specified in the Licensing Act 2003, or
 - b. to exclude from the scope of the licence any licensable activities to which the application relates, or
 - c. refuse to specify a person as the premises supervisor, or
 - d. reject the application.

Determination

13. The Sub-committee is asked to determine the application having regard to;
 - (a) the content of this report and representations;
 - (b) any additional information obtained from the hearing;
 - (c) the Council's statement of licensing policy;
 - (d) Guidance issued by the Secretary of State, and
 - (e) the steps appropriate to promote the licensing objectives.

Appeal

14. If any party is aggrieved with the decision they can appeal to Magistrates court. The appeal period is 21 days from notification of the decision.

Background Papers Used In Preparing This Report:

- The Licensing Act 2003.
<http://www.legislation.gov.uk/ukpga/2003/17/contents?view=plain>
- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003.
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- Application for premises licence.
- Newspaper notice.
- Existing Premises Licence- Part A.
- Letter from Essex Police.
- Letter from Children's Safeguarding Service.
- Representation from Mr & Mrs Clarke.
- Map showing area.